From: Fed Thompson

Working Draft – May 23, 2016

Utah Public Lands Initiative Act – Draft

Version 2.0 - Summary of Changes

Division A – Conservation

Title I – Wilderness

(b) (5)

1. Wilderness boundary adjustments to be made to accommodate certain rock climbing areas.
2. Wilderness boundary adjustments to be made to accommodate certain mountain biking trails.
3. Addition of Steer Gulch Wilderness in San Juan County.
4. Fire, insect, and disease language amended to adhere to Wilderness Act guidelines.
5. Livestock grazing language amended; language now aligns with the Arizona Desert Wilderness Act; amended language includes addition of Utah Department of Agriculture language, which is the first major change to wilderness grazing language since 1990.
6. Trail and fence maintenance language amended to be consistent with Wilderness Act guidelines.
7. Water Rights language amended to be consistent with Wilderness Act guidelines and other Utah wilderness.
8. Language added to allow land acquisition within wilderness, but only from willing sellers.
9. Language added to ensure state primacy regarding airshed status is maintained.
10. Language added to ensure that existing airshed status at Arches and Canyonlands National Parks will remain in effect.

(b) (5)

(b) (5)

Title II – National Conservation Areas

(b) (5)

1. Creation of the Indian Creek National Conservation Area.
2. Management Planning process revamped by addition of the county-by-county Public Lands Initiative Stakeholder Advisory Councils (see newly created Division C); local community will play larger role in development of management plans.
3. Language amended to provide greater flexibility to wildland fire managers within the NCAs, while maintaining conservation goals.
4. Livestock grazing management language added to give livestock producers greater certainty for continued grazing within the Conservation Areas, while maintaining conservation goals.
5. Language added to ensure state primacy regarding airshed status is maintained.

6. Language was amended to ensure vegetation management is prioritized and allowed, while maintaining conservation goals.
7. Language was added that requires route closures to be considered only as a last and final resort.
8. New language was added to promote higher education partnerships to achieve educational and scientific goals.
9. New language was added to foster and promote greater local influence of the NCAs.
10. For the first time for an NCA in Utah, Outdoor Recreation – human-powered and motorized – is enumerated as a management provision for the NCA.
11. Language added to allow land acquisition within NCAs, but only from willing sellers.
12. New language authorizes grazing flexibility and research within the Indian Creek NCA.

Book Cliffs Sportsmen Conservation Area

1. Language was amended so that the purposes clearly state need to protect and promote hunting and fishing within the SCA.
2. Language was amended to ensure vegetation management is prioritized and allowed, while maintaining conservation goals.

Bears Ears National Conservation Area
New Section

1. Congressional Findings added to the bill outlining the importance of the Bears Ears region to the local community – including those of Native American and non-Native American descent.
2. Additional purposes added to the Bears Ears NCA that specify FLMPA compliance, guarantees traditional access for religious and cultural uses, adherence to the Native American Graves Repatriation and Protection Act, and integration of Native American Traditional Ecological Knowledge into NCA management.
3. New language enables Native American tribes to enter into Cooperating Agency Status with the Secretary of the Interior and Secretary of Agriculture to promote co-management of the NCA.
4. New language requires the Secretary of the Interior and Secretary of Agriculture to give priority consideration to Native American job applicants that are qualified for NCA management employment based on posted job qualifications and criteria consistent with standard federal hiring practices.
5. New language requires the Secretary of the Interior to appoint a liaison to the Native American tribes that enter into cooperating agency status.

Title III – Watershed Management Areas
****New Section****

1. New designations of Watershed Management Areas at Ashley Spring, Dry Fork, Castle Valley, Widdop Mountain, and East Fork Smiths Fork.

2. Purposes of the Watershed Management Areas are to protect water quality and watersheds and to promote recreation where appropriate.
3. Motorized vehicles only permitted for administrative uses or to respond to emergencies on existing designated routes.
4. Mineral development is prohibited within the watershed management areas.
5. Snowmobiling is authorized only in periods of adequate snowfall.

Title IV – Special Management Areas

1. Management language was amended for the Special Management Areas on U.S. Forest System lands at the High Uintas and Little West Fork Blacks to promote watershed management and water quality while allowing continued recreation and agricultural uses that are otherwise limited in Watershed Management Areas.
2. Language added that recognizes the compromise agreement between environmental groups and the energy industry, known as the West Tavaputs Plateau Project Final Environmental Impact Statement and Record of Decision of July 2, 2010, when energy planning is considered within the Nine Mile Canyon SMA.
3. Desolation Canyon and White River SMA's will be managed as NCAs, expect that subsurface minerals will be accessible from sites located outside of the SMA boundary.

Title V – Arches National Park Expansion

1. Based on newly acquired GIS data, the Arches Expansion includes many existing off-highway recreation trails. The language will require the trails to remain open, provided local off-highway vehicle groups work with the Park Service to maintain the Park's conservation qualities, enter into maintenance cost-sharing agreements, and mountain biking is allowed where practicable.
2. Language was added regarding a northern park entrance, which can be facilitated by the northwest portion of the Park Expansion in order to enhance the visitor experience and to alleviate traffic congestion (see: Kolob Canyon entrance to Zions National Park).

Title VI – Jurassic National Monument

1. Management Planning process revamped by addition of the county-by-county Public Lands Initiative Planning Advisory Councils (see newly created Division C); local community will play larger role in development of management plan.

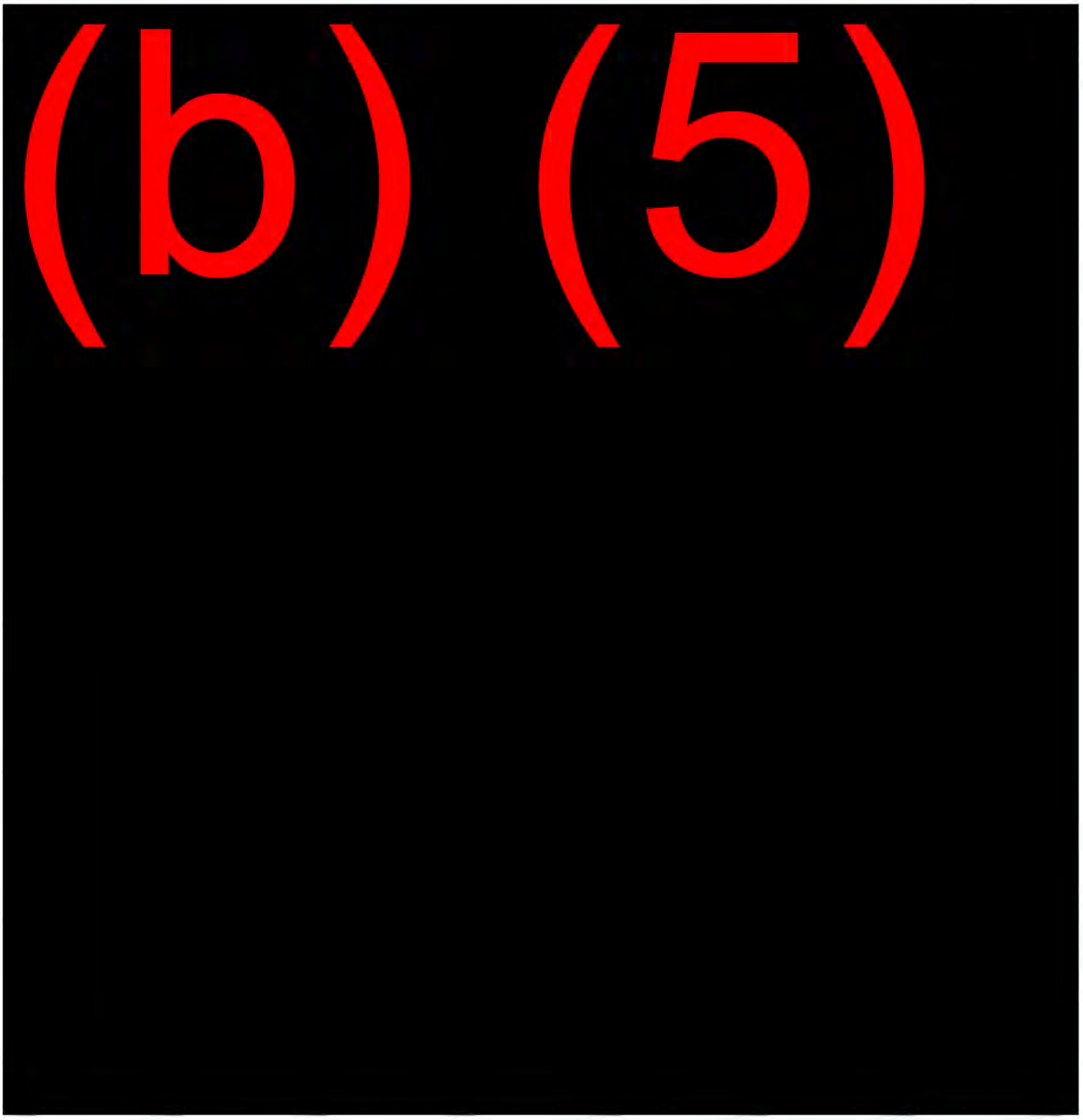
Title VII – Wild and Scenic Rivers

1. Language added to allow land acquisition within the WSRs, but only from willing sellers.

(b) (5)

Title VIII – Ashley Karst National Geologic and Recreation Area

1. Languages changes to the the Geologic and Recreation Area will promote watershed management and water quality while allowing continued recreation, agricultural uses, and timber management that are otherwise limited in Special Management Areas or Watershed Management Areas.
2. Energy development will be prohibited within the Geologic Area.



Division B – Opportunity

Title I – School Trust Land Consolidations

1. Title was rewritten to ensure the land exchanges go through a complete review process and that the energy rich lands are transferred to SITLA in a timely manner while also ensuring federal taxpayers are made whole.

Title II – Goblin Valley

1. Language was added to further clarify the purposes and terms of the cooperative management area and cooperative management agreement.

Title III – Price Canyon State Forest

Title IV – Deer Lodge Land Exchange

Title V – Scofield Land Transfers

1. Amended language clarified the process by which land conveyances will occur.

Title VI – Land Conveyance

1. San Flats Recreation Area removed based on financial burden county ownership may incur.
2. Dugout Ranch removed.
3. Transportation no longer purpose of the Seep Ridge Utility Corridor, as this is intended to be a conveyance used for public utilities.
4. Hole-in-the-Rock trail conveyance removed; new status outlined in Title VIII.

Title VII – Land Disposals

Title VIII – Canyon Country Recreation Zones

1. New recreation zones were added at Jensen Hills, Red Mountain, Devils Hole, Bourdette Draw, and Red Wash in Uintah County.
2. Management Planning process revamped by addition of the county-by-county Public Lands Initiative Planning Advisory Councils (see newly created

Division C); local community will play larger role in development of management plans.
3. Klondike Recreation Zone uses further clarified to provide managerial flexibility to reduce conflict between off-highway vehicle and mechanized trail use.
4. Dee Pass Recreation Zone further clarified to minimize conflict between off-highway vehicle recreation and energy development.
5. Yellow Circle Mine and Cameo Cliffs Recreation Zones further clarified to minimize conflict between off-highway vehicle recreation and energy development.
6. The Hole-in-the-Rock Trail is designated as a National Historic Trail and the Hole in the Rock Trail Foundation is enumerated as a cooperating management agency.
7. Language was added to address San Juan County's application to manage Recapture Canyon in a way that balances outdoor recreation and cultural resources.
8. Language was added to advance the Big Burrito Non-Motorized Trail pursuant to the recommendation made by local land managers.

Title IX – Red Rock County Off-Highway Vehicle Trail

1. Language added to direct managers to minimize conflicts between off-highway vehicle users and non-off-highway vehicle users.

Title X – Long-term Native American Economic Development Certainty

1. Language was added to direct 62.5% of oil and gas royalties from the Aneth Extension to the Utah Navajo Trust Fund (formerly 37.5%).
2. Language was added to transfer federally owned minerals located underneath the Hill Creek Extension of the Ute Tribe Reservation to the Ute Tribe.

Title XI – Long-term Energy Development

1. Section was rewritten to provide for limited, site-specific energy zones within Uintah, Duchesne, Carbon, and San Juan counties for the purposes of prioritizing renewable and non-renewable energy development. Prioritizing does not mean that site reviews and environmental analysis are ignored, as these steps are still required to more energy projects forward. Zone boundaries still be discussed.
2. Language dissolving Master Leasing Plans was removed; new language was added that requires any final MLP to be compatible with the provisions of PLI.

Title XII – Long-term Travel Management Certainty

1. Reference to Class D roads are removed, as consensus does not exist on how best to resolve Class D road disputes.

Title XIII – Long-Term Grazing Certainty
New Section

1. Language added to ensure to ensure long-term grazing certainty for livestock producers.
2. Language added to better manage bighorn and domestic sheep.

Division C – Local Participation
New Section

Title I – Local Participation and Planning

1. Seven Public Lands Initiative Advisory Councils, representing Summit, Duchesne, Uintah, Grand, Carbon, San Juan, and Emery counties, are created to support the management planning process and to provide oversight of plan implementation.
2. 15 members will serve on the Councils, each with a local connection to the specific county and each representing differing land management perspectives and institutions.
3. Federal land management agencies must appear before Congress if the Council recommendations are not included in order to explain their rationale for disregarding the input of the Councils.
4. Congress must reauthorize the Councils after 7 years to guarantee Congressional oversight and to keep the local councils at the forefront of local and Congressional land management agendas.

FOR IMMEDIATE RELEASE
Monday, September 19, 2016

Utah Navajo to Voice Opposition to Monument Designation

WASHINGTON - On Wednesday, September 21, at 4:00 p.m. EDT, the Utah congressional delegation, Utah Gov. Gary Herbert, and members of the Navajo Nation from Utah, will hold a press conference at the Capitol Swamp highlighting united state and local opposition to a national monument designation in southwest Utah.

Earlier in the day, members of the Aneth Chapter of the Navajo Nation and the Blue Mountain Dine' will deliver an opposition packet to Interior Secretary Sally Jewell that includes:

- A resolution from the Blue Mountain Dine' opposing the proposed Bears Ears National Monument.

- A petition from the Descendants of Kaayelii opposing the proposed Bears Ears National Monument.

- A resolution from the Aneth Chalpter of the Navajo Nation opposing the proposed Bears Ears National Monument

- A resolution from the City of Blanding, Utah opposing the proposed Bears Ears National Monument.

- A resolution from the City of Monticello opposing the proposed Bears Ears National Monument.

- A resolution from the San Juan County Board of Commissioners opposing the proposed Bears Ears National Monument.

- A letter from the Utah Wildlife Board opposing the proposed Bears Ears National Monument.

- A resolution from the Utah State Legislature opposing the unilateral use of the Antiquities Act in Utah.

Members of the media wishing to attend the event must RSVP to Emily Long (Emily_Long@lee.senate.gov).

Who
Navajo residents of Utah Lewis and Donna Singer, Susie Philemon, and Danielle Shirley
Utah Governor Gary Herbert
Senator Orrin Hatch (R-UT)

Senator Mike Lee (R-UT)
Representative Rob Bishop (R-UT)
Representative Chris Stewart (R-UT)
Representative Mia Love (R-UT)

What

Local resident opposition to national monument designation in southwest Utah.

When

Wednesday, Sept. 21, 2016 at 4:00 p.m. EDT

Where

Capitol Swamp

Communications Director
Conn Carroll
Conn_Carroll@lee.senate.gov
202-224-5444

Press Secretary
Emily Long
Emily_Long@lee.senate.gov
202-224-5444

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Herbert Looking for Options to Stop Bears Ears Monument

Written by Bob Bernick, Contributing Editor
Category: Today at Utah Policy
Created: 07 September 2016

Watch for GOP Gov. Gary Herbert to take some kind of compromise land use plan to Democrat President Barack Obama soon to stop the president from declaring the Bears Ears area of southeastern Utah a national monument.

"I have a plan," said Herbert at the end of his half-hour news conference. "But I want to talk to (Obama administration officials) first before (they) see it in the press."

Herbert declined to be specific about his plan at his monthly KUED Channel 7 press conference with local reporters.

But Herbert said he would "soon" go back to Washington, D.C., to meet with Interior Secretary Sally Jewell and Bureau of Land Management Director Neil Kornze "face to face" to present some kind of alternative – most likely a compromise between an Obama 1.9 million acre national monument and the 18 million acre land swap/wilderness protection proposal outlined in Rep. Rob Bishop's Public Land Initiative, or PLI.

There are only a few more weeks of congressional work before the November election, and there is little chance that Bishop's and Rep. Jason Chaffetz PLI will even get a House vote, much less pass the Senate.

There will be a lame duck post-election congressional session, but usually, those don't produce significant legislation.

Obama has the power to create national monuments on his own, and most recently expanded a marine preserve in his native state of Hawaii.

Herbert, Utah's congressional delegation, and Republican Utah Legislators have been pounding on Obama not to create a national monument in the Bears Ears area before the president leaves office in early January.

While national conservation groups and some Native American organizations want the monument.

Many federal watchers say the national monument is coming – as Obama is not well liked in deep red Utah and has nothing to lose politically here.

"There are better ways to approach" the protection of Bears Ears, Herbert told reporters.

"I want to ameliorate the confrontation aspect" of the Bears Ears issue – which has pitted some Native Americans against each other, rural Utah against the Wasatch Front and so on.

A recent UtahPolicy poll by Dan Jones & Associates finds that only 19 percent of Utahns want Obama to create a national monument, while several out-of-state, environmentalist surveys show just the opposite – that most Utahns want a Bears Ears national monument.

To say the least, the issue has divided many Utahns, for and against the monument.

But politically speaking Herbert has little leverage with Obama – and basically must rely on the president to agree to some sort of compromise that falls short of a national monument designation.

Perhaps Herbert could offer that Utah state government pick up some of the costs of monument designation – which includes more federal oversight than regular BLM operations.

The governor could also attempt to give local Native Americans – many who see Bears Ears as a spiritual domain – some governance of a "conservation area" – a designation distinction that is allowed under current BLM rules, but which has rarely been used by the Bureau before.

"Hopefully, the PLI can be passed" before Congress adjourns in December, said Herbert. "Then we would (protect) 18 million acres" across eastern and southeastern Utah, "not just 1.9 million acres" in the Obama suggested national monument.

Another national monument in Utah "just creates more problems" of land management, said Herbert.

Former Democratic President Bill Clinton created the Grand Staircase-Escalante National Monument in south-central Utah in 1996 – much to the dislike of many Utah GOP officials.

Last year there were a reported 1,400 "violations" within Grand Staircase by visitors and others, said Herbert, while there were only five violations in the Bears Ears area – mainly because few people visit Bears Ears now because it is not a national monument and is off the beaten path.

Stay tuned, Herbert told reporters as he walked out of the KUED studios – the issue of Bears Ears is still evolving.

Congress can still avoid a Bears Ears National Monument, says Rep. Jason Chaffetz

By Thomas Burr The Salt Lake Tribune
Published: September 15, 2016 08:24AM
Updated: September 14, 2016 09:05PM

Public Lands Initiative • Despite protests by environmentalists and federal agencies, GOP congressmen push an alternate plan.

Washington • Congress still has time to pass legislation to preserve parts of the Bears Ears region in southeastern Utah — and halt a national monument designation — before year's end, one of the sponsors said Wednesday.

"We're moving at a record pace for Congress," Rep. Jason Chaffetz, R-Utah, said as a House Natural Resources subcommittee took up the bill. "We'll be back in November and December, and there's lots of legislation that will move at that time."

The Public Lands Initiative (PLI), sponsored by Chaffetz and Rep. Rob Bishop, who heads the Natural Resources Committee, would preserve 4.6 million acres of federal land as conservation areas, open more than 1.1 million acres for recreation and mineral development, consolidate more than 300,000 acres of state lands and expand Arches National Park by nearly 20,000 acres.

The proposal, which has earned a strong rebuke from environmental groups and opposition from federal agencies, is aimed at stopping President Barack Obama from using his unilateral power to name a national monument to protect some 1.8 million acres of federal land as some tribal leaders and conservationists have requested.

But time is running out.

Congress has only a few weeks left before adjourning so its members can campaign for re-election. And the PLI has yet to receive a full committee hearing, let alone votes in the House or Senate.

Democrats say the PLI is more of a distraction than an actual solution.

"This is not a legislative proposal that is going to be passed by the Senate or signed by the president," said Rep. Niki Tsongas, D-Mass., adding, "It could be said that this is a wolf in sheep's clothing."

Rep. Raul Grijalva, D-Ariz., and the top Democrat on the committee, praised the concept of the PLI, bringing groups together to negotiate public land policy, but said the resulting legislation "tilts the scale dramatically" in favor of development and motorized-vehicle access.

"Unfortunately," Grijalva said, "this bill that resulted from this process is a nonstarter."

In Wednesday's hearing, officials from the Bureau of Land Management and the U.S. Forest Service said they applauded the effort to create a consensus bill but noted they opposed the legislation as written because it didn't strike that balance.

BLM Director Neil Kornze said the measure "undermines" the agency's authority to protect the region.

Republicans on the subcommittee pushed back against PLI foes, at one point questioning a monument supporter about her non-Utah residence.

Rep. Tom McClintock, R-Calif., and chairman of the public lands subcommittee, said a monument designation, should it happen, would be aimed only at appeasing "out of state interests."

"I'm not sure who[m] President Obama thinks he's accountable to," McClintock said, "but, here in Congress, we think it's our constituents."

San Juan County Commissioner Rebecca Benally, a Navajo and PLI proponent, said the federal government has long bullied Native Americans, and now environmentalists and "their corporate benefactors" are doing so.

"The Bears Ears National Monument campaign is a cynical political stunt that, if successful, will deny grass-roots Utah Navajos access to their sacred and spiritual grounds," Benally testified.

Bishop noted more than 1,200 meetings on the bill as well as discussion with all sides of the public lands debate to come up with the legislation and said it was a much more collaborative effort than any presidential designation.

"This is not the hearing; it is a hearing," Bishop said. "We've had meetings for five years on this bill."

During the discussion, Chaffetz said it was wrong for outside interests to push for land-management decisions in someone else's backyard.

"That's not the way it should be," Chaffetz said. "It's arrogant, it's offensive, and it shouldn't be tolerated by this Congress."

The Western Values Project said in a report Wednesday that Bishop's legislative record shows he cannot pass complex bills in such a short time span. On average, the group said, Bishop has passed about one bill per year and only six

bills during his 14-year tenure have passed in less than six months, including one naming a post office and another transferring a few acres. The bills also included emergency funds after Hurricane Sandy and to address Puerto Rico's debt crisis.

The PLI is 215 pages and isn't simple in the slightest, the group said.

"It is infinitely more complicated than naming post offices, transferring small amounts of lands to local control, or passing urgently needed emergency funding to address natural disasters or financial crises," Western Values Project said in the report.

Bishop says there's plenty of time left.

"There is a helluva long lame-duck session," he said in an interview. "We're going to be here from after the election to Christmas."

He said he doesn't know if movement on the PLI will stop the president from acting on a monument but that the White House would be hard-pressed to explain why it made such a move against a locally driven process.

Bishop said: "It's going to be very difficult to make this monument unless it's simply, 'Screw you, Utah, in your face.' "

400 East Stewart Avenue
Las Vegas, Nevada 89101

(702) 943-7777
(702) 446-4667

May 25, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President,

On behalf of the nearly 1,500 employees of Zappos.com, Inc. and its affiliates, located in downtown Las Vegas, we are writing to encourage you to protect Gold Butte as a national monument for future generations of Nevadans and all Americans.

Zappos chose Las Vegas as our home and headquarters over ten years ago. For more than a decade, our family of employees has been enjoying the outdoor areas that make this region so unique – places like Red Rock Canyon National Conservation Area, Valley of Fire State Park and Mount Charleston. Not only are these scenic landscapes a source of community pride, but they also drive the local economy through tourism and outdoor recreation and improve our quality of life. Most recently, efforts have turned to protecting Gold Butte, a beloved place of recreation and discovery for Zapponians and Nevadans alike. Spanning 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic and natural wonders including thousands of petroglyphs, historic pioneer-era artifacts and dramatic geologic features such as sculpted red sandstone, rock spires and fossil track sites. However, despite being one of Nevada's most valuable outdoor cultural and recreation resources, Gold Butte is also one of the most endangered.

Zappos exists to "live and deliver WOW", creatively going above and beyond expectations to help customers and causes. Mr. President, you too have delivered WOW by designating more national monuments than any other administration; including one special place close to our home – Basin and Range National Monument. Today, we strongly urge you to take action and add the protection of Gold Butte to your legacy.

Sincerely,

Scott Schaefer
Vice President
Las Vegas, NV

CC: The Honorable Harry Reid, U.S. Senate
The Honorable Dina Titus, U.S. House of Representatives
The Honorable Sally Jewell, Secretary, U.S. Department of the Interior
The Honorable Neil Kornze, Director, Bureau of Land Management
The Honorable Christy Goldfuss, Managing Director, Council on Environmental Quality

FAISS FOLEY WARREN
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June 10, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Gold Butte National Monument

Dear President Obama:

For years Nevadans have come together to protect the landscapes that make our region so unique. As a 4th generation Nevadan, I have seen us work to protect places like Red Rock Canyon, Great Basin National Park, Black Rock National Conservation Area, Tule Springs National Monument and thousands more acres. These places are a source of pride for our state. In fact, Nevadans across the political spectrum recently confirmed in a Center for Western Priorities poll that they supported access to public lands overwhelmingly with a universal 96% saying outdoor spaces are an important part of what makes Nevada a good place to live.

Public lands improve our quality of life and help to drive our economy. They protect our sense of space and self. They protect habitat and sacred spaces. And there is one space in Nevada that is desperate for permanent protection—Gold Butte.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a wonderland of cultural, historic, and natural wonders. These treasures include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating millions of years.

Time is running out for Gold Butte--due to recent events in the last few years, this unique landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a concerned citizen, community leader and outdoor enthusiast, it is important to preserve Gold Butte before it's too late.

I strongly urge you to take action to permanently protect Gold by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Helen A. Foley
President, Public Affairs

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Shelley Berkley
Chief Executive Officer and Senior Provost
Touro Western Division

874 American Pacific Drive / Henderson NV 89014
T 702.777.1776 / F 702.777.1778
E shelley.berkley@tun.touro.edu / W tun.touro.edu

June 10, 2016

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

Dear Mr. President,

As Southern Nevada's Congresswoman for over 7 terms, I had the privilege of championing many causes. One issue, in particular that I count as unfinished business, is permanently protecting Gold Butte. I had the opportunity to sponsor legislation in the US House of Representatives to create a National Conservation Area but Congress failed to act time and time again. Now I join the thousands of Nevadans who are hoping that you will use the executive authority granted to you through the Antiquities Act and declare Gold Butte a National Monument.

Situated between the Grand Canyon-Parashant National Monument and Lake Mead National Recreation Area, Gold Butte is Nevada's piece of the Grand Canyon. The over 350,000 acres contains stunning mountains, slot canyons, and forests of Mojave yucca and Joshua trees. The area has been used by Native Americans for centuries and is a sacred place for the Moapa Band of Paiutes. It is also a new spot on the map sought out by hikers and hunters, campers and off road enthusiasts.

In the last two years, the area has seen significantly increased damage to the wildlife, habitat, petroglyphs and cultural sites. The time is now to protect Gold Butte. Not only will it provide economic benefits to Southern Nevada's outdoor tourism industry, but protecting it will ensure that this unique landscape is protected for generations to come.

Thank you again for all that you've done to protect our country's cultural and natural legacy. I continue to support your vital work during the remainder of your term and hope that you add a Gold Butte National Monument to your roster of accomplishments.

Sincerely,

Shelley Berkley
Former Congresswoman
Nevada

788 Bolle Way, Henderson, NV 89012

June 10, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Gold Butte National Monument

Dear President Obama:

For years Nevadans of all stripes have come together to protect the landscapes that make our region so unique. In fact, Nevadans across the political spectrum recently confirmed in a recent statewide poll said that they supported access to public lands overwhelmingly with a universal 96% saying outdoor spaces are an important part of what makes the Silver State a good place to live.

Nevadans don't need a poll to confirm that—we know public lands improve our quality of life and help to drive our economy. We know they protect our sense of space and self. We know they protect habitat and sacred spaces. And there is one space in Nevada that is still desperate for permanent protection--Gold Butte.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is Nevada's piece of the Grand Canyon. The landscape includes thousands of petroglyphs; historic mining- and pioneer-era artifacts; dramatic geologic features like sculpted red sandstone and rock spires; and rare wildlife species. Visits have increased to this area and it is now home to many outdoor enthusiasts who have discovered this rare gem.

Time is running out for Gold Butte. Due to events in the last few years, this unique landscape has seen a significant increase in destruction to sites that are begging for more support. For me as a former law enforcement officer and elected leader, it is important to preserve Gold Butte before it's too late. It is also important to send a signal that we will not be bullied on our public lands; they belong to us all-not just a few.

I strongly and respectfully urge you to take action to permanently protect Gold Butte by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, cultural, and environmental benefits for future generations.

Sincerely,

Richard D. Perkins

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

OLSEN STRATEGIC GROUP, LLC
stan@olsenstrategic.com
702-300-7454

June 9, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Gold Butte National Monument

Dear President Obama:

For years Nevadans on both sides of the aisle have come together to protect the landscapes that make our state so unique. Throughout Nevada there is overwhelmingly support for access to public lands with 96% saying outdoor spaces are an important part of what makes Nevada a good place to live.

Accessible public lands improve our quality of life, help to drive our economy, protect our sense of space and self and protect habitat and sacred spaces. One space in Nevada that is desperate for permanent protection is Gold Butte.

With nearly 350,000 acres in southeastern Nevada, Gold Butte is Nevada's piece of the Grand Canyon. The landscape includes thousands of petroglyphs; historic mining- and pioneer-era artifacts; dramatic geologic features like sculpted red sandstone and rock spires; and rare wildlife species. Its a photographer's wonderland.

Unfortunately time is running out for Gold Butte . With the events in the last few years, this unique landscape has seen a large increase in destruction to sites that are begging for more support. Local resident say they can protect it without federal involvement... they can not. For me as a concerned citizen, a retired law enforcement officer, community leader, business owner and outdoor enthusiast, it is important to preserve Gold Butte, now, before it's too late. It is important to send a signal that citizens trying to visit Gold Butte will not be bullied on our own public lands. And we have bullied, threatened and denied access.

I strongly urge you to take action to permanently protect Gold by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,
Stan Olsen
Life long Nevada Resident

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

June 3rd, 2016

Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. All these features justify the importance of preserving Gold Butte. for the current and the future generations of citizens. This preservation is especially time sensitive due to the last 18 months events' that have resulted in a large increase in destruction of this treasured landscape.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act before the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Thank you in advance for your consideration of this letter.

Best regards,

Laura Rosales-Lagarde, PhD
Environmental Science Assistant Professor
Nevada State College- School of Liberal Arts and Sciences,
1021 Paradise Hills Drive, Ste. 246, Henderson, NV 89002
www.nsc.edu

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Michelle A. Napoli
(b) (6)
(b) (6)
(b) (6) (cell)
(b) (6)

June 9, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

Here in Southern Nevada, residents have been protecting the landscapes that make our region so unique for decades. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and are an unmistakably important part of what drives our local economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Gold Butte encompasses almost 350,000 acres in southeastern Nevada and a multitude of wonders. These include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

Unfortunately, more recent history has seen incontinent destruction of this beautiful landscape's critical habitat and cultural and historical treasures. Native American petroglyphs riddled with bullet holes. The senseless chopping down of an indefensible mature Joshua Tree. Vandalism to nearly 100-year-old horse corrals, relics of the area's pioneer ranching days. These are just a few examples of what is happening in Gold Butte, and the damage is difficult if not impossible to reverse.

I moved to Southern Nevada in large part because of the outdoor recreation in beautiful landscapes that the area affords. As a resident who enjoys hiking, backpacking, rock climbing, canyoneering, mountain biking and simply camping and contemplating in the great outdoors, I feel it is vitally important that we safeguard Gold Butte, not just for me but

for the many who enjoy this fascinating place today and for the generations who come after us.

Time is running out for Gold Butte. I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. If it is to retain its tremendous natural, historical, recreation and economic benefits, the time to protect Gold Butte is now.

Sincerely,

Michelle A. Napoli

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

June 8, 2016

Honorable Barack Obama

President of the United States

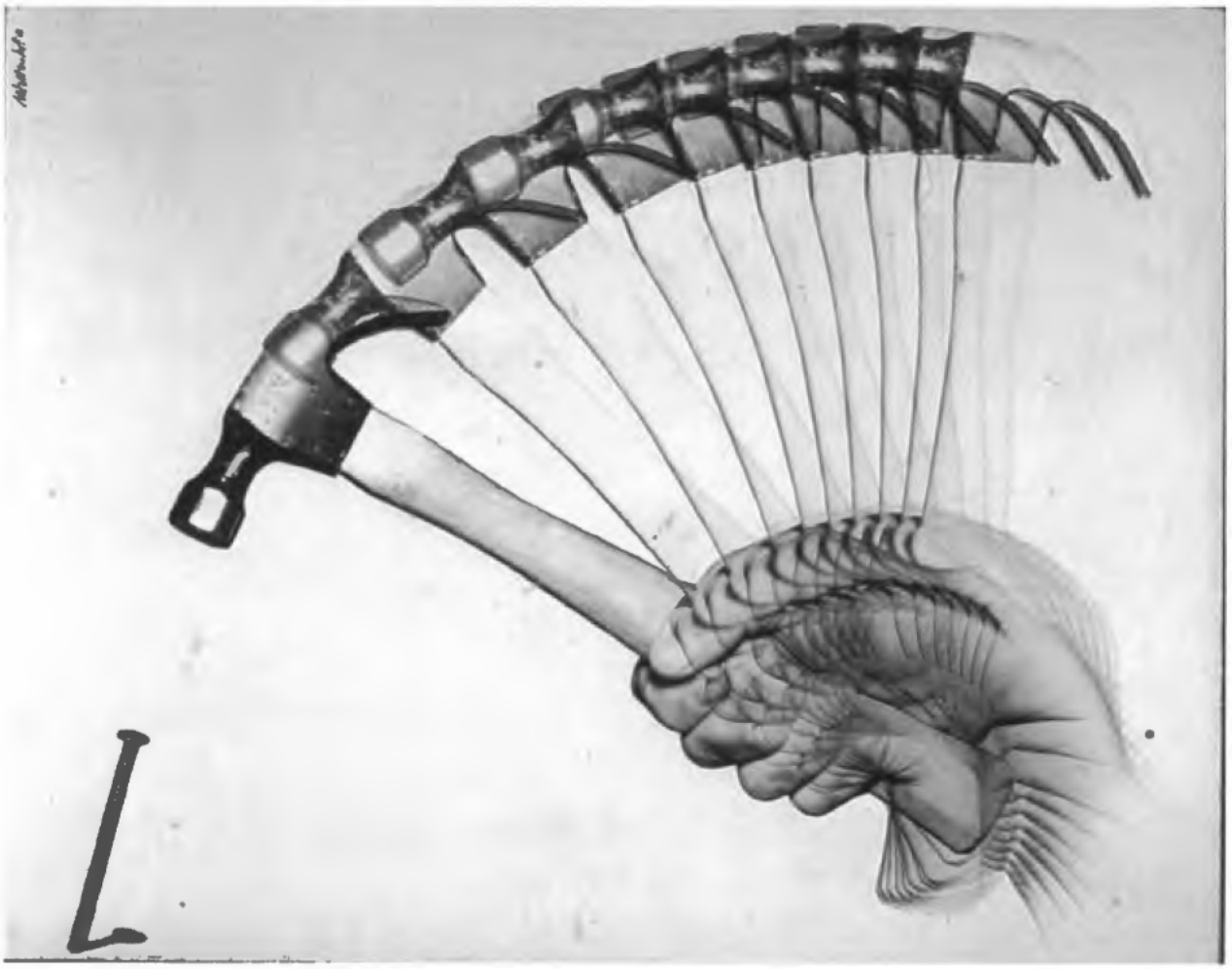
The White House

1600 Pennsylvania Avenue

Washington, DC 20500

Dear President Obama:

There is an old saying that I have found applicable in many areas of life: ONCE YOU GET GOOD WITH A HAMMER, EVERYTHING STARTS TO LOOK LIKE A NAIL.



Unfortunately, this applies to the use of our public lands, especially the **Gold Butte** (NV) area. Once a person realizes their All-Terrain Vehicle can go off the beaten path onto less-traveled trails, everything starts to look like a trail. Once a person gets pretty good at aiming a rifle and hitting what they aimed at, everything starts to look like a target.

Gold Butte is very special to my family. My kids and grandkids love visiting there. The colors, the rock sculptures, the variety of formations and landscape – it is a real treat for all of us to enjoy. But that enjoyment is marred by ATV users who are making new trails and scarring the land. It is also extremely sad to see that gun users figure they can shoot bullet holes into petroglyphs and pictographs that are centuries old, adding their meaningless mark to what otherwise is a beautiful and mysterious message from the past.

Please, President Obama, help protect Gold Butte! It is a treasure deserving the best safeguards possible to ensure that vandalism and destruction are minimized if not prevented. It would be ideal if the Gold Butte area could be designated as a National Monument. Not only would that provide protection, but it would help the Mesquite area tremendously in terms of travel and business opportunities. As an eleven-year resident of nearby Logandale, I have seen the rise and decline of northern Clark County Nevada. I believe strongly that designating Gold Butte as a National Monument will immensely help the local economy.

Whilst in Gold Butte I have had the opportunity of meeting people from Germany who saw pictures of Gold Butte and came to America specifically to see that beauty for themselves. Others have shared similar encounters with me. Gold Butte has an appeal that brings visitors from throughout the world, and many, many more will follow if it is recognized and designated as a special place (a national monument).

Please look at the photo below that I took in an area in Gold Butte called Little Finland. The colors are spectacular! The formations are all unique little sculptures combined to provide a wall of art unmatched by many an art museum!

So beautiful, yet so fragile! Please help protect Gold Butte so that this location and others proximate to it will remain un-vandalized to inspire visitors for centuries to come. Help ensure that the only shots taken here are from cameras, not from target-shooters.

Thanks for your help. Your legacy from protecting Gold Butte will be a great one!

Prospiciently yours,

Par Rasmusson

(b) (6)

June 9, 2016
~~April 23, 2016~~

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is (b) (6) and this my personal story about Gold Butte

When I went it was very educational and help with my history there were lots of rad petroglyphs that need to be protected!

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature (b) (6)

Print Name (b) (6)

Address, City, State, Zip: _____

June 9, 2016
~~April 29, 2016~~ ~~JH~~

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is (b) (6) and this my personal story about Gold Butte

I have been to Gold Butte as a child with my grandmda and my mom. It was a good day for a cultural visit. 3 Generations were there. Please protect Gold Butte. Protect our cultural site.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature (b) (6)

Print Name: (b) (6)

Address, City, State, Zip: (b) (6)

June 9, 2014
~~April 23, 2015~~

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is (b) (6) and this my personal story about Gold Butte

I have been involved with protecting Gold Butte or as my nuwu call it Mahhagandoo (this is the nuwu neyawm), since I was a teenager. (this goes back to the back country by-ways.) This is a part of my orginal land base as a Moapa Paiute. My mother instilled in me to protect our cuthural sites. Please help protect our cuthural sites (protect the petroglyphs that our being erased.) People are destroying my ancestors historical documentation.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature (b) (6)

Print Name: (b) (6)

Address, City, State, Zip: (b) (6)

June 9, 2016
~~April 23, 2016~~

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is (b) (6) and this my personal story about Gold Butte

I am a Senior residing on the Moapa Reservation.
The first time I've been to Gold Butte was in March 29th'.
It touched me because of the mountains + the writing on the Rock. It's a spiritual place there.
It needs to be preserved for all the people to see - and expecially for our Indian tribes - please help + protect US !

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature (b) (6)

Print Name: (b) (6)

Address, City, State, Zip: (b) (6)

June 9, 2016
~~April 23, 2016~~

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is [redacted] and this my personal story about Gold Butte is that it show us a great history of Native American that help other people about us.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature: [redacted]

Print Name: [redacted]

Address, City, State, Zip: [redacted]

Erik Holland
(b) (6)

June 12th, 2016

(b) (6)

Attn: Barack Obama:

Dear Mr. President,

As a Nevada resident of many years, and a working artist, I ask you to take action to protect the Gold Butte area in Southern Nevada. Over the years, I have had the good fortune to be able to paint and hike in the area.

It is an incredible area of red rocks, soaring snow covered mountain peaks, and historic petroglyphs that illustrate the history of the Moapa Band of Paiutes.

Research shows that areas near national monuments and parks experience an upturn in economic activity. Nevada was hit hard by the Great Recession, and Mesquite's economy is still recovering.

Gold Butte is a transition zone from northern to southern deserts, and contains a fascinating array of wildlife and flora. It is, in fact, an extension of the Grand Canyon.

Nevada has often been able to survive as a state by promoting things that no other state can. In the past, those things have included gaming, easy divorce, and even cat houses! Today, Nevada possesses something that very few states have: vast, wide open tracts of public lands! In fact, part of the attraction of Nevada is the "nothing". That "nothing" is in fact public lands of great beauty! I urge you, President Obama, to set aside this incredible area for future generations...and to visit Nevada to see the great wide open! As measured by several polls, a majority of us want to see our public lands kept open...and accessible...we DON'T want them sold off for development.

Since I am an artist, I am far more eloquent with pictures. Attached is a picture of Gold Butte I painted some years back!

Sincerely,

Erik Holland

Hispanics In Politics
P.O.Box 60745
Las Vegas, Nevada 89160
Hip80@live.com

June 6, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

Three and-a-half years ago, Clark County Commissioner Chris Giunchigliani and I, who at the time was the Nevada Field Representative for the National Council of La Raza (NCLR), penned a letter to The Las Vegas SUN Newspaper, highlighting the reasons why Gold Butte, "Nevada's piece of the Grand Canyon", deserves federal protection and care (copy attached).

Time is running out for Gold Butte. Due to events that have occurred in the recent past, this marvelous natural wonder has seen an unacceptable increase in destruction to critical habitat, ancient petroglyphs and fossil track sites dating back 170 million years ago.

I am now writing to you as President of Hispanics In Politics (HIP), Nevada's oldest Hispanic political organization, founded in 1980, echoing those same sentiments that Commissioner Giunchigliani and I expressed back then, urging you to take immediate action to permanently protect Gold Butte by either encouraging Congress to pass Senator Harry Reid and Congresswoman Titus' current legislation (S.199 and H.R.856), or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is extremely important that we safeguard this natural treasure for future generations.

Sincerely,
Fernando Romero
President
Hispanics In Politics

Cc: U.S. Senator Harry Reid
U.S. Representative Dina Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kronze, Director, Bureau of Land Management

Switch to desktop view

LAS VEGAS SUN

Las Vegas Sun

- MENU | June 6, 2016
- 101° | Partly Cloudy

Dignity Health Medical Group Nevada

OTHER VOICES:

Protecting Gold Butte would help tourism

Chris Giunchigliani and Fernando Romero

Mon, Nov 26, 2012 (2 a.m.)

Another view?

View more of the Las Vegas Sun's opinion section:

• Editorials - the Sun's viewpoint.

• Columnists - local and syndicated writers.

• Letters to the editor - readers' views.

Have your own opinion? Write a letter to the editor.

President Barack Obama recently dedicated the nation's newest unit of our National Park system to the memory of farm labor activist and organizer Cesar E. Chavez. The 187-acre site is in Keene, Calif., where Chavez lived the last two decades of his life.

Chavez is a noble and appropriate person to honor with this new national monument, which Obama created through the federal Antiquities Act. Chavez's work from the headquarters of the United Farm Workers of America, in the foothills of the Tehachapi Mountains, built a powerful movement for justice and civil rights.

The Cesar E. Chavez National Monument is the 389th unit of the National Park Service. Now we optimistically ask Obama to turn his attention to Nevada. We have an ideal selection for the 390th site right

here in Clark County.

The time has come to provide permanent protection for Gold Butte, Nevada's piece of the Grand Canyon. There are many reasons why this 350,000-acre region deserves protection.

One of the most important is that we know national monuments and parks attract tourism. As the Las Vegas Chamber of Commerce, the Clark County Commission, the Moapa Band of Paiute Indians and the Mesquite City Council have noted, providing an incredible outdoor recreational experience will bring more visitors to Southern Nevada and encourage visitors to stay longer. Businesses will benefit, and for a region coming out of a long and difficult recession, that is very important.

Gold Butte is rich in human history and prehistory. Visitors find evidence of Native Americans going back eons before European settlement. Gold Butte has abundant archaeological resources, including rock art, caves, agave roasting pits and camp sites dating back at least 3,000 years.

The area has astonishing geological features. Gold Butte is where four uniquely American regions meet: The Great Basin, the Mojave Desert, the Sonoran Desert and the Colorado Plateau.

The confluence of distinct geographic regions makes it also ecologically unique, home to at least 78 rare and fragile plant and animal species, including the desert tortoise, bighorn sheep, the banded Gila monster, great horned owls and others that would benefit from national monument protections.

Obama has, through the Antiquities Act, the ability to protect all this for residents and visitors. The Antiquities Act was signed into law in 1906 by President Theodore Roosevelt, and it was specifically designed to protect threatened areas that, like Gold Butte, include historic, scientific or cultural importance. It has been used more than 100 times since to preserve, protect and conserve places of extraordinary natural, historical and cultural value. Gold Butte can and should be one of those places.

Clark County Commissioner Chris Giunchigliani is a Clark County commissioner. Fernando Romero is the Nevada state director of the National Council of La Raza.

Back to top

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Full comments policy

0 comments

SIERRA CLUB
FOUNDED 1892
Southern Nevada Group

June 8, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

I am writing to you on behalf of the Sierra Club and our more than 25,000 members and friends in Southern Nevada to voice support for permanent protection of the 350,000 acres in the southeast corner of our great state known as Gold Butte – Nevada's piece of the Grand Canyon.

Gold Butte is of cultural, historic and environmental importance. The area contains thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and bighorn sheep; stunning geologic features, from sculpted red sandstone to majestic rock spires; and fossil track-sites dating back 170 to 180 million years.

Unfortunately, over the past two years, this precious landscape has witnessed an increase in destruction to critical habitat, ancient stone art and pioneer heritage sites. It saddens me to reflect on the wonton disregard despoilers have for these public lands, which belong to us all.

We therefore urge you to take action to protect Gold Butte permanently, either by encouraging Congress to pass legislation proposed by Senator Reid and Congresswoman Titus (S.199 and H.R. 856) or by using the Antiquities Act to designate Gold Butte as a National Monument. For the cultural, environmental and economic benefits to future generations, it is vitally important that we safeguard Gold Butte now.

Sincerely,

Thomas Ainlay Jr.

Thomas "Taj" Ainlay Jr.
Chairman, Sierra Club
Southern Nevada Group

cc: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Sierra Club Office, 2330 Paseo del Prado #C-109, Las Vegas, NV 89102

June 13, 2016

Hello President Obama,

I am writing to you in regards of the protection of the Gold Butte in Southern Nevada. The Gold Butte is a scenic sight for people but it is also home to a piece of history. Senator Reid has called numerous times to protect this valuable piece of land but it is still not a protected federal ground. Having this ground protected can not only ensure its' longevity but it can also be a learning experience for the young and old. It gives not only Nevadans a chance to learn but also the other millions of Americans that can experience an important piece of Native American history.

Thank you for your consideration on this matter.

Best Regards,

Mona Omojola

President, UNLV Young Democrats

National Committeewoman & College Caucus Chair, Young Democrats of Nevada

June 12, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada: Protect Gold Butte

Dear President Obama:

In Nevada, protected public lands like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. Nevadans understand the need to protect the region's recreational, cultural, and natural resources. That is why I am writing to support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Tourism is the lifeblood of Nevada and outdoor recreational tourism is a part of that. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

The best part about living in Nevada, for many of us, is its vast open spaces. For me as a lifelong outdoorswoman, preserving Gold Butte means making Nevada a better place to live.

I urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Anne Macquarie
(b) (6)

cc: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

May 23, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

We are writing to encourage you to designate Gold Butte, Nevada, as a national monument. This is an incredible area, full of amazing landscapes, wildlife and historical artifacts. The stark beauty of this area deserves protection, rather than continual destruction of the land.

We are fortunate to live in Nevada, giving us great access to amazing federal lands. We have taken our kids out to explore all sorts of incredible lands owned by the Bureau of Land Management and U.S. Forest Service. We've been to Arch Dome doing frog surveys, the Desatoyas to replant burned areas, and the Santa Rosas to maintain gates that keep livestock out of sensitive areas. We've also taken the kids out to the Black Rock Desert multiple times, working with BLM to protect bighorn sheep, desert fish, kit foxes, and the beautiful landscape.

Gold Butte is another area that provides these kind of amazing experiences. We haven't been there YET because it is on the other side of the state. But we've seen the photos, read about the weathered rock, the petroglyphs, the canyons. But we've also heard about the problems out there with illegal water diversions and damages done to the petroglyphs. This is a delicate area. The damage to the historical artifacts can never be repaired. The damages to the landscape can take decades or longer to repair.

Please designate Gold Butte for the benefit of ALL AMERICANS. This isn't just for Nevada. It is for everyone, our kids, your kids. But if we don't protect it, we lose it.

Thank you,

Lou Bubala & Jill Strawder-Bubala
Louis, Zora & Maylyn Bubala
(b) (6)

cc: U.S. Senator Harry Reid
U.S. Representative Dina Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

HSU

Thursday January 17th, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
Re: Permanently Protecting Gold Butte

Dear President Obama:

For generations Latinos, and more specifically Hispanics of North America have been connected to the land, working the land with the desire to protect it for the benefit of the next generation. And in Southern Nevada, our Hispanic community has had a history of discovering and protecting the dynamic natural landscapes that make our region unique. Even our own community in the Las Vegas Valley was first discovered and explored by a Mexican scout Rafael Rivera. Places like Red Rock Canyon and Mt. Charleston would not have been known to the western world had it not been for the Hispanics of North America that first interacted with the native Paiute communities of the valley. These wonderful natural places are a source of local community pride and our families' recreational opportunities. Our public lands improve our quality of life and help to promote our local tourism economy. As a community in Nevada, we Hispanics understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, the ancestral home of the Paiutes, and the resting place of artifacts and historic sites important to our Hispanic Heritage.

From an economic standpoint promoting our outdoor tourism economy adds to the vitality of Nevada. Outdoor recreational tourism is a significant part of our community's tourism based economy. Each year, outdoor recreation in Nevada drives almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte. E more than providing for more economic prosperity in the local tourism industry that employs a large Hispanic population, protecting Gold Butte affords the Hispanic families of our community the added opportunity to recreate outside and commune together.

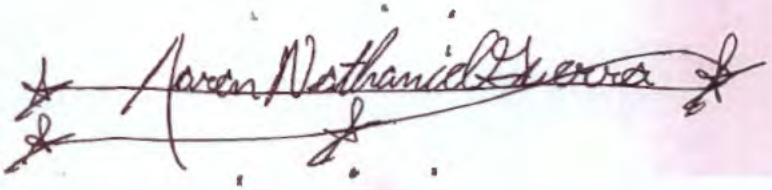
Time is running out for protecting Gold Butte. Recent events have incited untold physical damage to the area in the last 18 months. Gold Butte's treasured landscape has seen increased destruction to critical wildlife habitat, ancient petroglyphs, cultural sites of the Nuwuvi (Southern Paiutes), and Hispanic Heritage sites. For me as a Hispanic, the president of the Hispanic Student Union of the College of Southern Nevada, and a lifelong Nevadan born and raised in Beatty, protecting Gold Butte is about protecting the Public Lands that have grown near and dear to my heart. I grew up getting to enjoy Nevada's deserts over the years recreating with my family. It is imperative that one day my future children will be afforded that same opportunity and not met with no trespassing signs as we try to access the places I grew up with.

Gold Butte is a treasure trove of cultural, historic, and natural wonders, covering almost 350,000. These wonders include thousands of petroglyphs; traces of the Spanish conquests of the southwest, historic mining- and pioneer-era artifacts; rare and threatened wildlife; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

I and the rest of the Hispanic Student union of the College of Southern Nevada strongly urge you to take action to permanently protect Gold Butte now, by utilizing your powers under the Antiquities Act by the end of your term, or by any means necessary. It is vitally important that we safeguard Gold Butte now for the benefit of future generations.

Sincerely,

Aaron Nathaniel Guerra



cc: Senator Harry Reid
Senator Dean Heller
Congresswoman Dina Titus
Congressman Cresent Hardy
Sally Jewell, Madam Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

SIERRA CLUB
FOUNDED 1892

Southern Nevada Group 2330 Paseo del Prado C-109 Las Vegas NV 89102

June 7, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources.

That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon, is important to the 13,000+ members and friends of the Sierra Club in Southern Nevada.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of ancient petroglyphs, ancient cultural sites of the Paiute people, historic mining and pioneer-era artifacts, rare and threatened wildlife such as the desert tortoise and desert bighorn sheep, dramatic geologic features like sculpted red sandstone and rock spires, and fossil track-sites dating back 170 to 180 million years ago. Gold Butte is a breath-takingly beautiful place, and it's in our backyard.

The 13,000+ Sierra Club members and friends in southern Nevada enjoy and appreciate the recreational and natural resources in Gold Butte. According to the Outdoor Industry Association, more than half (57%) of Nevadans participate in outdoor recreation each year.

And a big bonus, sometimes a surprise to folks, is an array of positive effects to the local economy. Outdoor recreation in Nevada, much of which takes place on public lands, generates almost $15 billion in consumer spending and supports 148,000 jobs in the state. Data collected by Headwaters Economics from 1970-2010 shows that rural counties with more than 20% of nationally protected lands enjoyed 189% more growth in employment than rural counties with less than 10% of federally protected land. Protected public lands also increase personal incomes. A study by Headwaters Economics shows that families in counties with 100,000 acres of protected public lands enjoyed a per capita income more than $4,000 higher than those in counties with no protected public lands.

Even more important to some of us, Gold Butte is ecologically important to Southern Nevada. Protecting Gold Butte in Nevada makes connections with protected areas in Utah and in Arizona, an important factor in

ecosystem management. Gold Butte is a transition zone where three of the four great American deserts meet, the Sonoran Desert, the Great Basin Desert and the Mojave Desert, which creates a uniquely diverse collection of habitats for rare plants such as the Didymodon nevadensis, birds such as the willow flycatcher, and reptiles such as the desert tortoise other irreplaceable and threatened species.

For me, personally, as a Sierra Club representative, I've worked on citizen committees to protect the rare and threatened species of Gold Butte. I've mapped roads (legal and illegal roads), and built fences. Sometimes, my son was part of the action. Sometimes, I was there just for fun, and inspiration. (An amphipod - in a little puddle, in the middle of the desert...?!?) An amazing, fragile place!

But sadly, and importantly, time is running out for Gold Butte. Due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

I strongly urge you: please, take action to permanently protect Gold Butte now.

There are two avenues, either encourage Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by use the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's cultural, environmental. and economic benefits for future generations.

Most sincerely,

Jane Feldman

Jane Feldman
Conservation Chair
Southern Nevada Group of the Sierra Club

cc: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Gold Butte National Monument Petition

Only a few hours from the bright lights of Las Vegas is a wild desert landscape of spectacular geology and world class cultural and historic treasures which offer us a window into the past. Gold Butte – Nevada's piece of the Grand Canyon – is beloved by Nevadans and visitors from throughout the country and the world who come to hike, camp, hunt, ride ATVs on designated routes, climb, explore cultural and historical sites, and otherwise enjoy the great outdoors.

But Gold Butte is currently threatened by landscape degradation and vandalism of the region's valuable cultural, natural, and historical resources. Every day that Gold Butte is not protected we are losing these precious resources. Now is the time to protect Gold Butte as a national monument, so that Americans can continue to experience this special place for generations to come.

A national monument designation for Gold Butte would:

1. **Safeguard abundant cultural and historical resources,** including ancient petroglyphs, caves, agave roasting pits and camp sites dating back at least 3,000 years, as well as Spanish and pioneer mining camps dating back to the 1700s.
2. **Protect habitat** for numerous wildlife species, including desert tortoise, desert bighorn sheep, the banded Gila monster, great horned owls and a great variety of reptiles, birds and mammals.
3. **Enhance the region's status as an important destination for tourism**, while conserving important resources from ongoing damage from unregulated activities.

I urge President Obama to protect Gold Butte as a national monument before it's too late. Now is the time to protect Gold Butte!

Total Petition Signatures Collected*

16,350

* Petition Language may vary depending on organizations circulating the petition.
Groups include: Friends of Gold Butte/ProtectGoldButte.org,
Friends of Nevada Wilderness, Sierra Club and The Pew Charitable Trusts.

PURPLE

Center for Western Priorities

Nevada Public Lands

PREPARED BY
PURPLE STRATEGIES

JUNE 2016

Methodology

PURPLE INSIGHTS CONDUCTED 700 TELEPHONE INTERVIEWS OF LIKELY VOTERS IN NEVADA BETWEEN MAY 2 – MAY 5, 2016

- Respondents were randomly selected from a voter file and language-of-choice interviewing was available to Spanish-speaking voters.
- Fifty-two percent (52%) of the interviews were completed with voters on landlines and 48% were completed with voters on their cell phones.
- The margin of error is +/-3.7%.
- Note: All numbers are percentages. Percentages may not add up to 100% due to rounding.

Key Findings

- Nevada voters believe public lands are important to Nevada's economy and are an important part of what makes Nevada a good place to live.
  - Few believe Nevada has too much public land.
- Many Nevadans are frequent visitors to the state's open spaces, with nearly 9 in 10 stating they had visited public lands in Nevada at least once in the past year.
- There is broad bipartisan support for designating the Gold Butte area as a national monument.
- While many voters are aware of the Bundy dispute, nearly half of voters disagree with his approach with only a third agreeing with him.
  - Nevadans value collaboration over confrontation and shy away from candidates supportive of Bundy.

Key Findings

- Candidates working to "win the west" in Nevada should focus on the importance of protecting public land and improving access while stressing public land's direct link to Nevada's economy.
  - Proposals to expand motor vehicle use, or to sell lands to reduce the deficit, turn off many Nevada voters.
- Support for renewable energy development is strong, particularly expanding solar development.
- Ticket splitters gravitate toward a balanced and collaborative approach on public land management.

NEVADA LIVING

Public lands are seen as important to Nevada's economy and quality of life

The desert landscapes, mountains and valleys, recreation areas, and other outdoor spaces that make up our public lands are an important part of what makes Nevada a good place to live

96% Agree

80% *Strongly Agree*

Our deserts, mountains, valleys, recreation areas and other outdoor spaces that make up our public lands are an important part of Nevada's economy

91% Agree

69% *Strongly Agree*

Industries related to tourism are popular, with outdoor tourism slightly more so than gaming.

Nevada's outdoor tourism and recreation industry

80% *Fav*

5% *Unfav*

Nevada's gaming industry

74% *Fav*

16% *Unfav*

AWARENESS OF PUBLIC LANDS

Nevadans are frequent visitors of public lands and believe many public lands sites are important parts of the state's economy and heritage

Over the past year, how many times do you think you have visited public lands such as national recreation areas, parks, national forests, national monuments, national wildlife refuges, or other public land in Nevada?

89%
At least once

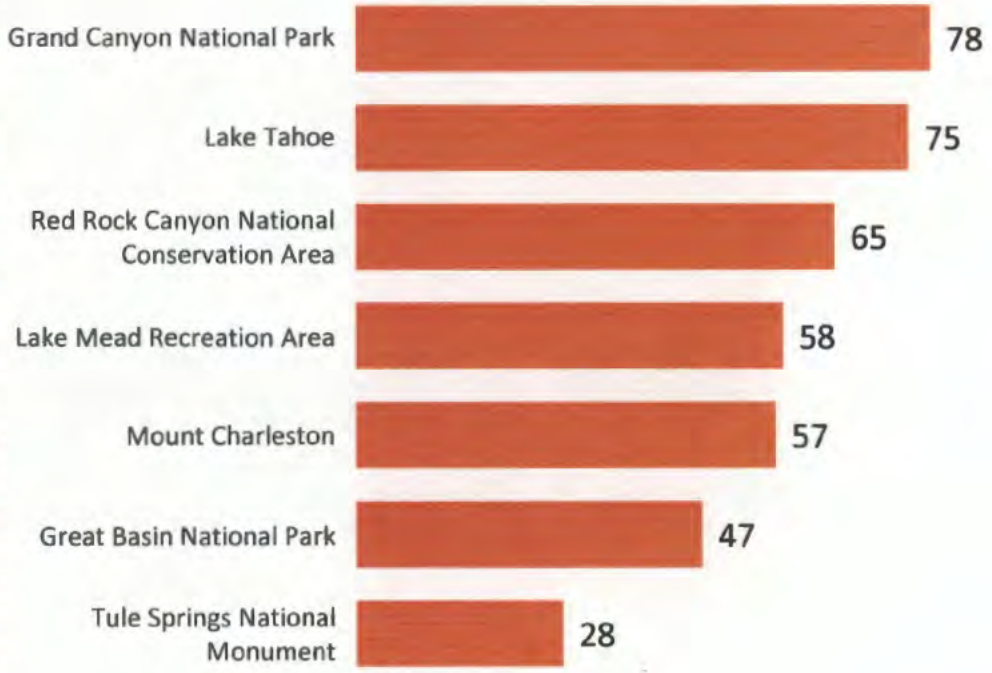
46% More than 5 times

18% More than 20 times

11%
Never/Can't remember

Public Land Importance to Nevada's economy and cultural heritage

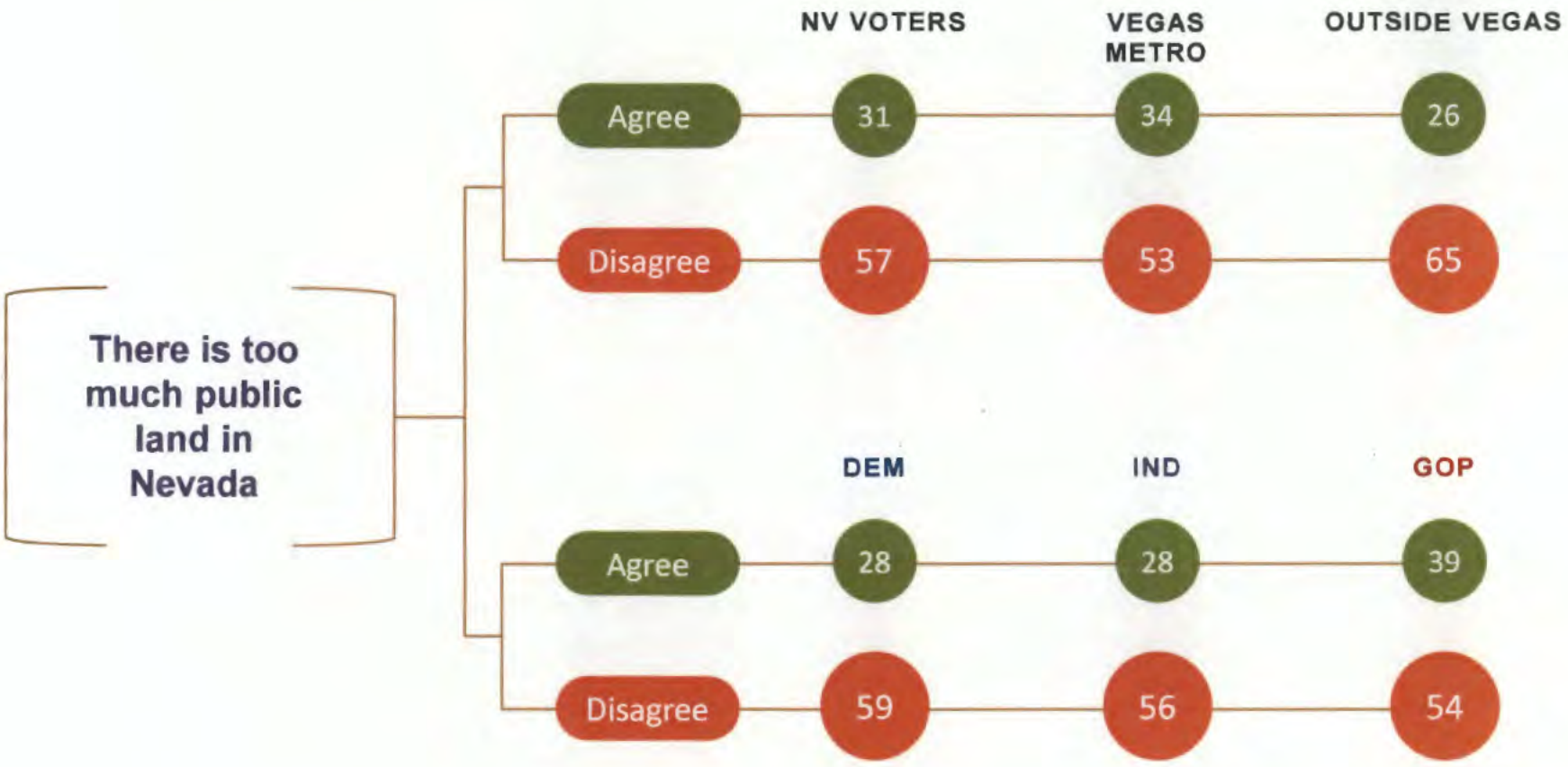
Showing Very Important



PUBLIC LANDS ISSUES

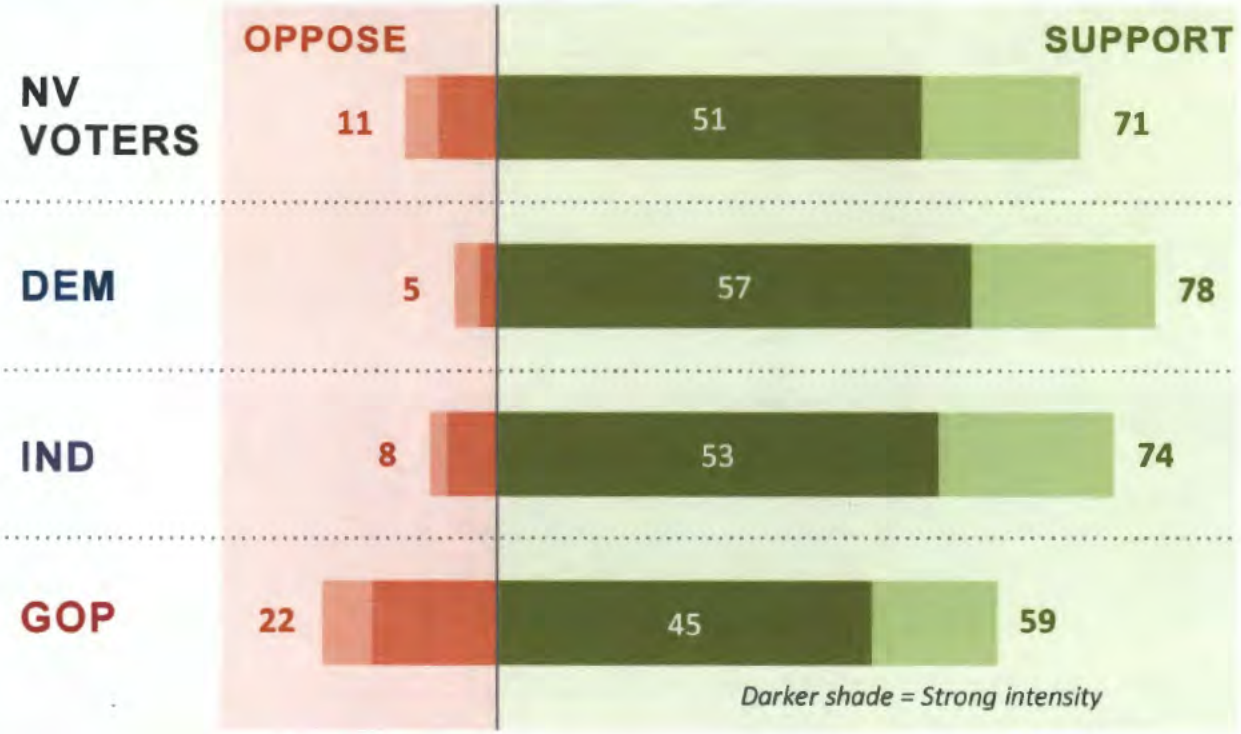
Few believe there is too much public land in Nevada

Majorities disagree with there being too much public land across parties and the state.



Designating Gold Butte as a national monument to protect the land is a proposal voters agree on across parties

Some have proposed designating a national monument in Gold Butte, located in rural Southern Nevada, to protect 350,000 acres of land with red sandstone canyons and cliffs, and cultural heritage sites. Do you support or oppose designating Gold Butte as a national monument?



PUBLIC LANDS PROPOSALS

A strong public lands platform should touch upon economic impact, access and preservation

Specifying whom the access is for works better than a broad access proposal.

Top-Tier Public Lands Proposals

Would the following proposals regarding public lands that a candidate may offer make you more or less likely to support that candidate?	NEVADA VOTERS ● More Likely ● Less Likely	Showing More Likely / Less Likely DEM	IND	GOP
SPLIT B: Protect access to outdoor spaces for camping, hiking, hunting, fishing, and other outdoor recreation	82 / 8	89 / 5	74 / 6	82 / 11
SPLIT B: Help create outdoor tourism jobs	80 / 4	84 / 2	74 / 5	80 / 5
SPLIT A: Help promote and expand our outdoor tourism economy	78 / 5	82 / 6	77 / 8	78 / 3
Increase protection of wildlife	76 / 9	83 / 5	76 / 6	68 / 17
SPLIT A: Promote outdoor tourism to help rural economic development	74 / 12	81 / 4	73 / 8	68 / 8
SPLIT A: Protect access to outdoor spaces	71 / 6	79 / 3	64 / 4	71 / 10
SPLIT B: Diversify our tourism economy beyond Las Vegas	69 / 9	77 / 7	55 / 8	75 / 10
Increase protection of public lands	65 / 12	78 / 6	61 / 10	53 / 23

PUBLIC LANDS PROPOSALS

Voters support a combination of renewable and traditional energy development on public lands over a ban

Energy & Public Lands Proposals

	Would the following proposals regarding public lands that a candidate may offer make you more or less likely to support that candidate?	NEVADA VOTERS (More Likely / Less Likely)	Showing More Likely / Less Likely DEM	IND	GOP
CONSENSUS	Encourage the development of solar, geothermal and wind energy projects on public lands	74 / 12	**83** / 6	**72** / 15	**64** / 18
CONSENSUS	Continue mining and oil and gas drilling on public lands, but with additional environmental protections in place	55 / 24	**50** / 30	**53** / 24	**64** / 17
EXTREME	**SPLIT A:** Prohibit energy development of any kind on public lands	23 / 52	25 / **55**	24 / **52**	19 / **49**
EXTREME	**SPLIT B:** Prohibit energy development of any kind on public lands, including large-scale solar and wind projects	21 / 61	18 / **69**	17 / **51**	27 / **62**

PUBLIC LANDS PROPOSALS

Proposals on increased motorized vehicle use, additional private development and selling public land turn off many voters

Bottom-Tier Public Lands Proposals

Would the following proposals regarding public lands that a candidate may offer make you more or less likely to support that candidate?	NEVADA VOTERS ● More Likely ● Less Likely	Showing More Likely / Less Likely		
		DEM	IND	GOP
Open up more wilderness areas to motorized vehicle use	37 / 38	37 / 39	29 / 44	45 / 34
Open up public lands to more private development	31 / 45	30 / 47	27 / 44	35 / 45
Sell public lands to reduce the national budget deficit	28 / 50	23 / 56	24 / 50	38 / 42

PUBLIC LANDS PRIORITIES

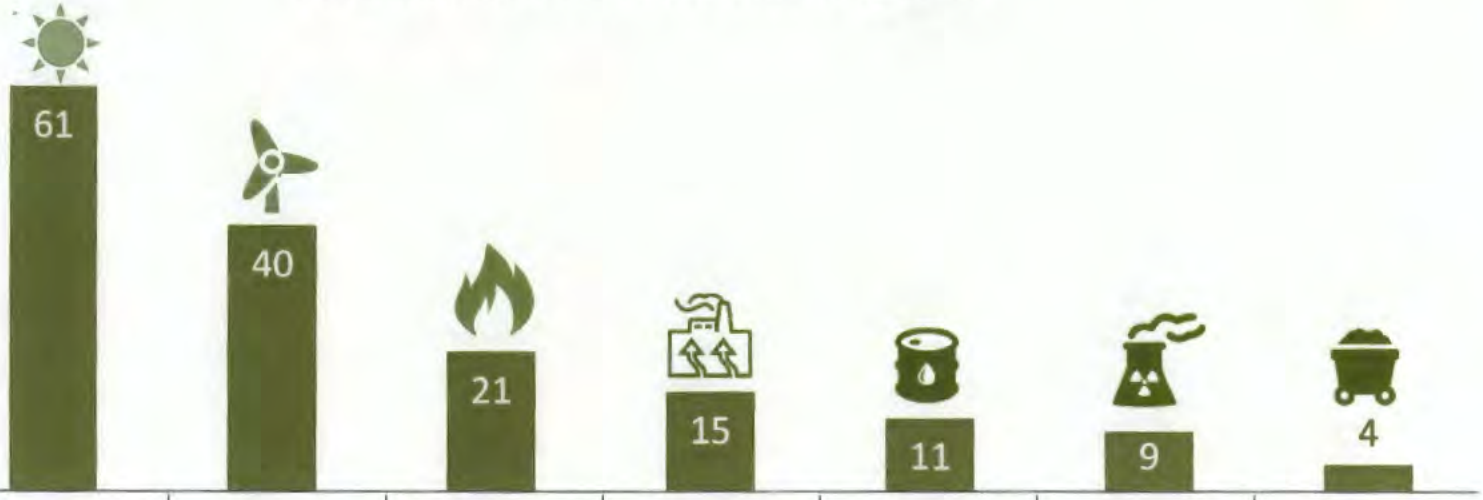
Voters primarily see public lands as a place to expand renewable energy and build outdoor recreation opportunities

Which of the following is the <u>best</u> use of Nevada's public lands to help the state's economy?

		DEM	IND	GOP
Increasing the number of solar, wind and geothermal energy developments	43	55	42	31
Building outdoor recreation opportunities to increase tourism	26	24	31	25
Expanding mining operations	9	4	7	16
Increasing the amount of land available for ranching and grazing	9	4	6	18

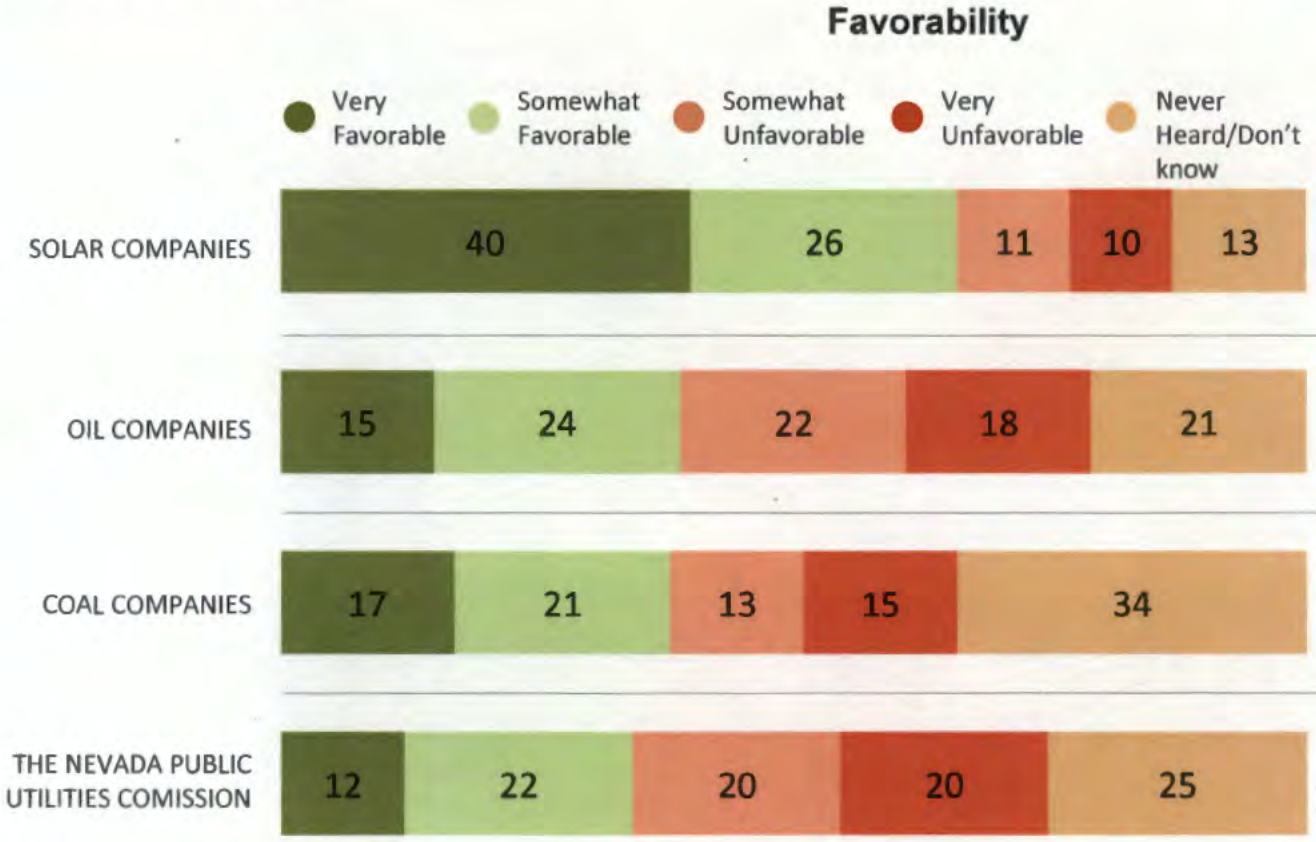
Renewables, especially solar, are seen as the energy source of the future; Republicans also prioritize natural gas

What energy source or sources should we prioritize in the American West over the next ten years?



	Solar	Wind	Natural Gas	Geothermal	Oil	Nuclear	Coal
DEM	71	45	16	14	5	3	1
IND	69	47	18	12	8	11	5
GOP	45	30	29	20	20	14	8

Solar companies are generally well-liked; the utilities commission, oil and coal companies are less liked



Showing Favorable / Unfavorable

	TOTAL	DEM	IND	GOP
SOLAR COMPANIES	66 / 21	75 / 13	68 / 22	54 / 31
OIL COMPANIES	39 / 40	30 / 49	38 / 43	51 / 28
COAL COMPANIES	38 / 28	29 / 38	29 / 35	58 / 10
THE NEVADA PUBLIC UTILITIES COMISSION	35 / 41	42 / 34	25 / 45	36 / 46

ENERGY/MINING ISSUES

On energy proposals, there is consensus on renewables, mining royalties, and banning nuclear waste at Yucca

Energy/Mining Proposals

Would the following positions a candidate might take make you more or less likely to support that candidate?	NEVADA VOTERS ● More Likely ● Less Likely	Showing More Likely / Less Likely		
		DEM	IND	GOP
Invest in the development of renewable energy sources like wind, solar and geothermal	73 / 10	85 / 5	73 / 13	61 / 14
Reinstate policies that allow Nevada residents to install solar panels and allow any excess energy to be sold to the electric utility company	71 / 10	73 / 9	71 / 11	70 / 11
SPLIT B: Require mining companies to pay taxpayers a royalty for extracting minerals on public lands, like oil and gas companies pay for drilling on public lands	65 / 11	76 / 6	60 / 8	58 / 17
SPLIT A: Require mining companies to pay taxpayers a royalty for extracting minerals on public lands	56 / 17	65 / 12	55 / 15	49 / 22
Block the storage of nuclear waste at Yucca Mountain	51 / 23	59 / 22	48 / 22	44 / 26
Increase oil drilling in the US to access America's vast energy resources	49 / 26	33 / 37	45 / 29	70/ 9
Keep oil, gas and minerals in the ground	36 / 34	46 / 20	37 / 28	25 / 56

MESSAGING

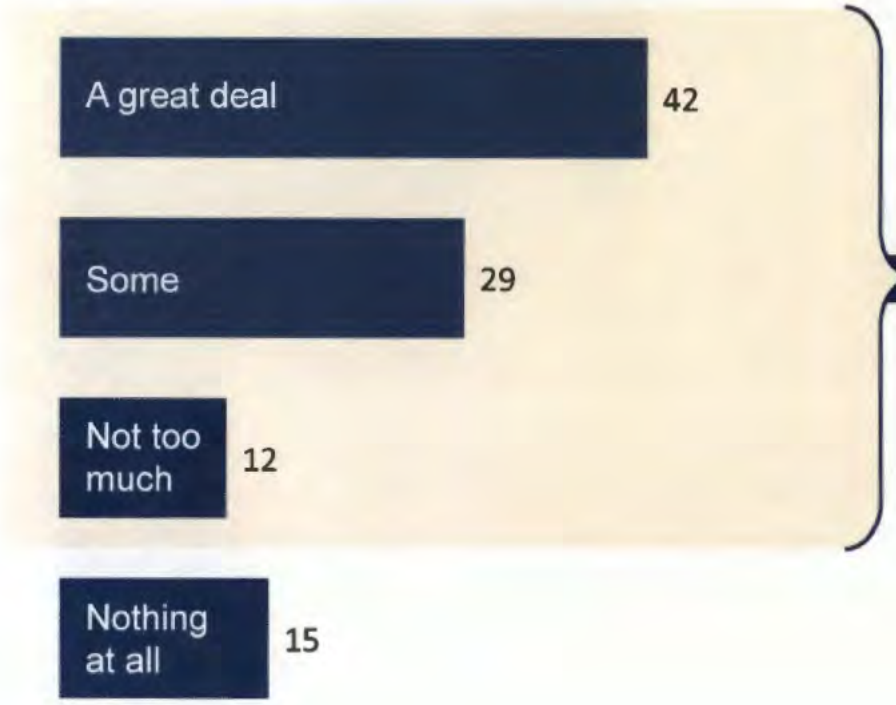
Ticket splitters gravitate towards a balanced approach from a candidate over party affiliation

The Republican base grows without support for Bundy.

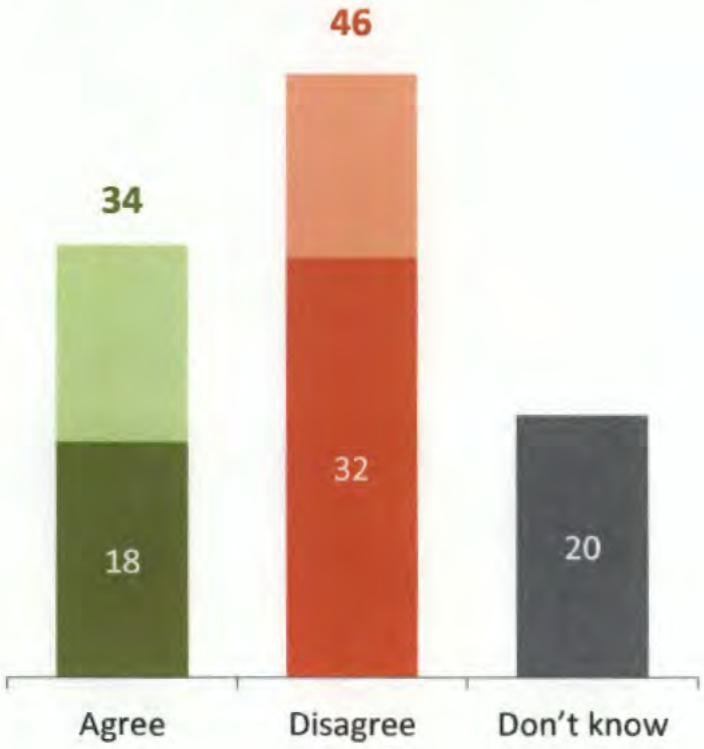
Now I am going to read you a couple of descriptions of potential political candidates. Between the following two candidates, which would you be more inclined to vote for?	NV VOTERS	MOSTLY VOTE DEM	TICKET SPLITTERS	MOSTLY VOTE GOP
A **Democratic** candidate who believes that the deserts and mountains help make Nevada special, and are an important part of the state's tourism economy; who believes **recreation and renewable energy should be priorities** on our pubic lands; and who believes that **through collaboration with local communities, we can find balance** in the management of our pubic lands.	55	92	54	13
A **Republican** candidate who believes **states should be able to manage their own public lands**, not federal bureaucrats; who supports selling some public lands to close the budget deficit; who **stands alongside Cliven Bundy** and his family; who **opposes new federal monuments and instead prioritizes the development of public lands** to help grow our economy.	29	5	27	70
A **Democratic** candidate who wants to protect our public lands from development and strengthen environmental protections; who believes **oil, gas, and coal should stay in the ground and be replaced by renewable sources**; and who wants to **ban fracking** to leave a cleaner future for generations to come .	46	88	39	11
A **Republican** candidate who believes that the deserts and mountains help make Nevada special, and are an important part of the state's tourism economy; who believes **recreation and renewable energy should be priorities** on our pubic lands; and who believes that **through collaboration with local communities, we can find balance** in the management of our pubic lands.	39	4	42	75

Most have heard about the Bundy dispute, nearly half disagree with his approach while only a third agree

How much have you heard about the dispute between Cliven Bundy and the federal government about public land use?



IF HEARD ABOUT THE DISPUTE: Based on what you have heard, do you agree or disagree with Cliven Bundy and his supporters?



Darker shade = Strong intensity

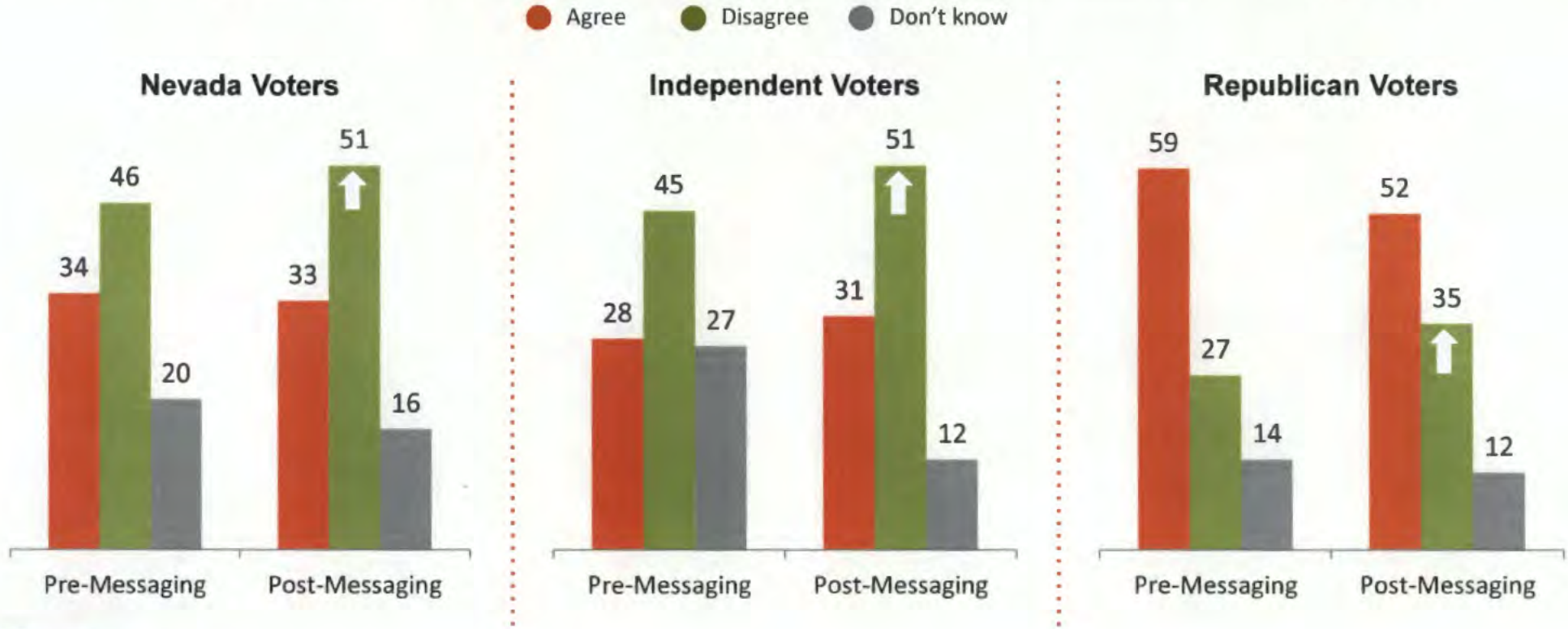
CLIVEN BUNDY

Messaging on Bundy moves the wider electorate to further disagree with him and his supporters, even Republicans

Supporters of Cliven Bundy say that he is being unfairly persecuted by the federal government. They say that he's just a local rancher standing up to government overreach on how we can use our lands, and that he and the people who gathered on his ranch to confront federal authorities were justified to protect individual freedoms and our local Western way of life.

Opponents of Cliven Bundy say he has been grazing his cattle on public land, while refusing to pay grazing fees, which was clearly against the law. They also say that rather than working with authorities to come to a resolution on land use, he and his followers provoked a dangerous armed confrontation with rangers, sheriffs and our authorities, leading to felony charges.

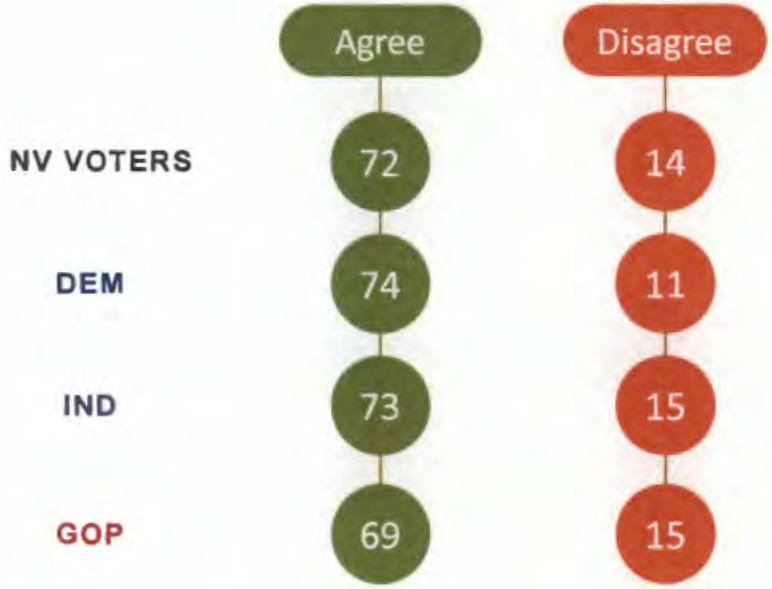
Based on what you have heard, do you agree or disagree with Cliven Bundy and his supporters?



Nevadans value collaboration over confrontation and shy away from candidates supportive of Bundy

Even a fifth of Republicans are less likely to vote for a candidate supporting Bundy.

As Nevadans, we should prioritize collaboration on public lands issues over conflict with the federal government



If a candidate for office supported Cliven Bundy and his cause, would you be more or less likely to vote for that candidate, or would it not make a difference in your vote?

RECOMMENDATIONS

Political Cheat Sheet for Candidates

ISSUE	REPUBLICAN CANDIDATES	DEMOCRATIC CANDIDATES
Nevada's public lands are an important part of what makes Nevada a good place to live.	✔	✔
Protect access to outdoor spaces for camping, hiking, hunting, fishing, and other outdoor recreation	✔	✔
Help promote and expand our outdoor tourism economy	✔	✔
Invest in the development of renewable energy sources like wind, solar and geothermal	✔	✔
Designate the Gold Butte area as a National Monument	✔	✔
There is too much public land in Nevada	✖	✖
Store nuclear waste at Yucca Mountain	✖	✖
Open up more wilderness areas to motorized vehicle use	CAUTION	✖
Open up public lands to more private development	✖	✖
Sell public lands to reduce the budget deficit	✖	✖
Support Cliven Bundy	CAUTION	✖

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GOLD BUTTE SUPPORT BOOK

Nevada's Piece of the Grand Canyon

January 2015 – May 2016

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Local Elected Official Support

City of Mesquite

WHEREAS, Mesquite has previously passed resolutions 649 in October of 2009, and 669 in May of 2010, which resolutions are outdated, stale, incomplete, and fail to accurately represent to the Federal Government the City Council's present views; and

WHEREAS, working with local jurisdictions to develop an effective management plan will lead to the establishment of long-term protection, use and free enjoyment of the natural and cultural resources within the Gold Butte area;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Mesquite that Resolutions 649 and 669 of the Mesquite City Council are repealed and in their place, the City Council conditionally supports the designation of the Gold Butte Complex as a National Conservation Area subject to the following conditions:

1. The Gold Butte area shall not have any newly designated "wilderness areas;"

2. The roads throughout the Gold Butte complex shall not close at any time, day or night, even if the area is designated as a National Conservation Area, for any reason, excepting only acts of God, in which case the roads may be closed for bona fide emergency purposes for not longer than seven (7) calendar days;

3. No restriction shall be made relating to the access or use of any mechanical or motorized vehicles;

4. Access and use for the purposes of obtaining, studying, observing, carrying away, piping, transporting, welling, preserving, collecting water and/or any other such purpose related to those aforementioned and/or to water shall not be abridged;

5. Any National Conservation Area designation shall have a northern boundary located running east to west through the area commonly known as Whitney Pockets, found in the southern portion of what is more technically known as Township 16 South, Range 70 East;

6. Any advisory council established for the purpose of governing or assisting in the governance of Gold Butte shall allow for various seats to be appointed by the City Council of the City of Mesquite; and

7. If a visitor's center is built, it shall be built within the city limits of Mesquite.

IN WITNESS WHEREOF, the City Council of the City of Mesquite hereby adopts Resolution No. 847.

PASSED, ADOPTED AND APPROVED by the City council of the City of Mesquite, Nevada on the 28 day of April, 2015.

THE CITY OF MESQUITE:

By: Allan S. Litman
Allan S. Litman, Mayor

ATTEST:

By: Joy Eastwood
Joy Eastwood, Interim City Clerk

APPROVED AS TO FORM

By:
Robert D. Sweetin, City Attorney

Susan Holecheck, Former Mayor, City of Mesquite

March 18, 2016

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

As a former Mayor of the City of Mesquite, preservation of Gold Butte was and continues to be at the forefront of my desires. For decades much of the land known as the Gold Butte complex has been designated as an Area of Critical Environmental Concern and concern has was always focused on how the BLM managed the area around Lake Mead and Gold Butte.

Indeed, in or about May/June 2013, both Senator Harry Reid and Congressman Horsford advanced legislation for the management and preservation of Gold Butte. Congressman Horsford's legislation H.R. 2276 mirrored Senator Reid's in setting aside approximately 350,000 acres south of Mesquite and Bunkerville, extending to the shores of Lake Mead. Approximately 120,000 acres would have been designated wilderness at scattered spots throughout the region. But more importantly, in an attempt to achieve inclusiveness and to build a consensus, each piece of legislation established a Virgin Valley Advisory Council.

Despite these efforts within the last ten years and as a result of delay, this treasured landscape has seen a larger increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

I, and many others, believe the time has come for preservation of this wonder for generations to come. Gold Butte is not just about preserving a treasure for Clark County or Nevada, but rather one of America's wonders. Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. Every year millions of Americans spend time outdoors. When people visit public lands and spend time in recreational pursuits they frequently spend money in local communities on lodging, meals, gear, licenses, etc. As we just now begin to emerge from the not too distant recession, economics must remain an awareness for all. In 2010 an estimated 5.9 million

tourists visited BLM lands in Nevada and those visits had an economic impact of $283.6 million dollars. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

I ask you to help us create a legacy by taking action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Susan M. Holecheck, C.P.O., R.P.

(b) (6)

cc: Senator Harry Reid
Congresswoman Dina Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Karl Gustaveson, Former Councilman, City of Mesquite

November 19, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

For me, a former Mesquite City Council member, it is important to preserve Gold Butte because it also means we continue to make Mesquite a better place to live. I have seen Mesquite grow and decline as the state economy has had ebbs and flows. Our community can better withstand those ebbs and flows if we take advantage of what is in our backyard. Gold Butte is a unique treasure. Protecting this area will enhance both attract new visitors to help support our economy and provide a higher quality of life for those who live here.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Karl Gustaveson

(b) (6)

Clark County Latino Democratic Caucus

March 18, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to events in the last two years, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a community leader Gold Butte is a piece of cultural and historical significance to Nevada and needs to be preserved now and years to come. We need to preserve Gold Butte because it also means we continue to make Nevada a better place and where future generations will enjoy and be proud about. We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's cultural, environmental. and economic benefits for future generations.

Sincerely,

Al Martinez
Chair
Latino Democratic Caucus
6233 Dean Martin Dr.
Las Vegas, NV 89118

cc: U.S. Senator Harry Reid

Ricki Barlow, Councilman, City of Las Vegas

City of Las Vegas

Ricki Y. Barlow
Councilman, Ward 5

November 24, 2015

Senator Harry Reid
333 Las Vegas Blvd., Suite 8016
Las Vegas, Nevada 89101

Dear Senator Reid,

For a number of years, Southern Nevadans have been protecting the dynamic, natural landscapes that make our region unique. Places like Red Rock Canyon, and Mt. Charleston, are a source of local community pride. They improve our quality of life, and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources.

Gold Butte is a treasure trove of cultural, historic, and natural wonders, covering almost 350,000 acres of public lands in South-Eastern Nevada. These wonders include thousands of petroglyphs; traces of the Spanish conquests of the Southwest; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

As a Las Vegas Councilman and native, it is important to preserve Gold Butte for our residents and visitors alike. I would like to urge you to take action to permanently protect Gold Butte by utilizing your powers under the Antiquities Act by the end of your term. If you should have further questions as to my support for this request, you may contact me at 702.229.5443 or by email at rbarlow@lasvegas.nevada.gov.

Sincerely

Ricki Y. Barlow
Las Vegas Councilman, Ward 5

495 South Main Street • Las Vegas, Nevada 89101 • (702) 229-5443 • FAX (702) 464-2900
rbarlow@lasvegasnevada.gov • www.lasvegasnevada.gov/ward5

Issac Barron, Councilman, City of North Las Vegas

Mayor
John J. Lee

Council Members
Anita G. Wood
Pamela A. Goynes-Brown
Isaac E. Barrón
Richard J. Cherchio

City Manager
Dr. Qiong X. Liu, P.E., PTOE

Office of the Mayor and City Council
2250 Las Vegas Boulevard, North · Suite 910 · North Las Vegas, Nevada 89030
Telephone: (702) 633-1011 Fax: (702) 649-0038 TDD: (800) 326-6868
www.cityofnorthlasvegas.com

11/23/15

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Esteemed Mr. President,

I hope this holiday season finds you and your beautiful family in the utmost of health and happiness. You may or not remember me, but we have met on a few occasions when you have visited Las Vegas. The last time was when I was part of a small group of three teachers (a former student of mine, and a colleague teacher) who met with you here in North Las Vegas, at Canyon Springs High for an intimate education forum during a 2012 campaign visit. It was the dialogue of a lifetime! Although I'm still a high school teacher, I was elected to the position of city councilman, the first Hispanic elected to the North Las Vegas City Council. As such, I relish the opportunity to advocate for economic, social, and environmental causes that impact my community such as universal background checks, support for our Tule Springs National Monument (thank you!), the Basin and Range National Monument (thanks again!), and comprehensive immigration reform/DREAM Act. I now write you to support our community's efforts to protect another unique and priceless public land: Gold Butte.

As an avid outdoors enthusiast, I've come to appreciate the solitary beauty of our western lands. Not only have I introduced my own children to these priceless natural wonders and familial outdoor recreational activities, but I've supported efforts to introduce my high school students to also engage and appreciate our natural environment. The value I've always instilled, both to my family and students, is the fragility and irreplaceability of these public treasures. Whether they are natural formations, wildlife, water resources, or ancient human paleontological sites, once damaged, or destroyed, they are irreversibly erased from the legacy that we have a duty to preserve for our children, and theirs in turn. I urge you to please continue your environmental leadership in protecting Gold Butte here in southern Nevada, an area I can attest to its beauty, fragility, economic importance, and vulnerability, by declaring it a national monument. It is vitally important that we safeguard Gold Butte, as well as the region's cultural, and environmental benefits for future generations.

Sincerely,

Isaac Barrón
City of North Las Vegas Councilman, Ward 1
(702) 633-1011
(702) 375-7865 mobile
barroni@cityofnorthlasvegas.com

Teacher/Advisor
Rancho High School
North Las Vegas
ibarron@interact.ccsd.net

Elliot Anderson, Assemblyman, State of Nevada Assembly

OT T. ANDERSON
ASSEMBLYMAN
District No. 15

VMITTEES
Member
Education
Judiciary
tive Operations
d Elections

DISTRICT OFFICE:
3135
Las Vegas 89121
Twitter

LEGISLATIVE BUILDING
Fax No.

State of Nevada Assembly

Seventy-Eighth Session

December 17, 2015

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue North West
Washington, D.C., 20500-0001

Re: Petitioning for Permanent Protection of Gold Butte

Dear President Obama:

This past legislative session, I was proud to stand up to protect our public lands. When reckless lawmakers said that Nevadans should pick up the tab to manage these lands and said people like Cliven Bundy should control America's public lands, we said NO. That's not the Nevada way. We can do better than that.

I'm also a proud veteran. Veterans value national public lands for many reasons. Like so many Americans, veterans count on our national public lands for fishing, hiking, camping, and hunting. For some of my fellow veterans, our ties to our public lands are deeper than that. We turn to the outdoors to heal from the trauma of war and renew bonds with family members after long deployments.

Protecting our lands is one way that America can give back to its heroes who have paid such a high price for our freedom. After all, the members of our military were the first protectors of our public lands and our nation's stories are protected in these lands.

Gold Butte deserves to be counted among the legendary places that are etched forever in our American landscape—Gold Butte, literally, is Nevada's piece of the Grand Canyon, and it deserves the same protection that the Grand Canyon enjoys. The time is now to make sure this protection happens.

I strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural and environmental benefits for future generations.

Sincerely,

Assemblyman Elliot Anderson

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Heidi Swank, Assemblywoman, State of Nevada Assembly

HEIDI SWANK
ASSEMBLYWOMAN
District No. 16

COMMITTEES:
Member
Education
Natural Resources, Agriculture, and Mining
Ways and Means

State of Nevada Assembly

Seventy-Eighth Session

DISTRICT OFFICE:
546 Barbara Way
Las Vegas, Nevada 89104-2858

LEGISLATIVE BUILDING:
401 South Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8595
Fax No.: (775) 684-8533
Email: Heidi.Swank@asm.state.nv.us
www.leg.state.nv.us

November 19, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada, that translates as almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

For me, as an Assemblywoman in the Nevada Legislature, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live. I along with many of my constituents are avid outdoors people. We enjoy hiking, camping, and fishing. Gold Butte is one of the gems that we want to see protected. We want to ensure that future generations of Nevadans and Americans will be able to enjoy its beauty.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally

important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Heidi Swank, Ph.D.
Assemblywoman, District 16
Nevada Legislature

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Tribal Support

Moapa Band of Paiutes Members

GREGORY T ANDERSON SR.
(b) (6)
Cell: (b) (6)

February 29, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, as a Native American Indian, from the Moapa Band of Paiutes, this land is my Ancestral homelands. My dad's step-dad was born in Gold Butte in the late 1800's when my people lived freely in the area for many thousands of years without fences or borders. I was born and raised in Moapa, Nevada. I roamed all over these lands since I was a child. Our homeland has many sacred sites that we continue to visit to this day. We were the caretakers of this land until the government told us they would now do this. It is sad to see the destruction that is happening all around. Who is protecting the animals from poachers and people driving too fast and running them over? What about our stories on stone, who is protecting them from vandalism and carrying them off? Who is preventing our desert plants from being run over as new roads are forming everywhere? These plants have helped us to survive in the dessert for food and medicinal purposes. Who will ensure that our values we grew up with will be protected?

It is important to preserve Gold Butte because our history is written on stone in this area. The bighorn sheep is one of our most sacred animals to our people. There are many stories associated with this powerful animal as can be seen by the petroglyphs throughout this land. We need to protect these stories so we can continue to bring our future generations here and continue our traditional storytelling and always have that connection to the land.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Gregory T. Anderson Sr.

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

October 25, 2015

Dear Mr Reid,

I'm out here at Gold Butte. This Sunday Oct. 25, 2015. I'm a member of the Moapa Band of Paiutes. Also a member of our Cultural Comm.

Being here at Gold Butte makes it a privilege and honor as a Native Paiute. To walk on the land of my Ancestor's. And see the rock Stories. It's a cloudy day and to see and be in the area. Yes, the desert area needs to be preserved. And to witness the day whether Sunny, Cloudy, is so beautiful. Everything the rocks, plant's and the color's change at different times of day. So everytime I come out to Gold Butte I see it thru new eyes. And I'm Thankful for Creator and his Keepee of our Sacred Areas that take the veil from my eyes to see differently each time I come.

Keep on being with us on Gold Butte issues.

Thank You

(b) (6)

Date: 10-25-15

Dear Mr. Reid, I am a member of the Moapa Band Paiute tribe and I support the protection of the Gold Butte area. I have just taken a hike in these sacred areas. I would like to thank you for being a supporter to protect these places. The Southern Paiute people have many ties to these areas, they are in fact ancestral Lands to our people. I felt at home hiking these beautiful and amazing sites. It would be disaster to let people tare up these sites. I do not approve of the grazing of cattle. I would like to once again thank you for protecting these sites. I hope all the officials that have a vote on the protection of the Gold Butte site would take the time to hike the trails of Gold Butte and realize the beauty of our great state of Nevada.

Sincere[redacted]

10/25/15

Dear Mr. Reid,

First off, I want to thank you for being a supporter / protector of the Gold Butte area. I am a member of the Moapa Band Paiute Tribe and I support everyone, espically you who supports the Gold Butte area. The Gold Butte area is a very, very sacred place to us. Thank you so much for being a protector of this area. This area is ~~breathtaking~~! And it is very special to all of us members. I am so thankful I was able to take pictures of this amazing sacred place. I would hope that everyone would / could come to this spectacular place. I'm thankful for this whole experience today. I am thankful for ya'll, for protecting these areas. If I were to picture someone being distructive to these lands. I am ~~positive~~ positive I would fall apart. I support ya'll infinetly forever for ~~be~~ being a protector.

Sincerly,

(b) (6) [redacted]

I Want to
#protect goldbutte

I Want to
#protect goldbutte
STOP
COAL
SIERRA
CLUB

I Want to
#protectgoldbutte
SIERRA CLUB

I Want to
#protectgoldbutte
(^•^)
SIERRA CLUB

I Want to
#protect goldbutte

I Want to
#protect goldbutte

I Want to
#protectgoldbutte

I Want to
#protectgoldbutte

PROTECT OUR
SACRED LANDS
#PROTECTGOLDBUTTE

I Want to
#protect goldbutte
SIERRA
CLUB

The Sites That
We The People
hold Sacred
Made Your world Possible
Protect Us
As America's Forfathers
We're watched over
SIERRA CLUB

PROTECT
GOLD BUTTE

Las Vegas Paiute Tribe

Las Vegas Paiute Tribe

November 23, 2015
President Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protecting Gold Butte Protects the Heritage of Our Country and the Heritage of the Paiute People

President Obama:

Gold Butte is a treasure of cultural, historic, and natural wonders, covering almost 350,000 acres of public lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of the Nuwuvi. Gold Butte houses thousands of rock stories detailing the knowledge of a people. Gold Butte is home to ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. Gold Butte is also sacred land, as it is part of the Salt Song Trails, the sacred songs of the Nuwuvi people. The songs describe a physical and spiritual landscape spanning ocean and desert, mountains and rivers, life and death. The Salt songs are sung during the ceremonies of the Southern Paiute, Nuwuvi. These ceremonies are held when a member of the Tribe passes away. The songs describe the geographical features of a region, meant to remind the spirit of where they are from, so the spirit can find his or her home.

Protecting Gold Butte is to protect what is left of the physical, tangible reminders of the heritage and history of the Nuwuvi. These tangible representations of the tribe's history give the Nuwuvi a small hope for the continuation of the tribe's existence. Gold Butte also serves as home to rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep. Dramatic geological features such as sculpted red sandstone, rock spires, and fossil track-sites dating back 170 to 180 million years ago are also at risk.

Southern Nevadans have been protecting the dynamic natural landscapes that make our region unique. Places like Red Rock Canyon and Nuva Kaiv (a.k.a. Mt. Charleston) are a source of local community pride for all the residents of the Southern Nevada community. Furthermore, protected public lands improve our quality of life and help to promote our tourism-based economy. As Native Americans and members of the next generation that

Number One Paiute Drive • Las Vegas, Nevada 89106-3261 • (702) 386-3926 • Fax (702) 383-4019

carry on the traditions and knowledge of our cultures, we understand the need to protect cultural resources.

Adding to the benefits of preserving history and culture, the protection of Gold Butte can increase tourism, which is the lifeblood of Nevada. Outdoor recreational tourism is a significant part of that revenue. Each year, outdoor recreation raises over $646 billion in consumer spending and creates over 6.1 million jobs nationally. In Nevada, that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs that can help support local tribal communities. We can continue to improve these statistics by ensuring permanent protection for Gold Butte.

Time is running out for protecting Gold Butte. Recent events have incited significant physical damage to the area in the last 18 months. Gold Butte's treasured landscape has seen an increased destruction to ancient rock stories, cultural sites of the Moapa Paiutes, and all the Nuwuvi.

For our tribe, it is important to preserve Gold Butte because it is a sacred area with high historical importance, both to the Native peoples and Southern Nevada.

We support current efforts in Congress and the full engagement of interested stakeholders to protect this scenic and unique area. Should a legislative solution prove unworkable, however, it may become necessary to utilize the Antiquities Act of 1906 to protect Gold Butte before irreparable harm is caused to the area. We urge you to keep this option viable during your Administration.

The Las Vegas Paiute Tribe is committed to advocating for the protection of sacred Native lands throughout Nevada, as well as the country. The desecration of these sites is not uncommon and must be averted to preserve and protect the cultures of Native peoples in addition to preserving these lands for future generations of all Americans to enjoy.

Sincerely,

Benny Tso
Chairman, Las Vegas Paiute Tribe

Gold Butte, and tour facilitated by Sierra Club on 1/16/16, documents the history of this area and importance to the native american community.

Having this area protected, I greatly support. Allowing future generations the opportunity to experience petroglyphs and harmony of nature. ~~and many~~ is one of immense importance.

I would like convey my support for the preservation and protection of region of Gold Butte

Thankyou,

(b) (6)

January 16, 2016 Gold Butte hiking

- The gunshot damage on the interpretive signs at the first stop was appalling. The signs need to be replaced. I have visited national parks and monuments in many states (California, Arizona, New Mexico, Oregon Washington, Wyoming South Dakota, Virginia and Washington DC) and other countries, but I have never seen bullet hole damage. It seems dangerous and disrespectful to me. Likewise, the bullet hole damage on rock next to some petroglyphs was horrible.

- The free roaming cattle were another disturbing sight. I saw about 10 cows up close. The adult cows and calves were emaciated and scrawny. I saw ribs sutting out on several cows. Even free range cattle need supplemental feed (hay, alfalfa) to survive and be healthy. In addition, these cows are eating native vegetation, compacting soil and polluting the water.

- The geology of Gold Butte is unique. The colors and patterns of the rocks was beautiful and astounding. I haven't seen this at other national parks and monuments in the U.S.

- The petroglyphs were intriguing, plentiful and well preserved. I worry that people will desecrate and vandalize them. I understand that BLM is dealing with a hostile local landowner, but he should not dictate how public land is managed. Please protect Gold Butte with additional federal designation like national monument status

- This site is part of America's cultural and natural heritage. This area is important to Native Americans today

The natural surrounding of the rocks and terrain where beautiful, especially the petroglyphs.

Going through the prayer ceremony with Paiute people was inspirational and provided a real sense of connection to the people and the land.

(b) (6)

cows
There starving, malnourished, about 10 cows more or less. The calf looked lonely even though he stood with his family. Its like they knew they were dying.

Beautiful trails, the maintenance was well preserved. Happy to see the place was not trashed.

The bullet holes were horrible There should be more of an effort to preserve all of the petroglyphs.

What kind of person do you think does something like that?
— someone w no morals, no intelligence.

(b) (6) interviewing (b) (6)

It was a
Wonderful
experience.

A sight many
people don't get
to experience

Definitely needs
to be protected
for future generations
to come.

Lots of history
behind the rocks
and in between
the trails.

His sacred ground
which needs to
be shown to the youth.

Various repairs need
to be addressed
in regards to signs
and roads

Vandalism throughout
area, rock damage,
sign damage from gun shots

Cows roaming on land &
clearly starving

(b) (6) / (b) (6) (1 16 16)

This area is history, history that has stood the test of time and that is really incredible to me. I really do not understand how anyone could come to this area and disrespect it. The thing that baffles me the most is the fact these grounds are not being protected. There are bullets holes on the sides of mountains and it really is just shaking. I want this area, this land, and this history to be protected for future generations to come enjoy and learn more about. Please, Please, Please,

PROTECT
GOLD
BUTTE!

This land is so beautiful and the contrast of the vandalism is so obvious. If this really is our public land then people should not be using it for their own private interest and gain.

(b) (6)

1.16.16
The hike was nice, lots of beautiful rock writing. Sad to see the skinny cows, gun shots to the bulliton area and to some of the rock writing area.

Hope this area can be preserved for the future. This can only happen thru our brothers keeper.

Thanks

(b) (6)

1.16.16

Starving & skinny cows along the side of the road wasn't a nice sight.
The rock formations and the rock writing and pictures were beautiful.
I learned to protect and preserve our history. So those later on in the future can enjoy them as well.

Thank you

(b) (6)

1.16.16 Gold Butte

Our trip started with seeing the bullfrog shot up and cows that didn't look to good - too skinny.

The area was beautiful with picture/rock writing, and the hike was great. I did see areas where the picture/rock writing was damaged with gun shots.

Hoping for preservation for the future, this area is too beautiful to lose.

Thanks

(b) (6)

Noticed Burned rocks and bullets that were shot on some of the rocks that caused discoloration and most of them were done on the sacred natived American petroglyphs it was surrounded the beautiful rocks of the red rocks and especially the Giant Cactus trees beautiful views good place for picture perfect photos the sun was reflecting and no trash needed to be picked up.

(b) (6) Jan 16, 2016

This is my first trip to Gold Butte. It was breathtaking. I am fortunate enough to have been able to take my son with me and share in this wonderful experience. However there is a part of me that is saddened over the lack of respect of people visiting to this historical & beautiful place. I am Native American and Gold Butte is a Cultural historical site. It is filled with petroglyphs As a Native and as an American I believe this area needs to be protected It is apart of my peoples history which is American history. Our culture has lost so much at the hands of the government by the neglect of Gold Butte cultural genocide continues Please protect this area so that we can continue to preserve our history & I can continue sharing it with my children Gold Butte is sacred to my people to hurts to see it riddled with litter, bulled holes, graffeti, & emaciated Cattle.

(b) (6)

This Place needs to be Protected!!! This Place was cool to see, WE NEED TO PROTECT THIS AREa!!!! We also need to Protect and save the animals. And to fix the signs. I Sad bullet holes in the signs And I thought to my self Who would do this,

Gold Butte needs love!
It need support!

(b) (6)

Las Vegas Paiute Tribe: March 2016 Youth Outing

Questions: 1) Draw your favorite petroglyph, 2) What was your favorite part of your day, 3) What made you sad to see

Dont Destroy!
It's to beautiful.
It doesnt hurt you so
why hurt it!

It's a-o-rcally sad seeing the cows. There starving.
Image being the cow. How would you feel. There all skinny. They looked so sad. The look in their eyes.

(b) (6)

(b) (6)

5-24-16

(b) (6)

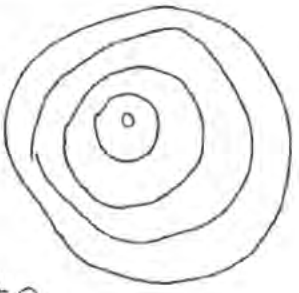
(1)

(2) The trip was amazing because we got to walk [redacted] & get to know some other people. The Best part was the Holes that I found & Story behind the drawing on the rock sorry can't spell the name of it.

The Bullet hole 3

(b) (6)

March 24, 2016

1. 

2. My favorite part about Gold Butte was the beauty of it, ~~and~~ climbing, and exploring the area.

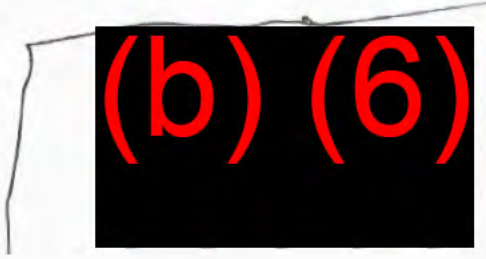
3. The things that I didnt like see was when people were craving there names or picture on the rocks. They should respect the area.

1

1) News paper Rock was my favorite

2) ~~Eating~~ and getting interviewed

3) I didnt like the little cow and the bullet holes



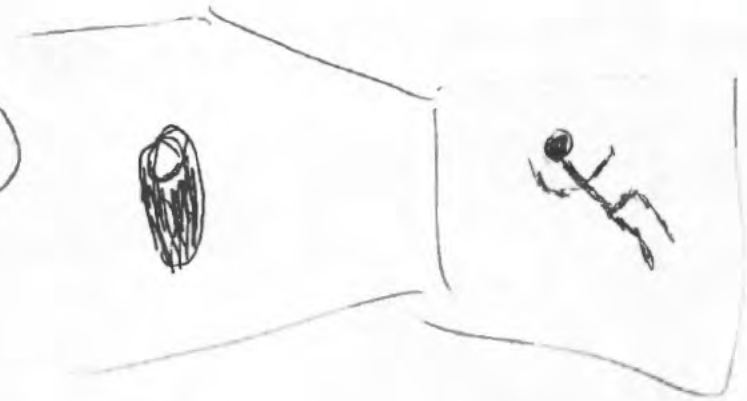
1. Favorite petroglyph- Newspaper rocks petroglyphs

2. Favorite part - Eating, interviews, and overall being there and getting away from city

3 - why should it be protected? What didn't like? It's a small land cow bullet holes

(b) (6)

1.



2. I like that these brushes are out and make us explore and learn our grate history

3. I think it was fine but should have had more things to do around the area.

(b) (6)

March 24, 2016

1. The petrographs were all amazing My favorite one had to be the Cradels of the wolf man

2) My favorite part about Cold Butte was being able to explore a new place. Also to learn able the history of our native people threw the petrographs

3) Cold Butte had things that I thought was disrespectful to our peoples artwork. There was gun shot holes in the hills and peoples name that they carved in. Those were the few things I didn't like

(b) (6)

1.

2. The thing that I like most about Gold butte was the scenery.

3. The thing that should have been there was the names of the people who carved their names into the rocks

Southern Paiute: Earth Day Walk 2016

April 23, 2016

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is GREGORY TANNERSON SR. and this my personal story about Gold Butte AS I WAS RAISED I WORKED FOR [illegible] RANCH I HERD CATTLE HERE WOULD BUTTE AND MY DAD'S STEP DAD WAS BORN HERE AS WAS I AND I'VE SEEN MANY SITE AND ONE DAY MY FATHER IN LAW AREA THAT WERE SPECIAL PLACES TO TRIBAL PEOPLE, I'M A MOAPA TRIBAL MEMBER

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature [signature]

Print Name: GREGORY TANNERSON SR

Address, City, State, Zip:

April 23, 2016

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is [illegible] and this my personal story about Gold Butte [illegible] I believe that [illegible] are a closed book" we have to be open and read, without the people from of this area, none of this will come to pass. The people of this are have a right to the stories written on the rocks, a history that is yet to be told, and passed on to generations. People need to respect this area so its story can be told. Once it's gone, what is erased can never be re-written.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely, [illegible]

Signature [illegible]

Print Name: _____

Address, City, State, Zip: [illegible]

April 23, 2016

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is [redacted] and this my personal story about Gold Butte

I'm Moapa Paiute. Nuwuvi. This place is beautiful & Sacred. Today was a good Strong walk. I walk for all my people that can't I feel their strength. I hope we can reclaim this Sacred place. I pray we are able to get GB back to Nuwuvi. May we continue to look after this place in a way & Save whats here.

THANK You.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature [redacted]

Print Name: [redacted]

Address, City, State, Zip: (b) (6) [redacted]

April 23, 2016

Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is Aletha Tom and this my personal story about Gold Butte
I am a member of the Moapa Band of Paiutes in So Nevada. I had the opportunity to be a part the Walk in Gold Butte. When we speak of Native Indian land. The written messages on the Rocks (Petroglyph) are Speaking of the Native Ancient people were here long ago... We have a lot of respect for the land, We Ask for your support to Preserve the Ancient lands and the petroglyphs. that are being vandalized. by other's that don't understand what the Lands & Writtings of Rocks, that are Sacred to us -
We thank you for the support.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature Aletha Tom

Print Name: Aletha Tom

Address, City, State, Zip: (b) (6) [redacted]

April 23, 2016
Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Paiutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is Iris Dabrolla and this my personal story about Gold Butte
Today for Earth Day we are at Gold Butte which we walked 11 miles. A great event which was for Our Paiute Tribes; and friends of our Paiute People - A awesome time was had by all - We ask that you help us to obtain Gold Butte or have a monument anything that would keep this for for us.
Thank you in advance - Any thing you do would be greatly appreciated.

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature Iris

Print Name: Iris Dabrolla

Address, City, State, Zip: (b) (6) [redacted]

April 23, 2016
Dear President Obama,

Gold Butte is a sacred place to our people, covering almost 350,000 acres of lands that were once part of the original reservation of the Moapa Band of Palutes. The history of Gold Butte is integral with the history of Nuwuvi. Gold Butte is home to thousands of rock stories detailing the knowledge of our people, ancient campsites, agave roasting pits, and ancient trails that go back thousands of years. The area is also part of the Salt Song trails sacred to Nuwuvi people.

My name is Kenny Anderson and this my personal story about Gold Butte
What a ~~beautiful~~ day,
I'm here for support, and preservation
OF our land. We are all related Paiute
Ancestors have been on this land since time immemorial
petroglyphs hold stories of our people. Place is being destroyed

We have seen that the recent chaos in Gold Butte has led to grave robbing, illegal development and road building, vandalism of petroglyphs, and destruction of cultural sites. Each day that passes without additional protection for Gold Butte puts our sacred sites and traditions at risk.

We are calling on you to protect Gold Butte as a national monument before it's too late!

Sincerely,

Signature KAnderson

Print Name: Mr Kenny Anderson Las Vegas Paiute Tribe Cultural & So. Paiute Language group

Address, City, State, Zip: (b) (6) [redacted]

Business Support

September 2015 Business Support Sign-on Letter

September 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve Nevada's quality of life and help to drive the economy. As part of the business community, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing the "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. Ensuring a high quality of life gives businesses a competitive advantage to attract top talent. Protected public lands contribute to that quality of life.

We strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Advanced Marketing Collateral
Advantage Landscape
Anchor Chiropractic
AVI Wear
Axiom Consulting Solutions
CMWireless
Coosha Travel
CP Group
Craig Tann Group
Desert Wildlife Consultants LLC
Design SLS
deSpain deSigns
Einstein Bros Catering
Emenai de Quince Photo
Expo Ease
Expressions Catering
FortuneDNA
G.A.T.E. – International American Consulting Group
Gaia Flowers
GlutenZero Bakery
Greenway Pest Services
Hunter Marketing Group
KEEN Footwear
Large Vision Business Network Mixer
Latin Chamber of Commerce
Liberty Mutual Insurance – Individual Sales Agent
Man G
Morton Group
Nationwide Insurance – Individual Sales Agent
Nevada Outside

Nuila Events	Realty Executives	The Atrium at Henderson
Onsite Lasermedic	Reliable Banner	Tipsy Totes
Palm Mortuary	Sage Design Studios, Inc.	Urban Cairn Productions
Patagonia	SH Architecture	Vadeal Print
PI Media	Soft Water Specialist	Valley Paralegal Services
Quick Claim USA	Soul Appeal	VegasGiant
R&D Events	Strategic Note Network	Vik Chohan Photography
RE Editorial Services LLC	TerraFerma Real Estate	WonderLand

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Advanced Marketing Collateral

November 19, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

We know that tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

As a business owner, I interact with clients from across the country. As part of my relationship building, I talk highly of Mesquite because of its proximity to Gold Butte, and move on to highlight with them why Gold Butte is such an amazing place. I have actually hosted many travelers and taken them to Gold Butte as they stop through town. I feel it is important to preserve Gold Butte so that these treasures can be enjoyed by not only my clients, but everyone who enjoys the outdoors.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Terri Rylander
Advanced Marketing Collateral
Mesquite, NV

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Big Horn Olive Oil Company

BIG HORN
OLIVE OIL COMPANY

Big Horn Olive Oil Company, 8173 Sedona Sunset Drive, Las Vegas, NV 89128

November 17, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As part of the business community, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada, that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. Ensuring a high quality of life gives us a competitive advantage to attract top talent. Protected public lands contribute to that quality of life.

As a small business owner with 3 locations in Nevada that supports a healthy lifestyle, we strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits as well as the outdoor activities for future generations.

Sincerely,

Mercedes A. Burkavage, owner
Big Horn Olive Oil Company
Reno and Las Vegas Nevada
MBURKAVAGE@AOL.COM
775-846-0057

Desert Wildlife Consultants, LLC
3112 Ivory Coast Dr., Las Vegas, NV 89117-2346
702.286.6477
email: jlboone@aol.com
url: DesertWildlifeConsultantsLLC.com
Biological Surveys, Nature Photography, and Outdoor Guiding

November 11, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Basin and Range are sources of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to balance development with protecting the our recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

We know that tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

For me as a business owner and author of birdandhike.com, preserving Gold Butte means having a unique place to guide local and out-of-town visitors while teaching them to love the Mojave Desert. Having Gold Butte advertised worldwide as a National Conservation Area would make Nevada an economically better place to live and a more fun place to work.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by using the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Jim Boone, Member

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

November 25, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

RE: Protecting Public Lands Benefits Nevada's Heritage and Promotes Economy

Scientists and the public in general for many decades have protected not only Nevada's unique landscapes but also the cultural resources that our wonderful state has. Some places like the Tule Springs Fossil Beds, Red Rock Canyon, and Mt. Charleston, not only are the source of the community's pride through their unique landscapes but comprise important archaeological properties.

Approximately 350,000 acres, comprised in southeastern Nevada deserve the protection that not only as scientists, Native Americans and Nevadan's would like to see. We, all recognize the importance of protecting these wonderful and irreplaceable landscapes, not only for enjoyment by future generations, but also to serve as an important outdoor laboratory where archaeologists, like ourselves attempt to interpret and to protect our nations culture and heritage. It is critical that the Gold Butte area, Nevada's extension of the Grand Canyon, be designated as a national monument to ensure its landscapes remain pristine now and well in to the future. That is why presidential action is essential and your presidential decision is imperative.

Protecting the Gold Butte area will mean permanent protection for all archaeological (rock art sites, caves and shelters), geological (fossil beds dating from as many as 180 million years ago) and historical (early mining and ranching) sites, which are irreplaceable resources. This protection will also ensure that the open spaces where all species depend upon for survival remain pristine and untouched, adding to the richness of resources in this area.

As scientists, we urge you, Mr. President, to take immediate action to ensure the protection of Gold Butte before this area suffers from being vandalized and looted, in addition to the decline of wildlife populations due to the destruction of their critical habitat. It is not our intent to restrict land users but to see that the land is used responsibly and preserve it for future generations.

Yours truly,

DeBunch

Patricia A. DeBunch
Executive Director and Owner
Eetza Research Associates

James H. Bunch
Principal Investigator

Gaia Flowers Plant Art

flowers • plants • gifts 6 East Charleston Las Vegas NV 89104

November 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

We know that tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

For me, it is more than the connection of the past to Nevada's future. Gold Butte is an untapped asset that will mean millions of dollars of economic activity as the state's economy is rapidly changing. Looking down the road it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Peter Frigeri
Gaia Flowers Plant Art

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Hispanic Museum of Nevada

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama and Members of Congress:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. From the vibrant sandstone of Red Rock Canyon to the ancient Bristlecone pines at Mt. Charleston, these places are a source of community pride, improve our quality of life, and help to drive our economy. As business owners, we understand the need to protect the region's recreational, cultural, and natural resources and that is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct jobs here at home. Those numbers are sure to go up with the new Basin and Range National Monument and we can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. The region's high quality of life offers us a competitive advantage in attracting top talent, and protected public lands contribute to that quality of life.

It is why we believe permanently protecting Gold Butte will not only secure a variety of cultural, historic, and environmental benefits, but it will also ensure that future generations continue to have opportunities to recreate, explore washes and canyons, and visit the geologic wonders that attract people and keep them coming back. What's more, time is running out to ensure Gold Butte has the protection it deserves. Improved management for Gold Butte is desperately needed as damage is increasing to sensitive and sacred sites.

Therefore, **we strongly urge you to permanently protect Gold Butte.** We are a part of a wide ranging coalition of business owners, sportsmen, outdoor enthusiasts, local and national elected leaders, and conservation organizations supporting preservation of Gold Butte. The local community has worked for well over a decade to preserve this iconic landscape. We know that by supporting this effort we will be protecting Nevada's own piece of the Grand Canyon for generations to come.

Sincerely,

Name: Lynnette Sawyer

Business Name: Hispanic Museum of Nevada

Email: hispanicmuseumnv@hotmail.com Phone Number: (702) 773-2203

Signature: Lynnette Sawyer

KEEN Footwear

November 19, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

On behalf of KEEN's 300 employees in the United States, we write to urge you to preserve Gold Butte, Nevada's piece of the Grand Canyon. On July 28, 2015 we - a humble, family owned, outdoor industry business - launched *Live Monumental*, a rallying cry to protect some of our nation's most deserving places. Places that define America's Legacy. We set out in a bright yellow, 1976 GMC RV to inspire Americans to advocate for five special places whose boundless antiquities – historical, cultural, and ecological - are so magnificent they deserve permanent protection. Places like the Oregon's Owyhee Canyonlands, California's Mojave Trails, West Virginia's Birthplace of Rivers, our country's newest Wilderness, Boulder White-Clouds of Idaho, and of course, Nevada's Gold Butte.

Spanning 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders including thousands of petroglyphs, historic mining and pioneer-era artifacts, dramatic geologic features like sculpted red sandstone and rock spires, and fossil track-sites dating back 170 to 180 million years. However, despite being one of Nevada's most valuable outdoor recreation resources, Gold Butte is also one of the most endangered. In the past 18 months, this landscape has suffered from vandalism, illegal development and livestock grazing, damage to cultural sites, and grave robbing.

For decades Nevadans have been building coalitions and working together to preserve the landscapes that make their region so unique – places like Red Rock Canyon and Mt. Charleston. Not only are these landscapes a source of local and community pride, they drive economy and improve quality of life. A protected Gold Butte offers a wealth of recreation opportunities resulting in significant economic growth avenues.

KEEN is proud to join business and tourism leaders, local residents, elected officials, and outdoor enthusiasts in the effort to permanently protect this heritage landscape of the American West. We strongly urge you to take action to protect Gold Butte by encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856), or by utilizing one of conservation's best tools – the Antiquities Act - to designate this worthy area a national monument. Gold Butte defines America's Legacy and future generations deserve the opportunity to experience it in its entirety.

Sincerely,

Kirk Richardson, Linda Balfour, Kirsten Blackburn

Kirk Richardson, Linda Balfour, and Kirsten Blackburn

CC: The Honorable Harry Reid, U.S. Senate
The Honorable Dina Titus, U.S. House
The Honorable Sally Jewell, Secretary, U.S. Department of the Interior
The Honorable Neil Kornze, Director, Bureau of Land Management
The Honorable Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Patagonia

8550 White Fir Street
Reno, NV 89523

(775) 747-1887
Fax (775) 746-6816

patagonia
SERVICE CENTER

October 16, 2015

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

On behalf of the over 500 employees of Patagonia Service Center, located in Reno, NV, I write to express our strong support for protecting Nevada's piece of the Grand Canyon – Gold Butte. The Gold Butte region contains the essence of our some of our nation's most precious antiquities and it deserves immediate protection; either through the swift passage of the Gold Butte National Conservation Area Act (S.199 and H.R. 856) sponsored by Senator Harry Reid and Representative Dina Titus or through the use of your authority under the Antiquities Act to designate a national monument. Since we opened our facility in Reno in 1996, Patagonia, Inc. has partnered with local conservation groups and law makers to preserve Nevada's deserts, basins, and ranges; from the Black Rock Desert-High Rock Canyon National Conservation Area, to Wee Thump Joshua Tree Wilderness, and just recently, our newest national monument - Basin and Range. We moved our global distribution center to Nevada for many reasons, a primary one being access to the incredible landscape and recreational opportunities that Nevada has to offer.

Time is running out for Gold Butte. For the past 18 months this treasured landscape has seen an increase in degradation of the landscape—from grave robbing, to trespassing, to illegal development, to destruction of critical habitat, and petroglyph destruction.

We believe the time is now to act to safeguard Gold Butte. Thank you for the leadership you have shown over the years on behalf of some of our nation's most precious public lands, and we urge you to support the protection of Gold Butte by calling for Congress to act on the pending legislation or by designating the area the nation's newest national monument. We look forward to continuing to work with you and your Administration to protect Gold Butte now and for future generations.

Sincerely,

Ronald J Hunter
Patagonia Activism Manager
Reno, NV

CC: The Honorable Harry Reid, U.S. Senate
The Honorable Dina Titus, U.S. House
The Honorable Sally Jewell, Secretary, U.S. Department of the Interior
The Honorable Neil Kornze, Director, Bureau of Land Management
The Honorable Christy Goldfuss, Managing Director, Council on Environmental Quality

R&D Events

November 13, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As part of the business community, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. Ensuring a high quality of life gives us a competitive advantage to attract top talent. Protected public lands contribute to that quality of life.

We strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Geoff Rhodes
R&D Events
geoff@rndevents.com
(702) 595-7364
@rndevents
facebook.com/RNDEvents

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

RE Editorial Services, LLC

November 25, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

We know that tourism is the lifeblood of Nevada and recreational tourism is an important and sustainable part of that. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

My decision to move myself and my business to Southern Nevada was largely based on the area's outdoor recreation opportunities and natural beauty, which contribute significantly to my own quality of life here and draw visitors from all around the world. Preserving Gold Butte means we continue to make Nevada an even better place to live and to visit.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, cultural, and environmental benefits for future generations.

Sincerely,

Michelle A. Napoli
RE Editorial Services, LLC

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Sage Design Studios, Inc.

Sage Design Studios, Inc.

1998 Shady Elm St. Las Vegas, NV 89135
ph: 702-303-4714 | fx: 702-256-4078
sagedesignstudios@cox.net | sagedesignstudiosinc.com

November 13, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. We cannot simply rely on the hospitality and gaming industries as anyone who is paying attention to the paradigm shift the Millennials are causing. The direction for a fuller experience of life and a place to recharge happens in the places not made by the hands of man. As part of the business community, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. Ensuring a high quality of life gives us a competitive advantage to attract top talent. Protected public lands contribute to that quality of life.

We strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Name: **Jonathan Spears, ASLA**

Business Name: **Sage Design Studios, Inc.**
Email: **Sagedesignstudios@cox.net** Phone: **702.303.4714**

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Note: By signing this public statement of support you are allowing the Friends of Gold Butte to use your company name on materials, its website, and social media supporting the efforts to permanently protect Gold Butte.

SH Architecture

SH ARCHITECTURE
7250 Peak Drive Suite 216 Las Vegas Nevada 89128
p.702.363.2222 f.702.363.6060 www.sh-architecture.com

August 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama and Members of Congress:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. From the vibrant sandstone of Red Rock Canyon to the ancient Bristlecone pines at Mt. Charleston, these places are a source of community pride, improve our quality of life, and help to drive our economy. As business owners, we understand the need to protect the region's recreational, cultural, and natural resources and that is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct jobs here at home. Those numbers are sure to go up with the new Basin and Range National Monument and we can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. The region's high quality of life offers us a competitive advantage in attracting top talent, and protected public lands contribute to that quality of life.

It is why we believe permanently protecting Gold Butte will not only secure a variety of cultural, historic, and environmental benefits, but it will also ensure that future generations continue to have opportunities to recreate, explore washes and canyons, and visit the geologic wonders that attract people and keep them coming back. What's more, time is running out to ensure Gold Butte has the protection it deserves. Improved management for Gold Butte is desperately needed as damage is increasing to sensitive and sacred sites.

Therefore, **we strongly urge you to permanently protect Gold Butte.** We are a part of a wide ranging coalition of business owners, sportsmen, outdoor enthusiasts, local and national elected leaders, and conservation organizations supporting preservation of Gold Butte. The local community has worked for well over a decade to preserve this iconic landscape. We know that by supporting this effort we will be protecting Nevada's own piece of the Grand Canyon for generations to come.

Sincerely,

Eric M Roberts, AIA
Vice President

John Anderson, RD, LEED AP Curt Carlson, AIA, LEED AP Mark McGinty, RD John Sowden, AIA

Urban Cairn Productions

November 24, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As part of the business community, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

Gold Butte is a national treasure and protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte also means we continue to make Nevada a better place to live. Ensuring a high quality of life gives us a competitive advantage to attract top talent. Protected public lands contribute to that quality of life.

We strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Name: Eric Larsen

Business Name: Urban Cairn Productions

Email: eric@urbancairn.com Phone: 702.326.870s

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

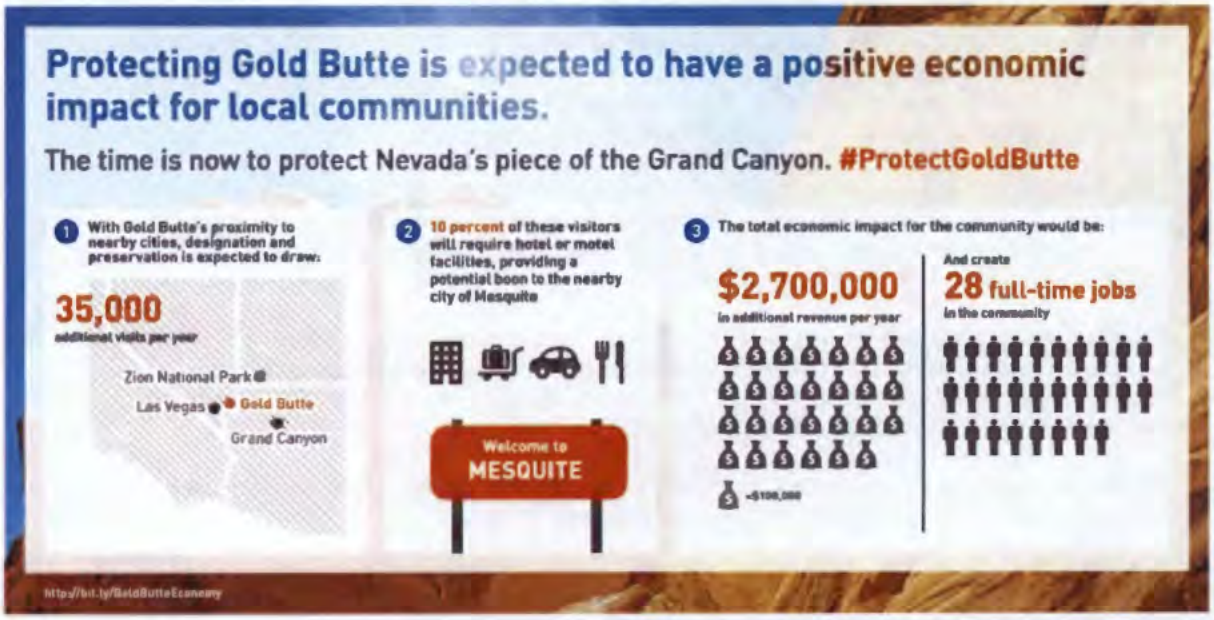
Urban Cairn Productions
Las Vegas, Nevada
eric@urbancairn.com

Economic Impact Support

On November 16th, Jeremy Aguero, Principal and Founder of Applied Analysis, presented a study concluding Gold Butte, Nevada's piece of the Grand Canyon, is a an economic boon to Nevada. The research was conducted for Outside Las Vegas Foundation, whose mission is to connect people to Southern Nevada's special outdoor places. The release of this study coincides with Governor Brian Sandoval's Global Tourism Summit on November 16th and 17th, 2015. Recreational tourism is an expanding marking in Southern Nevada and by permanently protecting Gold Butte we will be growing our economic opportunities.

On November 23rd, Representative Titus and Outside Las Vegas Foundation hosted a tele-town hall sharing the Gold Butte Economic Study results with over 1,600 community members. Participants heard from the both hosts as well as KEEN Footwear, a national outdoor retailer, about the potential economic benefits of protecting the public lands at Gold Butte.

Gold Butte Economic Study - Infographic



Gold Butte Economic Study - Summary

6385 S. RAINBOW BLVD., SUITE 105
LAS VEGAS, NEVADA 89118
T: 702.967.3333
F: 702.314.1439
APPLIEDANALYSIS.COM

APPLIED ANALYSIS

Memorandum

To: Mauricia Baca
From: Jeremy Aguero, Applied Analysis
Date: November 16, 2015
Subject: Gold Butte Economic Study | Public Release
CC: Brian Gordon, Applied Analysis; Chris Drury, Applied Analysis

---

Applied Analysis was retained by the Outside Las Vegas Foundation to review and analyze the economic impacts associated with visitors to a designated Gold Butte National Conservation Area (NCA). Applied Analysis employed a two-step analytical approach, first estimating a stabilized visitor count for Gold Butte and then quantifying the economic impact of these visitors. Below is a brief summary of the key findings from our report as originally issued in February 2014.

Summary of Findings

- **Visitation to the Gold Butte area is likely to increase as a result of the designation.**
  The analysis found that Gold Butte's proximity to nearby cities, including both Mesquite and Las Vegas, as well as various other nearby national parks, monuments, and recreation areas provide a reasonable expectation that designation and preservation of the area would draw an additional 35,000 visitor trips per year.

- **Gold Butte visitors are likely to visit other southern Nevada locales as well.**
  The study found that while most visitors to Bureau of Land Management (BLM) sites are day-visitors, a small, 10 percent subset of these visitors will require hotel or motel facilities, providing a potential boon to the nearby city of Mesquite.

- **Additional economic impact is expected from visitors to Mesquite.**
  In addition to the normal economic impact expected from the average BLM visitor to Gold Butte, Mesquite businesses have the opportunity to capture new overnight visitors, who will need lodging, entertainment, and food and beverages. If just 10 percent of these new visitors to Gold Butte decided to spend the night in Mesquite, the total economic impact for the community would be $2.7 million per year, creating 28 full-time jobs throughout the community.

- **Other further potential economic impacts are possible as a result of the designation.**
  Though the visitation would provide most of the substantial impacts of designation, additional benefits could result as well. Construction of infrastructure as well as additional resources provided at the site by the BLM could provide additional benefit.

If you have any additional questions or comments, please feel free to contact Jeremy Aguero at (702) 967-3333

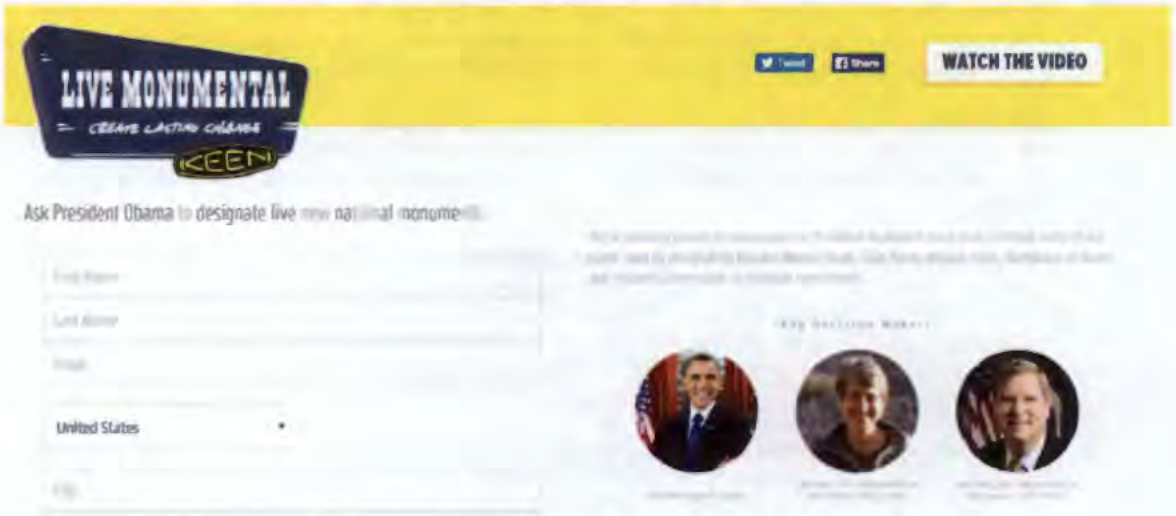
Live Monumental Support

KEEN has partnered with Friends of Nevada Wilderness - and the coalition working to protect Gold Butte - to increase national awareness about the area and need for protection thru its Live Monumental campaign. KEEN's Live Monumental Campaign is a movement to create lasting change.

It is a rallying cry to protect three million acres of public lands for their recreational value. It's about working from the ground up and building consensus among people who play outside. KEEN chose Gold Butte as one of just five areas – out of countless deserving wild lands nationwide – to advocate for its protection as a national monument. Gold Butte was chosen because it is a valuable, iconic, and endangered landscape that needs immediate preservation.

KEEN's Live Monumental campaign support for Gold Butte to date includes:

- A nationwide RV tour and in-state public events to bring national attention to Gold Butte (including an event at Zappos' Las Vegas Headquarters in July 2015 attended by several hundred supporters);
- A national petition gathering garnering additional support for protecting Gold Butte (nearly 500 new supporters from across the country);



- A focus on Gold Butte and the other Live Monumental campaigns at the National Outdoor Retailer show in August 2015;
- A full page ad in Outside Magazine spotlighting Gold Butte and the other Live Monumental campaigns;
- Lobbying Congressional members and the White House officials during a Live Monumental DC lobby week;
- Participating in a tele-town hall hosted by Representatives Titus and sharing its support for Gold Butte; and
- Using it social media channels to raise awareness and submitting an op-ed co-authored with Outside Las Vegas Foundation to the Las Vegas Sun.

Community Support

Gold Butte advocates have engaged over 5,000 supporters who have written personal letters and e-mails, signed petitions and postcard, and made phone calls imploring the local and federal elected to permanently protect Gold Butte. This is in addition to the work of many advocates over the last decade to protect Nevada's piece of the Grand Canyon.

Supporters are aggressively mobilizing during this last phase of Senator Reid's and President Obama's respective terms in elected office, starting with this past February with a call to participate in a "conversation about conservation" hosted Senator Reid and Representative Titus in Las Vegas. The standing room only crowd of over 300 people packed the jury assembly at the Lloyd George U.S. Courthouse to celebrate the new Tule Springs Fossil Beds National Monument at the northern edge of the Las Vegas Valley and to call for the protection of Gold Butte and Basin and Range. Just one person stood up to oppose protecting Gold Butte and any other federal land. It was a testament to the organizing power that the grassroots conservation voters and business and community leaders have when they combine to fight for common causes that help all Nevadans.

This public event was followed up on by several other events including Keen Footwear's Live Monumental Gold Butte event at Zappos in Las Vegas where several hundred people attended and business and elected leaders spoke in support for permanent protection of Gold Butte.

We are now entering a phase of capitalizing on current support and utilizing new tools to recruit even more support including; the release of a comprehensive damage report that highlights the need for protection, and the release of an economic study showing that protecting Gold Butte can be a boon to the local of economy of Mesquite.

After-School All-Stars Greater Las Vegas

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To provide free, comprehensive out-of-school programs that keep children safe and help them achieve in school and in life.

PROUD SPONSORS

November 20, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon. Option

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me, as a non-profit leader in Nevada, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live and expose these beautiful and protected outdoor areas to our youth.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Respectfully,

Ranna Daud
Executive Director

cc: Senator Reid
Senator Heller
Congresswoman Titus
Congressman Hardy
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

After-School All-Stars Las Vegas | 3720 Howard Hughes Pkwy., Suite 240 | Las Vegas, NV 89169 | p: 702.770.7001 | f: 702.737.5778 | www.ASASLV.org

(b) (6)

You shout Save this plase because thare is so mus+ to see. We can make new besver. It is cool. It is the gra+ hike. Thare are amsing, faw. It was fun. It is like a movse. It is avenchr. The new besver are cool. The vow is prite.

(b) (6)

1-23-16

I think that Gold Butte is a cool place to go to because we can see what did the Native Americans lived and why they picked Gold Butte to be their home and did they lives in the mountains with alot of snow and did they hunt animals for their fur to keep warm in the winter. It lices like a good and awesome place to go hiking and camping because you can be with nature a day & night and I think that I'm going to be inspired to see where did the Native Americans lived and how did they survived in the wild without taking shaves every day. How I can save the Desert Tortoise off the danger list because I care for the Animals & Plants in nature. People need to protect nature and it animals and it plants that the eat to survive in the desert. The people is destroy their habitat then the desert tortoise will go extinct in the wild and people do not care about it and that sad to people that care about it.

(b) (6)

1-23-16

Why do I want to save the enviroment of Gold Butte is that people don't have stores and restaurants in Gold Butte and the one thing I had learned today is that we can not make a lot of noise because snakes and spiders is hibernating and a tree bark like a wolf howling at the moon and we can see animals & shapes in the tree branches. I know that the mountains have a lot of holes to hide stuff inside or for animals to live inside of the animals.

There are alot of reason we should rescue Gold Butte There are alot of amazing thing about this national part this is a special part of the world sertent animals live here and if we knock it out lot's of animals will die. The more you go out door's the more to see. There is this one rock called a. Congolomerate its when a bunch of rock's are stuck together. some of the rock's are as red as a juicey apple. Some of the mountain look like Big oreo's. I i would be anything in the Dessert i would be a Red rock mountain. I would Be that Because I would not wanto be Bothered with

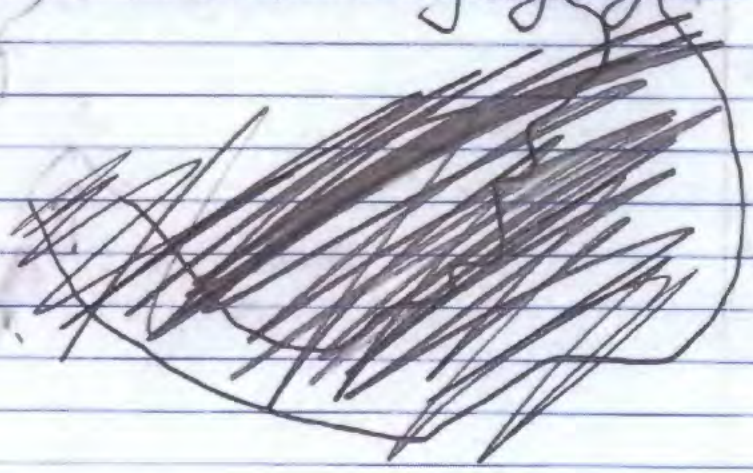
(b) (6) 1-23-16

I think that Gold buttte is a cool because you get to see nature and you see the history of it. you see mountians some with snow and some without snow, you see craters, and plants. Native Americans lived and why did they choose Gold buttte for there home is because Gold buttte had food, water and a place to live. Gold buttte has a cool ~~awsem~~ alsome view and a good place to go hiking and go camping. Gold buttte is a good place to ge more conected to nature and it's animals, People need to protect it so the Desert ~~tort~~ tortis can go off the endanger list. Desert Tortis live in Gold buttte, it's their ~~hardi~~ habitat. and if we destroy their habitat then the Deser tortis will go extiat and that will distruped the food chine and that won't be good.

Saturday
1-23-16

(b) (6)

Although the drive here was long the wait was very well worth for not only did the scenery pay for the wait but as well as the experience that the adventures had given to us today. So as we walked threw the desert we could see the mountain's with hights that could help you to feel the touch of the Sun and the Cool blow of the air. But some people would walk around and not see much it's because when you're here you can't look at the rock's or plant's by them self you have to look at a red rock looking hill alone but the plant's and animals will have to be together So you could feel the full felling it gives you.



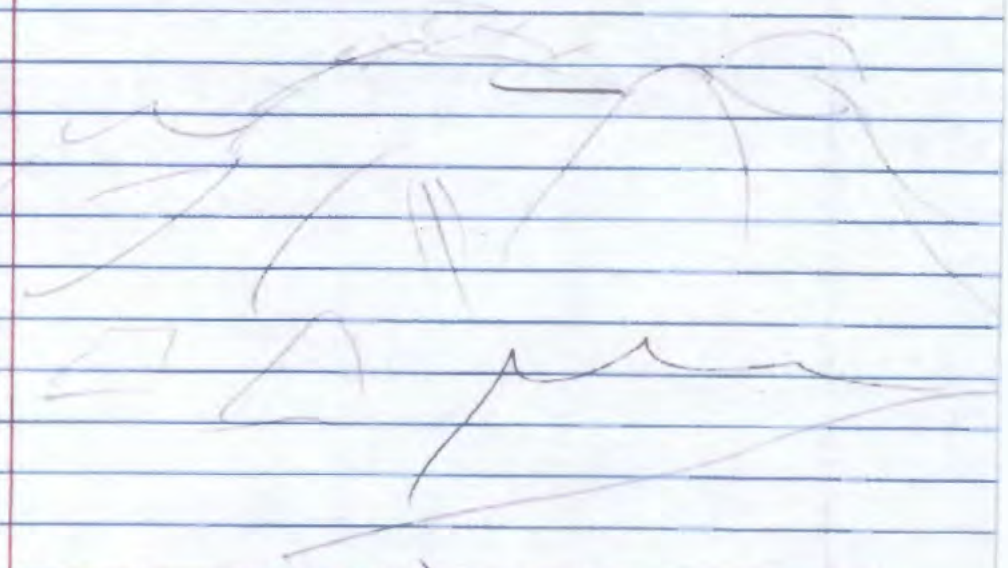
Gold Butte

(b) (6)

This field trip to Gold Butte is the best I've probably ever been to. We've gone hiking through some rocky trails. I even had some pictures taken. As I'm writing this, I'm on top of a mountain on top of a rock. Yes, we went hiking up a mountain. The entire class here are all on red rocks. Wind has made some red sand down the mountain and on the trails. It's such an amazing view from here. I think this is a very special place. To me it is at least. I hope that stores or buildings are never put here. It would be very sad if there was. This place is meant for exploring. Not shopping and living here. It's a brand new special place for me. There are so many fusinating things. Like the red sand from

the red rocks. It's so light and makes your hands smooth when it's in your hands. ~~The rocks are cool.~~ The tiny rocks on the trails are awesome.

You know that when you go to disneyland. well this is exactly like it especially when you go with your friends. this feels like if you were in another world. Not boring citys like Las Vegas. you get to see a sand wonderland Rocks are big and small, Red and gray Now heres a picture to describe it.



on our way to whitney pocket I smell a plant that smelled like when it rains in las Vegas.

(b) (6)

(b) (6)

We need to preserve this area because there are so many pretty and out of the world views here. That really why I like the outside there are rocks & most animals. I love the bumby textures and the smooth wood. So those are reson we don't want to build things here We need to historic sechers. We need to starte haveing clean up projets to make it better. Then I found a fossil where the fossil is located it's very bum-ony & ruff it has a hard on the back. Then in the incress of the rock there smooth. It's as smouth as carpet & as soft as a cloud. Then there a rush very bummy yellow & black rock. We can save this place by have lot's of commity projects. I cant wait to see the next butiful trip we go on it was a life changeing experince! ALSO I got really car sick!!

(b) (6) 1/03/16

That i never seen beefor because i never been to gold butte. I like to be here bause i never seen none of this bause i didn't want out door it like my fist time. This is my fsavite one because it fun and i willn't do this ever egan in my life. And the rocks beacuse some of the rock is big. And i never seen black soil and snaks holes this is my frist time.

I neves seen this and i haven't been on a mountg. And seen some trees and some dieed trees because to have fun. And i can go on the bus and it is bump on the strees. And to have fun because to go and have fun.

You know that when you go to disneyland. well this is exactly like it especially when you go with your friends. this feels like if you were in another world. Not boring citys like Las Vegas. you get to see a sand wonder land Rocks are big and small, Red and gray Now heres a picture to describe it.

on our way to whitney pocket, I smelt a plant that smelled like when it Rains in las Vegas.

(b) (6)

(b) (6) [redacted]

Some Mountains are tall with Snow because they are high up in the sky and when it rains the water gets hard because its really cold up there to.

Rocks have creeks because when it rains the rains falls inbetween the rocks.

January 1/23/16

We should help the Gold beut stay more clean because its part of natuar and nature is apart of life.

My favorite part about this hike is how we discovered alot about the cryptobiotic thats earth and if you wet it will sake up the water and you cant step on the cryptobiotic cause it will die if you dont wet a plant.

Golden Butte Conversation

The Golden Butte was Great. There were Jashua trees, Red colerd Rocks, and Much ~~more~~. I am about to explain why we want Butte clean. we Should Be clean Because Native americans lived her a long time ago and they Left some trash. But they at least Picked it up once they were done. And we Should Keep it clean. we need to keep it clean to. I Like Being outside Because there is Nature and Fresh air to Breathe. It is Important to Keep the out doors clean Because People can explore the outside every day. And Find Nature amazing.

the Reason Nature and out doors are Cool Because People can EXPlore the types of Plants, Rock and Much More amazing. And Keep it Clean.

once I got off the Bus I Saw ~~Lots~~ of amazing stuff I can take Pictures of. once you EXPlore the Nature you will find Lots of Cool and interesting things. You will allways Remember Gold Butte when you are done Exploring.

The End!

I think this is cool. This hiking trip was awesome. We got to learn so many stuff out here.

What I thinks about helping this side is by making more rivers closer for these animals and plants. Because this is a very nice place to be if I was a animal, or a plant to live.

This place is really warmer then were I live. Why I say that is because it isn't really cold right here and it's winter. On the other side it is cold you will need all the things that you need to keep yourself warm. But the weird thing that I thinks is that were closer to the mountains and the mountains is cold because it snows. So how is it warmer here, but colder were I live? I will figure that out one day.

So it was awesome coming out here with my friends. I wish I bring my family so they can see how close I am to the mountains.

(b) (6)

1/23/2016

Why I think we should persevere Gold Butte because, it's a breath taking place. From the trees to the mountians. It's amazing to see how it was in the past. When I have children of my own, I would love to bring them here. I mean its amazing to learn about CBS and so many things. So many different color rocks and types of rocks. That is why we should persene Gold butte for future people.

(b) (6)

Armargosa Conservancy

PO Box 63
Shoshone, CA 92384
760.852.4339
www.amargosaconservancy.org

March 23, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

The Amargosa Conservancy is a 501(c)(3) registered in Nye County, Nevada and Inyo County, California. We have long pursued landscape-scale conservation as a means of preserving the greater Mojave Desert. As the climate changes, wildlife and native plants will need large protected corridors in order to naturally migrate along with the shifting climactic patterns. The protection of a portion of the Mojave Desert contributes to the protection of the whole, which is why we feel strongly that the permanent protection of Gold Butte would benefit not just the immediate and special environment in the Gold Butte area but the entirety of the Mojave Desert, the most undisturbed ecosystem in the continental United States.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation

PO Box 63
Shoshone, CA 92384
760.852.4339
www.amargosaconservancy.org

(S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Patrick Donnelly
Executive Director

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Back Country Horsemen of Nevada

March 3, 2016

Honorable Barack Obama

President of the United States

The White House

1600 Pennsylvania Avenue

Washington, DC 20500

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

Who Are We?

BCHA are men and women who belong to a national non-profit organization. We are a 501(c)(3) serving 174 local and state chapters across the country. Our grassroots members—responsible leaders who help to carry forward our organization's mission and values—lead BCHA organizations throughout the United States. BCHA chapters are active in 28 states consisting of roughly 13,000 members who are dedicated to keeping trails open for all on our public lands. Our chapters work closely with trail partners and local land management agencies to clear and maintain those trails.

What Does BCHA Do?

Public Access Ensured by Keeping Public Lands in Public Hands - The desire of some states and local governments to own or control federal public lands carries significant repercussions for backcountry pack and saddle stock users. State-managed lands, for example, typically do not embrace the multiple-use mandate that guides federal land management agencies and includes promoting diverse opportunities for public outdoor recreation. There remains great uncertainty as to whether the type of access currently enjoyed by BCHA members to federal public lands would continue under either state or local control or management. - July 2015

In 2014, Back Country Horsemen of America volunteers spent 417,000 hours working to maintain trails on public lands. That equates to a value of $14.4 million dollars in trail work donated to local and federal land managing agencies. Since 1995, BCHA members contributed a value equal to $115.27 million in volunteer hours.

We invest in active participation by young leaders in the wise and sustainable use of wilderness and back country resources. We coordinate with conservation corps and youth groups, United States Forest Service, National Park Service, and Bureau of Land Management to ensure tomorrow's leaders have outdoor and wilderness experiences. As youth groups work with us and our partners, they learn about themselves and about stewardship of our most treasured resources. BCHA, its youth partners, and other volunteers leverage funds many times over in delivering projects to clear and maintain trails.

Are you a hiker, biker, or horseback rider who gets out and enjoys trails? We do much of the work that goes unseen to clear and preserve the safety and continued enjoyment of your outdoor experience. Yup, much of our work does involve "horsepower" as well as human power. The majority of our pack trips with horses and mules assist trail crews get food, camping gear, and trail maintenance equipment into areas where four-wheeled vehicles cannot go. We help two-footed trail workers get more done by packing in what they need.

As long-time resident of Southern Nevada, I have personally spent much time in the Gold Butte area, hiking, riding, and exploring this unique and beautiful area. From a recreational standpoint, Gold Butte is unmatched in opportunities for outdoor activities in a year-round setting, and protecting Gold Butte from commercial operations, public or private, will secure those opportunities for future generations.

From my position as President of the Back Country Horsemen of Nevada, I represent nearly one-hundred and fifty enthusiastic and dedicated members whose interests span the gamut of equestrian use, from trail riding, to endurance riding, trail maintenance, and mule packing. In combination, these activities help to provide economic security for many communities in Clark County, as well as invaluable volunteer support for conservation activities, including spring monitoring, and establishing / preserving water guzzlers for desert wildlife in the Gold Butte area.

HR856 and S199 do not specifically prohibit equestrian use, and as long as equestrian use is maintained in the Gold Butte Conservation Area, Back Country Horsemen of Nevada, as representatives of the Back Country Horsemen of America eagerly join with our conservation partners, including Friends of Nevada Wilderness, and Friends of Gold Butte, to support the establishment of the Gold Butte National Conservation Area in Clark County.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's cultural, environmental. and economic benefits for future generations.

Sincerely,

Terry Jones, Ph.D.
President, Back Country Horsemen of Nevada
Las Vegas, Sparks, Carson City

cc: U.S. Senator Harry Reid
U.S. Representative Dina Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Backcountry Hunters and Anglers – Nevada Chapter

November 18, 2015
Honorable Barrack Obama
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

Our Nevada Chapter of Backcountry Hunters and Anglers (BHA) has a strong interest in protecting important remaining unfragmented wildlife habitat in Southern Nevada, a swiftly dwindling public resource. Within the Gold Butte region are some of the most important and threatened of those wildlife habitats. We believe this area is deserving of the additional protection a special status could provide. We urge you to use your authority under the Antiquities Act to designate this unique special area as a national monument or to urge Congress to do so by speedily passing currently pending legislation: S. 199 (Sponsored by Senator Harry Reid) and H.R. 856 (sponsored by representative Dina Titus).

Backcountry Hunters and Anglers (BHA) has a vested interest in the health of our wildlife habitat. It is our mission to conserve and restore large intact chunks of wildlife habitat and the connectivity between them. By doing so, we will continue to provide the best habitat for wildlife, and thus for traditional backcountry hunters and anglers, into the foreseeable future. Currently in the Gold Butte area, the remaining intact habitat , important to bighorn sheep, the endangered desert tortoise and many other wildlife species, suffers increasing fragmentation created by off-route vehicle traffic.

Local Nevada "stakeholders": conservationists, including BHA and other sportsmen groups, archeology groups, businesses and elected officials have worked together for years in an effort to bring adequate protection to Gold Butte and it's wealth of fragile public resources. Not only is it home to critical habitat for wildlife and plants, including rare and threatened species, but holds a treasure of ancient fossils, petroglyphs and old West historic artifacts.

We applaud your actions throughout your administration on behalf of our valued public lands and all the natural resources they contain. We urge you to continue that legacy by actively supporting protection for Gold Butte, either by designating it as a national monument or encouraging Congress to act on current legislation to do so.

Thank you for considering our concerns. We hope to continue to work together to protect our treasured heritage of public lands. We envision the natural resources, and wildlife that depends upon them, that we currently so enjoy, will continue to be there for all future generations.

Sincerely,
Karen Boeger, Board member
Nevada Chapter Backcountry Hunters and Anglers

BATTLE BORN
PROGRESS

November 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. Just this past weekend, my staff and I were lucky enough to take a camping trip at Gold Butte. As a native Nevadan, it was so amazing to see what I had right in my own back yard. We saw that we have a real opportunity to protect a natural treasure unique to Nevada for future generations to come. Gold Butte was simply spectacular. The colors and diverse landscapes are breathtaking. I could not think of a better place to protect.

Time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. Nevadans support protecting our public lands and know it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live.

BBP and our membership of over 14,000 Nevadans strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term.

It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations. The time is now.

Sincerely,

Annette Magnus
Executive Director
Battle Born Progress

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

College of Southern Nevada Hispanic Student Union

Thursday January 17th, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
Re: Permanently Protecting Gold Butte

Dear President Obama:

For generations Latinos, and more specifically Hispanics of North America have been connected to the land, working the land with the desire to protect it for the benefit of the next generation. And in Southern Nevada, our Hispanic community has had a history of discovering and protecting the dynamic natural landscapes that make our region unique. Even our own community in the Las Vegas Valley was first discovered and explored by a Mexican scout Rafael Rivera. Places like Red Rock Canyon and Mt. Charleston would not have been known to the western world had it not been for the Hispanics of North America that first interacted with the native Paiute communities of the valley. These wonderful natural places are a source of local community pride and our families' recreational opportunities. Our public lands improve our quality of life and help to promote our local tourism economy. As a community in Nevada, we Hispanics understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, the ancestral home of the Paiutes, and the resting place of artifacts and historic sites important to our Hispanic Heritage.

From an economic standpoint promoting our outdoor tourism economy adds to the vitality of Nevada. Outdoor recreational tourism is a significant part of our community's tourism based economy. Each year, outdoor recreation in Nevada drives almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte. E more than providing for more economic prosperity in the local tourism industry that employs a large Hispanic population, protecting Gold Butte affords the Hispanic families of our community the added opportunity to recreate outside and commune together.

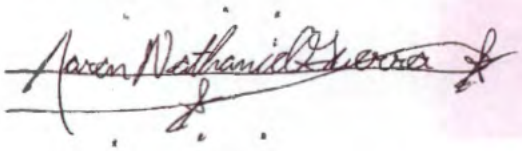
Time is running out for protecting Gold Butte. Recent events have incited untold physical damage to the area in the last 18 months. Gold Butte's treasured landscape has seen increased destruction to critical wildlife habitat, ancient petroglyphs, cultural sites of the Nuwuvi (Southern Paiutes), and Hispanic Heritage sites. For me as a Hispanic, the president of the Hispanic Student Union of the College of Southern Nevada, and a lifelong Nevadan born and raised in Beatty, protecting Gold Butte is about protecting the Public Lands that have grown near and dear to my heart. I grew up getting to enjoy Nevada's deserts over the years recreating with my family. It is imperative that one day my future children will be afforded that same opportunity and not met with no trespassing signs as we try to access the places I grew up with.

Gold Butte is a treasure trove of cultural, historic, and natural wonders, covering almost 350,000. These wonders include thousands of petroglyphs; traces of the Spanish conquests of the southwest, historic mining- and pioneer-era artifacts; rare and threatened wildlife; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

I and the rest of the Hispanic Student union of the College of Southern Nevada strongly urge you to take action to permanently protect Gold Butte now, by utilizing your powers under the Antiquities Act by the end of your term, or by any means necessary. It is vitally important that we safeguard Gold Butte now for the benefit of future generations.

Sincerely,

Aaron Nathaniel Guerra



cc: Senator Harry Reid
Senator Dean Heller
Congresswoman Dina Titus
Congressman Cresent Hardy
Sally Jewell, Madam Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Conservation Lands Foundation

Conservation Lands Foundation
Protecting America's Heritage

November 4, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make the region so unique. Places like Red Rock Canyon and Basin and Range are a source of community pride. They improve the quality of life and help to drive the local economy. There is an urgent need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. Some of our staff, including myself, have deep roots in Nevada, and for us as National Conservation Lands advocates it is important to preserve Gold Butte because it also means we

835 E 2nd Ave. Suite 314 · Durango, CO 81301 · 970.247.0807 · www.ConservationLands.org

continue to make Nevada a better place to live and play. Gold Butte will also make a great addition to the National Conservation Lands in the state and throughout the country.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Brian O'Donnell
Executive Director

cc: Senator Reid
Senator Heller
Congresswoman Titus
Congressman Hardy
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Conserve Southwest Utah

CONSERVE SOUTHWEST UTAH

March 17, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Our Economy

Dear President Obama:

For years Americans have been protecting the landscapes that make our region so unique. Places like Red Cliffs NCA and the Grand Canyon-Parashant National Monument are a source of community pride. They improve our quality of life and help to drive our economy. We need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

Gold Butte is part of the magnificent Mojave Desert landscape that makes southern Nevada and southwest Utah so unique as a place to live, play, and connect with nature. Those of us who live in southwest Utah are fortunate enough to have the Red Cliffs and Beaver Dam Wash National Conservation Areas as our back yard. We understand how important it is to preserve Gold Butte because it also means we protect the habitat of the native plants and animals, like the Mojave desert tortoise, that depend on this land for their survival, and by extension, our survival. It is well-documented that these natural, cultural and scenic resources are essential for our well-being.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Tom Butine, President
Conserve Southwest Utah
321 North Mall Drive
St. George, Utah 84790

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Desert Fossil Hiking Club

November 21, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

I am the president of the Desert Fossils hiking club in Mesquite, Nevada. Gold Butte is in our back yard. Our club has over one hundred members and we lead small groups in Gold Butte two or more times each month. It is important to preserve Gold Butte for the responsible enjoyment of today's citizens and more importantly for our children and grandchildren.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Tim Castille
President
Desert Fossils Hiking Club
1050 Cracker Barrel Cir.
Mesquite, NV 89034

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Environment America

218 D St. SE, 2nd Flr.
Washington, DC 20003
www.EnvironmentAmerica.org

December 10, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

Today I write on behalf of Environment America, our state affiliates and our 1.25 million members, activists, and supporters to express strong support for the permanent protection of Gold Butte.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is one of our nation's true natural, archeological, geologic and recreation treasures and it is not currently permanently protected. This is an area rich in cultural and historic significance including thousands of petroglyphs, historic mining- and pioneer-era artifacts, and fossil track-sites dating back 170 to 180 million years. In addition, Gold Butte is home to rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep and boasts dramatic geologic features like sculpted red sandstone and rock spires.

We believe it is imperative that Gold Butte remains a spectacular place for future generations to experience. Unfortunately of late it is experiencing increased destruction of critical habitat, ancient petroglyphs and pioneer heritage sites.

A site this significant requires protection and to truly protect Gold Butte, it requires you to act swiftly. Mr. President, we are calling on you to permanently protect Gold Butte either by encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by using your own authority under the Antiquities Act.

The American legacy of permanently protecting the nation's most special places would benefit greatly from swift action to permanently project Gold Butte.

Thank you for your consideration.

Margie Alt, Executive Director

Friends of Gold Butte

November 24, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected public lands benefit Nevada's economy

Dear President Obama:

On behalf of the Friends of Gold Butte, a non-profit organization with over 500 members, I am writing to you to express deep concern and hope for Gold Butte in southern Nevada. We are concerned because Nevada's piece of the Grand Canyon is threatened. We are hopeful that you will take action to permanently protect this amazing place so that future generations can experience its abundant treasures.

Gold Butte is a unique gem in southern Nevada. Encompassing 350,000 acres, it is one of the last areas of undeveloped Mojave Desert in the southwestern United States. Countless natural and cultural treasures are found here including ancient petroglyph panels, historic mining and pioneer-era artifacts, unique sandstone sculptures, and fossil tracks that date back over 170 million years. Additionally, Gold Butte provides prime habitat for rare and threatened wildlife such as the Mojave Desert tortoise and bighorn sheep.

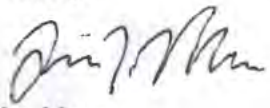
For over twelve years, The Friends of Gold Butte has been working to achieve a protected designation for Gold Butte. In 2003, concerned southern Nevadans came together to address the increasing amount of damage caused to the land from misuse and blatant disregard for its resources. Now, time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For the Friends of Gold Butte, protecting this place also means that we will continue to make southern Nevada a better place to live. As Nevadans and as Americans, we take pride in our protected landscapes. Preserving special places demonstrates that we respect the collective experience of past and future travelers. With this perspective, we believe that protecting Gold Butte will attract more visitors to our area and provide a stable, sustainable source of revenue for the gateway community of Mesquite.

Friends of Gold Butte | 817 S. Main St. Las Vegas, NV 89101 | 702-208-8377 | info@friendsofgoldbutte.org

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid's and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,



Jaina Moan
Executive Director
Friends of Gold Butte

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Friends of Nevada Wilderness

December 1, 2015

FRIENDS of NEVADA WILDERNESS

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon National Conservation Area and Mt. Charleston Wilderness are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte. Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; acres of unfragmented wild lands; historic mining and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly, time is running out for Gold Butte - due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, petroglyphs and heritage sites. As a non-profit organization that has been working in the state of Nevada for over thirty years, it is important that Gold Butte gains permanent protection.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Shaaron Netherton
Executive Director

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Friends of Nevada Wilderness, PO Box 9754, Reno, Nevada 89507
Phone (775) 324-7687; Fax (775) 324-2677
Visit our Website at www.nevadawilderness.org

Friends of Red Rock Canyon

Friends of Red Rock Canyon
P.O. Box 97
Blue Diamond, NV 89004
www.friendsofredrockcanyon.org
(702) 515-5360
(702) 515-5388 (fax)

November 17, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For the past 35 years Friends of Red Rock Canyon have supported Red Rock Canyon National Conservation Area by providing financial support and dedicated volunteers. We realize how important it is to have places like Red Rock Canyon in southern Nevada. The conservation area is a source of pride to the citizens of Las Vegas. The recreation facilities improve our quality of life and help to drive our local economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation in Nevada accounts for almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

We strongly urge you to take action to permanently protect Gold Butte, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic and environmental benefits for future generations.

Sincerely,

Charles L. Williams

Charles Williams – President

Friends of Sloan Canyon

November 20, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefits Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon, Mt. Charleston, and Sloan Canyon are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

Congress protected Sloan Canyon National Conservation Area in 2002 as a means of preserving similarly sensitive cultural resources. We at Friends of Sloan Canyon

Friends of Sloan Canyon, 3870 E Flamingo Rd Ste A2, Las Vegas, NV 89121
702.907.6099 • friendsofsloan.org

Professor Melissa K. Giovanni, UNLV-Dept. Geosciences

UNLV **Department of Geoscience**

Dr. Melissa K. Giovanni
P: 702.675.5370
F: 702.895.4064
E: melissa.giovanni@unlv.edu

May 16, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as an earth sciences professor, it is important to preserving Gold Butte because it also means we continue to make Nevada a better place to live.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Melissa K. Giovanni

Melissa K. Giovanni, Ph.D.

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Hispanics Enjoying Camping Hunting and the Outdoors

HECHO
HISPANICS ENJOYING CAMPING, HUNTING, AND THE OUTDOORS

February 23, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy, Culture & History

Dear President Obama:

From the Grand Canyon to the Red Rock Conservation Area, Nevada is a state of incredible natural diversity known around the world as an exceptional outdoor recreation destination. And the landscape of our state provides a lot more than just recreation and relaxation: it's also a vital part of the economy, our culture, and our history. As Nevadans, we understand the need to protect the region's recreational, cultural, historical and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Cultural, historical, and natural wonders abound in Gold Butte's 350,000 acres. These include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

In the 1700s the Spanish created arrastras for mining – large, hollowed out flat rocks over which a donkey would drag another rock to crush ore. There are four known arrastras in the Gold Butte townsite area. As Advisory Board Members for Hispanics Enjoying Camping, Hunting and the Outdoors (HECHO), protecting Gold Butte will mean also protecting an important piece of our Hispanic heritage.

Finally, it is commonly known that tourism from the Las Vegas Strip is the lifeblood of Nevada, but recreational tourism also plays a significant role in our state's economy. In 2012, outdoor recreation was responsible for 148,000 jobs, $4.8 billion in wages and salaries, and $1 billion in state and local tax revenue. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

HECHO

HISPANICS ENJOYING CAMPING, HUNTING, AND THE OUTDOORS

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, cultural, historical and environmental benefits for future generations.

Sincerely,

Nevada Senator Mo Denis & HECHO Advisory Board Member
Al Martinez, Clark County Recreation Center Supervisor & HECHO Advisory Board Member

cc: Senator Reid
Senator Heller
Congresswoman Titus
Congressman Hardy
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

1201 NW CONNECTICUT AVE NW, SUITE 300 | WASHINGTON, DC 20036 | 202-670-2562 | INFO@HECHOONLINE.ORG
HECHOONLINE.ORG

League of Conservation Voters

LEAGUE OF CONSERVATION VOTERS

November 19, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

Nevada has a long history of conserving its most treasured open spaces and Nevadans have worked to protect landscapes that make their state so unique for generations. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. These special places not only deserve protection, they also improve quality of life, protect sensitive wildlife, and help drive Nevada's booming outdoor recreation economy. Yet some of Nevada's treasures remain unprotected; places like Gold Butte in southeastern Nevada. Gold Butte is an area filled with recreational, cultural, and natural resources that deserve to be permanently protected for future generations to enjoy.

Gold Butte is a treasure trove of cultural, historic and natural wonders and covers nearly 350,000 acres in what is considered Nevada's piece of the Grand Canyon. These wonders include thousands of petroglyphs, pioneer-era relics, and other treasures that highlight Nevada's unique past. Gold Butte is also home to rare and threatened wildlife like the desert big horn sheep; dramatic geologic features like sculpted red sandstone; and fossil sites dating back nearly 200 million years. Without permanent protection, all these features are at risk. Even worse, due to events that have taken place over the last 18 months, this precious landscape has been increasingly destroyed. Critical habitats, ancient petroglyphs and historic pioneer sites are being laid to ruin and continue to be at risk without further protections.

For these reasons, we strongly urge you to work to permanently protect Gold Butte by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by using the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, cultural, and environmental benefits for future generations.

Sincerely,

Gene Karpinski
President

League of Women Voters of Las Vegas Valley

January 28, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

Going back to the presidency of Teddy Roosevelt Americans have embraced the idea that every person deserves access to our beautiful natural spaces. We have spent the century since making this country stronger by fighting for that access. This includes standing by our Native American friends to protect and preserve their cultural heritage sites.

In southern Nevada, we have supported national treasures such as Mt. Charleston and Red Rock Canyon. Because of this, today locals and tourists alike can experience gorgeous vistas, cooling escapes, and healthy trails. We can live in a large city and then steal away for rejuvenation as we embrace nature.

These are the reasons why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

Unfortunately, proof is growing of efforts to erase the native spirit from Gold Butte. Petroglyphs full of bullet holes, signs used as target practice, and off-road tire tracks crisscrossing the delicate desert crust are more than just isolated indiscretions. We must come together to address this vandalism.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Sondra Cosgrove

Sondra Cosgrove PhD
History Professor College of Southern Nevada
President League of Women Voters Of Las Vegas Valley

National Parks Conservation Association

18 November 2015

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

RE: PROTECTED PUBLIC LANDS BENEFIT NEVADA'S ECONOMY

Dear President Obama,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our Nevada Field Office and more than one million members and supporters nationwide, I write to urge you to take action to permanently protect Gold Butte as a national monument. This unique and scenic area of geologic wonder, which adjoins Lake Mead National Recreation Area and Grand Canyon Parashant National Monument, is more than worthy of such protections.

Permanent protection of this area, with proposed management by the Bureau of Land Management, recognizes the important natural and cultural resources of the area. Moreover, safeguarding this area will assist the National Park Service in managing resources within Lake Mead and Grand Canyon Parashant boundaries by protecting the larger connected landscape. Threats within that landscape are imminent and ongoing, and include willful destruction of wildlife habitats, native petroglyphs and pioneer heritage sites, thereby calling for improved protection of the region.

Designation of Gold Butte through presidential privilege would mirror the longstanding legislation from Senator Reid and Congresswoman Dina Titus (S.199 and H.R. 856) to protect this area. Certainly, our relevant experience in working with community leaders to create Tule Springs Fossil Beds National Monument has provided a helpful perspective for the value of both local support for designations of special places, as well as the significance of protections to local communities. A national monument will no doubt enhance Nevada's tourism-based economy and assure economic, community and conservation benefits now and in future generations.

Thank you for your consideration. NPCA stands ready to support your efforts to permanently protect Gold Butte, enhancing your legacy of protecting public lands,

777 6th Street, NW, Suite 700 | Washington, DC 20001-3723 | P 202.223.6722 | F 202.872.0960 | npca.org

National Trust for Historic Preservation

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

December 21, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

I am writing to request that you take action to permanently protect Gold Butte in Nevada either by encouraging Congress to pass Senator Reid and Congresswoman Titus' legislation, S.199 and H.R. 856, or by exercising your authority under the Antiquities Act to establish a Gold Butte National Monument by the end of your term. Gold Butte deserves protection equal to its significance as one of our nation's cultural and natural treasures.

The rare and wonderful landscape of Gold Butte lies in the red rock outcroppings of the southern Nevada desert where the Great Basin, Mojave Desert and Colorado Plateau ecosystems converge. Like its rich mixture of natural systems, the region's complex story of human history is still preserved in the open spaces and canyon walls of Gold Butte.

The evidence of the human story of Gold Butte begins as early as 10,000 B.C. with the stone spear points of Paleoindian big-game hunters. Cave walls and ceilings still show the stains of black smoke from many of the early people's fires, and roasting pits for agave—long a staple food here—dot the landscape. Perhaps most compelling, however, is the rock art, created by people of diverse time periods. One of the largest panels, at 90 feet long, is tucked away in one of Gold Butte's many sandstone canyons.

Later, Spaniards and Pioneers forged the Old Spanish Trail and the Mormon Road through the area between 1844 and 1900. Historic grazing and mining sites are common throughout Gold Butte, with the earliest mine in the area dating back to 1861.

While the beautiful red rock areas of Gold Butte have the highest concentration of many of these cultural resources they also have the most visitors. The lack of permanent protection leaves these irreplaceable resources vulnerable to inadvertent and, unfortunately at times, even purposeful damage. National monument designation would increase protection, management and interpretation of Gold Butte's long and rich history for visitors now and in the future.

Stephanie K. Meeks | PRESIDENT

The Watergate Office Building 2600 Virginia Avenue NW Suite 1000 Washington, DC 20037
smeeks@savingplaces.org ▸ 202.588.6105 ▸ 202.588.6082 www.PreservationNation.org

historic and cultural sites, and capturing all parts of the American story through the Antiquities Act.

Sincerely,

Theresa Pierno, President and CEO
National Parks Conservation Association

cc. Senator Harry Reid
Senator Dean Heller
Congresswoman Dina Titus
Ms. Christy Goldfuss, Managing Director,
White House Council on Enviromental Quality
Mr. Neil Kornze, Director, Bureau of Land Management
Mr. Jon Jarvis, Director, National Park Service

777 6th Street, NW, Suite 700 | Washington, DC 20001-3723 | P 202 223 6722 | F 202 872 0960 | npca.org

November 25, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protecting Nevada's Treasured Gold Butte

Dear President Obama:

On behalf of our 2 million members and online activists, the Natural Resources Defense Council would like to express our appreciation for your leadership in taking action to protect the nation's public lands and cultural sites. Your use of the Antiquities Act has been pivotal in safeguarding some of the most vulnerable and deserving lands and waters found in our nation, places that are treasured by millions of Americans. That is why we are writing you to encourage you to use your authority to secure additional protections for the spectacular landscape of Gold Butte, Nevada.

The Gold Butte region of southeastern Nevada is defined by its outstanding natural and cultural sites. For over 3,000 years, this area has been a critical area for Native Americans. Archaeologists have identified over 2,000 known cultural sites, including some rock art displays that are up to 90 feet long. This area is also known for its complex geological features, including Nevada's portion of the Grand Canyon. And the ecological richness of Gold Butte continues to this day given that it is home to rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep.

But without action, all of these treasures could be lost in short order. Unfortunately, due to events in the last 18 months, there has been an acceleration in the destruction of Gold Butte's cultural and ecological features. This damage continues despite the best attempts by the Department of Interior, who manage the nearly 350,000 acres of federal land associated with Gold Butte, to secure additional protections. Absent significant action by the administration or Congress to protect Gold Butte, there is no reason to believe that this destruction will diminish in the foreseeable future.

NATURAL RESOURCES DEFENSE COUNCIL

1152 15TH STREET NW | WASHINGTON, DC | 20005 | T 202.289.6868 | F 202.289.1060 | NRDC.ORG

The Natural Resources Defense Council strongly urges that you take action to permanently protect Gold Butte, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act. Like the other national monuments that you have designated, Gold Butte represents some of the best qualities this nation has to offer. We thank you for your visionary actions on behalf of the nation's public lands and encourage you to designate Gold Butte as a national monument.

Sincerely,

David Goldston

David Goldston
Director, Government Affairs, Natural Resources Defense Council

cc: Senator Harry Reid
Congresswoman Dina Titus
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Neil Kornze, Director, Bureau of Land Management

NATURAL RESOURCES DEFENSE COUNCIL
1152 15TH STREET NW | WASHINGTON, DC | 20005 | T 202.289.6868 | F 202.289.1060 | NRDC.ORG

Nevada Arts Council Board Members

March 23, 2016

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

cc: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Re: Protected Public Lands Benefit Nevada's Quality of Life

Dear President Obama:

For years southern Nevadans have been protecting the landscapes that make our region unique. Places like Red Rock Canyon and Mt. Charleston are sources of community pride. They improve our quality of life and help to drive our tourism-based economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

The Gold Butte area is the site of significant petroglyphs, native plants, and cultural artifacts of the earliest residents. For me as a Nevada resident, wildlife enthusiast, and folklorist, it is important to preserve Gold Butte to continue to make Nevada a better place to live and to celebrate the history and heritage of the state's indigenous people.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Patricia A. Atkinson

Patricia A. Atkinson
Folklife Program Coordinator, Nevada Arts Council
Carson City, Nevada 89701
patkinson@nevadaculture.org

March 14, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

First of all let me thank you for the great job you have been doing as a president. I voted for you twice and I have never regretted my decision. I am aware of the constant opposition to any idea you bring to the table and I pray for you so you can stay strong and balance as you have been. There are so many issues to take care and you do it with apparent ease. I truly respect you.

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. Your wife knows this perhaps that is why she launched the Let's Move program at Red Rock. I had the privilege to meet her during that event. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

We know that tourism is the lifeblood of Nevada and recreational tourism is a part of that driver. Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs that can't be sent offshore. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 direct, local jobs. We can continue to improve these statistics by supporting permanent protection for Gold Butte.

For me as a board member of the Nevada Arts Council and as a Commissioner for Cultural Centers and Historic Preservation it is important to preserving Gold Butte because it holds an important part of Native American art and history along with unique natural beauty.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national

monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Irma Varela Wynants
Nevada Arts Council
716 N Carson St # A,
Carson City, NV 89701

cc: Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Nevada Conservation League

November 24, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Robert C Buntjer

Robert Buntjer
Chairman, Nevada Conservation League

817 South Main Street , Las Vegas, Nevada 89101

Nevadans for Cultural Preservation

Rayette Martin
Nevadans For Cultural Preservation
P.O. Box 19028
Las Vegas, NV 89132

November 24, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon, Mt. Charleston, and the Tule Springs Fossil Beds are a source of community pride. These protected areas improve our quality of life and help to diversify our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why Nevadans for Cultural Preservation supports protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is enjoyed by many people ranging from researchers such as archaeologists, biologists, and geologists to outdoor enthusiasts. Many people visit the area to drive the jeep roads and hike the trails that lead them through a treasure trove of cultural and natural wonders. These wonders exemplify what makes Southern Nevada great. One can find thousands of petroglyphs and other evidence of prehistoric human occupation (agave roasting pits, rock shelters, stone tool manufacturing areas); historic mining- and pioneer-era artifacts are found throughout the area including Civilian Conservation Corps dams; rare and threatened wildlife such as the Mojave Desert tortoise roam freely; dramatic geologic features like sculpted red sandstone and rock spires provide amazing landscapes; and fossil track-sites dating back 170 to 180 million years ago add to the richness of resources in the area.

We are sending you this letter now because since March 2014, with a change in Federal management policies, Gold Butte has seen an increase in the destruction of both its cultural and natural resources. We strongly urge you to take immediate action to ensure the protection of Gold Butte. If these impacts continue to intensify, visitation will decline thus impacting the local economy, both pioneer and Native American history will suffer though important sites being looted and vandalized, and wildlife populations will decline due to critical habitat being destroyed.

As an educational organization, Nevadans for Cultural Preservation's goal is to instill a local sense of pride in and desire to protect prehistoric and historic resources. We do not want to restrict land users from experiencing history but rather to experience it responsibly. We support the preservation of Gold Butte because it means protecting thousands of these important resources for future generations to enjoy.

Sincerely,

Rayette Martin
Executive Director
Nevadans for Cultural Preservation

www.outsidelasvegas.org

702/997.3350 (office)
702/879.7922 (fax)
info@outsidelasvegas.org

919 E. Bonneville Ave.
Las Vegas, NV 89101

Outside Las Vegas Foundation

Enjoy, Value, Protect

December 17, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have protected the landscapes that make our region so unique. Places such as Red Rock Canyon, Mt. Charleston and Lake Mead are a source of community pride. They improve our quality of life and help to drive our economy. It is critical that we protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Each year, outdoor recreation drives over $646 billion in consumer spending and creates over 6.1 million jobs in the United States. In Nevada that translates to almost $15 billion dollars in consumer spending and 147,600 local jobs. Permanent protection for Gold Butte will grow these numbers – and every job counts.

Gold Butte is a national treasure. Protecting it means enhancing our "outdoor" economy and expanding conservation tourism. Preserving Gold Butte and our public lands contributes to making Nevada a better place to live, work and play. This helps Nevada to retain and attract top talent and to retain and attract the large and small companies dependent on this talent.

We strongly urge you to permanently protect Gold Butte now, safeguarding the economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Mauricia Baca
Executive Director, Outside Las Vegas Foundation

cc: Nevada Members of Congress
Sally Jewell, Secretary, U.S. Department of Interior
Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Progressive Leadership Alliance of Nevada

December 15, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years, Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to180 million years ago.

Unfortunately, time is running out for Gold Butte. Due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction of critical habitat, ancient petroglyphs and pioneer heritage sites. As someone who has hiked or camped in every county in the state over the past 50 years and now witnessing how Nevada's population growth is placing unprecedented demands on our wild and open places, it is crucial to preserve Gold Butte.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

R. Fulkerson

Protectors of Tule Springs

November 11, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protecting Nevada's public lands benefits Nevada's economy

Dear President Obama:

Many of Nevada's historic and beautiful landscapes have been protected in the last 20 years. Yet, there is one jewel, Gold Butte, that has yet to be given the protection it so richly deserves. Red Rock Canyon, Sloan Canyon, and, most recently Tule Springs Fossil Beds have been supported and embraced by our diverse community. But, we need Gold Butte, an extension of the Grand Canyon to be among the jewels of Southern Nevada's tourism opportunities.

Gold Butte is a treasure trove of cultural, historic, and natural wonders, covering almost 350,000 acres of public lands in southeastern Nevada. These wonders include thousands of petroglyphs; traces of the Spanish conquests of the southwest, historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil tracksites dating back 170 to 180 million years ago.

Increased habitat and archeological damage is occurring in Gold Butte. We fear this amazing part of our unique Nevada heritage will be gone forever if steps aren't taken quickly.

We urge you to use your authority under the antiquities act to protect this piece of history for generations to come.

Jill K. DeStefano
President
Protectors of Tule Springs
jkdestefano@gmail.com

Protectorsoftulesprings@gmail.com
www.tulespringslv.com
7911 Lyrebird
North Las Vegas, NV. 89084

Red Rock Audubon Society

P.O. Box 96691
Las Vegas, NV 89193
702-390-9890

November 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, as the leader of the southern Nevada Audubon Chapter with over 1200 members, we believe protection of the wildlife habitats in Gold Butte is critical to sustaining the natural ecosystems of southern Nevada.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Douglas T. Chang - President Red Rock Audubon Society.

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

SIERRA CLUB
FOUNDED 1892

November 21, 2015

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

Dear Mr. President,

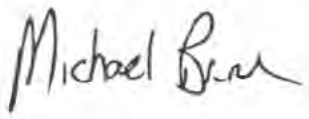
On behalf of the Sierra Club and our 2.4 million members and supporters across the country, I am writing to state our strong support for the permanent protection of Gold Butte in Nevada. You have used your executive authority under the Antiquities Act to protect millions of acres of lands and waters, including lands in Nevada. These protections have been supported by a broad spectrum of local communities and constituencies. We are writing to urge you to use that authority to protect the special landscape of Gold Butte for current and future generations.

Situated between the Grand Canyon-Parashant National Monument and Lake Mead National Recreation Area, Gold Butte is 350,000 acres of stunning mountains, slot canyons, and forests of Mojave yucca and Joshua trees. The area has been used by Native Americans, and continues to be used, for subsistence uses, spiritual uses, and gatherings of medicine. It is a place sacred to the Moapa Paiute and all the Southern Paiutes. It is home to ancient campsites, agave roasting pits, and ancient trails that go back hundreds of years. It is a place filled with bighorn sheep, kit fox, and golden eagles. And it is prized by recreationalists of all stripes from hunters to hikers to birdwatchers.

Gold Butte remains unprotected. The last 18 months have seen significantly increased damage to the resources there. Parts of the landscape's wildlife habitat has been severely degraded. Ancient petroglyphs and cultural sites have also been seriously damaged. Because of these actions, we strongly urge you to use your authority under the Antiquities Act to permanently safeguard Gold Butte and its cultural and environmental benefits for current and future generations.

Thank you again for all that you've done to protect our country's cultural and natural legacy. We stand prepared to support you continuing that vital work during the remainder of your term.

Sincerely,



Michael Brune
Executive Director

Southern Nevada Climbers Coalition

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Adam Floyd • McKenzi Taylor • Xavier Wasiak

June 2, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we, the Southern Nevada Climbers Coalition, support protecting Gold Butte, Nevada's piece of the Grand Canyon. We are the local affiliate of the Access Fund and together we've been working to protect access to outdoor resources and advocating for rock climbers and outdoor recreationists for over 20 years.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a rock climber and current president of the Southern Nevada Climbers Coalition, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live.

Mission Statement: To protect access to climbing in Southern Nevada by encouraging responsible stewardship and community involvement among local climbers.

8221 W. Charleston Blvd., Suite 106 • Las Vegas, Nevada 89129 • lvclimberscouncil@gmail.com

2015-2016 Board of Directors
Sue Beauchamp • Dave Blackburn • Ginger Blackburn • Matt Carpenter • Dick Dower
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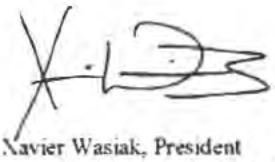
I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,



Xavier Wasiak, President
Southern Nevada Climbers Coalition

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Mission Statement: To protect access to climbing in Southern Nevada by encouraging responsible stewardship and community involvement among local climbers.

8221 W. Charleston Blvd., Suite 106 • Las Vegas, Nevada 89129 • lvclimberscouncil@gmail.com

Southwest Las Vegas Democratic Club

June 1, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For us, the very history of our corner of the world, from the earliest inhabitants and geological development to understanding how the eco-cycle influences our daily world, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live.

On a personal level, it is a location that I can take my grandchildren and their friends to learn about our home and our family history. In my youth this was a place we went to hike, camp and hunt as well as discover the wonderful world of the fauna and flora of our beautiful desert. To see the graffiti and destruction to our wilderness is heartbreaking.

We strongly urge you to take action to permanently protect Gold Butte as a national monument by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Steven J Horner
Southwest Las Vegas Democratic Club
5915 Lewis Falls Avenue
Las Vegas, Nevada 89139

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

The Nature Conservancy

THE NATURE CONSERVANCY
Southern Nevada Office
915 E. Bonneville Avenue
Las Vegas, NV 89101
Tel 702-737-8744
Fax 702-737-5787

February 25, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Subject: The Nevada Chapter of The Nature Conservancy Support for Protection of Gold Butte

Dear President Obama:

On behalf of the Nevada Chapter of The Nature Conservancy, I am writing to offer support for the protection of Gold Butte. The Nature Conservancy has been active in the conservation of the Mojave Desert since the 1970s. We support conservation efforts which provide tangible lasting benefits to both people and nature.

Protected areas in southern Nevada, such as Red Rock Canyon National Conservation Area, provide a huge benefit to the environment, cultural heritage and overall quality of life for the Las Vegas community. In addition to environmental and cultural values, we believe protection of Gold Butte and management for conservation would enhance, rather than restrict, economic opportunities for this community.

As Nevada's piece of the Grand Canyon corridor, Gold Butte is an ecological and cultural treasure. Whether it remains that way depends on the decisions made today. We support the calls made by Senator Reid and Congresswoman Titus to protect Gold Butte and provide land managers with the resources necessary to properly conserve this exceptional area for the benefit of future generations.

Sincerely,

John Zablocki

John A. Zablocki
Mojave Program Director
The Nature Conservancy, Nevada Chapter

The Pew Charitable Trusts

2005 Market Street, Suite 1700 215.575.9050 Phone
Philadelphia, PA 19103-7077 215.575.4939 Fax

901 E Street NW, 10th Floor 202.552.2000 Phone
Washington, DC 20004 202.552.2299 Fax

November 11, 2015

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

On behalf of The Pew Charitable Trusts, I write to express our strong support and interest in protecting spectacular wild landscapes in southern Nevada. The Gold Butte region, often referred to as Nevada's piece of the Grand Canyon, is a unique area of natural and historic wonders, which we believe warrants permanent protection—either through the expeditious passage of pending legislation (S. 199, sponsored by Senator Harry Reid, and H.R. 856, sponsored by Representative Dina Titus), or through a national monument established under the Antiquities Act.

The Pew Charitable Trusts' U.S. Public Lands program works to protect our nation's natural heritage through Congressional legislation, through administrative planning in the West, and through Presidential proclamations of national monuments. Our work is focused in locations where there is strong local support. Each process—legislative, administrative, and Presidential proclamation—plays an important role in balancing competing interests for the nation's public lands.

We have worked closely with Nevada residents—conservationists, businesses, elected officials—for many years in the hope of protecting Gold Butte. We believe the time is now to safeguard this spectacular area containing ancient petroglyphs and fossils, historic remnants of the old West, rare and threatened species, fantastic geological features, and critical habitat for various plants and animals.

We deeply appreciate and value your leadership in permanently protecting some of our nation's most precious public lands, and we respectfully encourage you to proclaim Gold Butte a national monument if Congress does not act quickly to preserve this region.

Thank you for your consideration of our concerns. We look forward to continuing to work with you and your Administration to ensure America's wild places are protected for future generations to enjoy.

Sincerely,

Mike Matz

Mike Matz, Director
U.S. Public Lands
The Pew Charitable Trusts

CC: The Honorable Harry Reid, U.S. Senate
The Honorable Dina Titus, U.S. House
The Honorable Sally Jewell, Secretary, U.S. Department of the Interior
The Honorable Neil Kornze, Director, Bureau of Land Management
The Honorable Christy Goldfuss, Managing Director, Council on Environmental Quality

The National Trust is deeply committed to ensuring the protection of historic sites that tell the stories of all Americans. We have been proud to support your use of the Antiquities Act to protect nationally significant and culturally diverse sites at such places as Fort Monroe National Monument, Pullman, Chimney Rock, Harriet Tubman, Chavez and Organ Mountains Desert Peaks. We look forward to continuing our collaboration with your Administration to expand and enhance the protection of our national treasures.

With warmest regards,

Stephanie K. Meeks

The Wilderness Society

THE WILDERNESS SOCIETY

November 20, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

I am writing you today to express the strong support of The Wilderness Society and our 700,000 members for the permanent protection of Gold Butte, one of our nation's true natural, archeological, geologic and recreation treasures that currently has no lasting protection.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is rich in cultural, historic, and natural wonders. These include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert big horn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

Quick action is needed to ensure Gold Butte stays just as it is for future generations to experience. Due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction of critical habitat, ancient petroglyphs and pioneer heritage sites.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural and environmental benefits for future generations.

Sincerely,

James C. Williams

1615 M Street NW, Washington DC 20036 | ph 202 833-2300 | wilderness.org

UNLV Wilderness Club

UNLV
WILDERNESS

30 November 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

Las Vegas is a magical place, not only because of the numerous towering hotels and casinos that line the strip, but because of the magnificent wilderness that is just outside of the hustle and bustle of the city. Everyone knows about Red Rock and Valley of Fire, but what about the unique, and hidden places? One such location is called Gold Butte, and let me tell you, it is like being on another planet. The red sandstone rock structures have been carved out by the wind to create interesting shapes. Not only that, but the rocky walls have preserved thousands of years old petroglyphs from the Anasazi, Moapa, and Paiute Native Americans. And, in the depths of Gold Butte, you can even stumble upon millions of years old dinosaur trace fossils. Everywhere you turn, there is something to marvel at, something that truly takes your breath away. But, what is scary is that Gold Butte is not protected, meaning that people can freely harm or damage this special place that people cherish.

Without protection, Gold Butte has been susceptible to destruction, and careless people have disrupted the natural ecosystems. As a UNLV student, and a member of UNLV Wilderness, I take it to heart knowing that a place as wonderful as Gold Butte could one day not be what it is today for my children or grandchildren. College students are the future, and I feel that if we spread the word about how beautiful Nevada's lands are, especially Gold Butte.

Designating Gold Butte as a National Monument would not only keep it protected, but it would also allow people from all across America to visit this wondrous place. Accessing Gold Butte would be easier, and it could even begin generating revenue for Nevada.

Please keep Gold Butte in mind. It sits right in between Grand Canyon National Park and Lake Mead National Recreation Area, and it deserves protection. My heart aches knowing that careless people are able to trample onto the lands and destroy the lands I love. We need your help, Mr. President, to keep our lands beautiful, and to spread the word about how special Nevada is. Thank you for your time, and I hope you have a lovely day.

Respectfully,
Michaela Tomchek
UNLV Wilderness
7217 Robins Roost St.
Las Vegas, NV, 89131

Michaela Tomchek

UNLV Wilderness Club Members

11-14-2015

Dear President Obama,

I am a student at University of Nevada Las Vegas, studying Environmental Studies. I am also a veteran, having been deployed with the United States Army to Iraq. I am writing to you to tell you about my experience today in a beautiful landscape, and implore you to protect it as much as you are able.

I visited Gold Butte today. This area of southern Nevada, which has been cutoff from the rest of southern Nevada by the formation of Lake Mead, has been recently a subject of national attention because of the Tea Party dispute. Along with fellow students and environmentally concerned citizens, we were taken on a day hike by a representative of Friends of Gold Butte. I saw views and rock formations I have never seen or been to before in the region.

Please use your just authority to invoke the Antiquities Act and protect this amazing area for future generations to enjoy.

Respectfully,

Brian Kennedy

(b) (6)

November 14, 2015

Dear President Obama,

I visited Gold Butte today. This is a beautiful area full of so many wonders. The rock formations and petroglyphs were especially amazing. This area needs to be protected for so many reasons.

As a person who was born and raised in Nevada, this place is important to me. It adds to the beauty of the state and is a great place to spend a day.

Please protect Gold Butte today for Nevada's future.

Sincerely,

Carolyn Marcu

(b) (6)

Dear President Obama

I am writing to you from Gold Eagle, NV, this stands
Piece of the Grand Canyon. It is very sad for I for
having born I saw in the intricacy stories of petroglyphs and
ancient pictographs stories. The sad part is knowing, and
the more that many people have left us this story happy
Building When I see petroglyphs and ancient rocks in them I
know this land needs protection. As a Soldier and a young
citizen of Nevada I strongly urge you to support S.139
and H.R. 856 or ultimately the Antiquities Act by the end of
your term in order to protect Gold Eagle.

Sincerely,

Sylvester Sandoval

(b) (6)

11/14/15

Dear President Obama,

As a Nevadan and an American, our wild landscapes are a very important resource to me. Places like the Spring Mountains, Red Rock Canyon, and the Desert National Wildlife Refuge are very special places. They are special to me, as I grew up exploring and learning about and in them, and they are special to Nevada as they bring in tourism, scientists, and adventurers. Today a very important part of Nevada's heritage is unprotected. This place is Gold Butte, and it is where I am writing you from.

Gold Butte is a vast region of great ecological importance. Situated between Lake Mead and Grand Canyon - Parashant NM, Gold Butte covers over 350,000 acres of wild, beatiful country. It is full of wildlife, unique geology, and countless archeological sites spanning thousands of years of human history in the Mojave and Great Basin. Bighorn sheep, desert tortoises, and many other species depend on this amazing place.

Unfortunately, certain parties would prefer to keep this majestic place a secret - or worse - abuse it for private gain. Lands like Gold Butte belong

to all Americans. Please consider the intrinsic value of Nature and the profound historical and geological treasures we have here in Gold Butte.

I strongly urge you to take action to permanently protect Gold Butte. Encourage ~~Senator~~ Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R.856) or utilize the Antiquities Act to protect Gold Butte before your term ends. It is vitally important that we protect Gold Butte's cultural, natural, and economic assets for this and future generations. It would be a great addition to your legacy as President.

Thank you for your time and attention in this urgent matter.

Sincerely,

Peter Sbraccia

Peter Sbraccia
(b) (6) [redacted]

P.S. I voted for you twice ☺

14 November 2015

Dear President Obama,

Red sandstone structures carved by the wind, filled with petroglyphs, and unique geologic structures - all surround me out here at Gold Butte. Somewhere there are also hundreds of millions of years old dinosaur tracks and the famous desert tortoise. So much beauty, so many amazing pieces of nature - all for us to appreciate and cherish yet, Gold Butte is unprotected, which means people can come out here and destroy or harm the natural wonders and prescribed history. Today during my visit to Gold Butte, I marveled at the beauty that towered over head, and gazed down at the unique ruins that sprinkled over the land. Tears fill my eyes when I look up because this is a special piece of Nevada. A piece that EVERYONE should protect and appreciate in the right way. We need your help to permanently protect Gold Butte from people who do not appreciate these lands. We need you to know how special Nevada is, and that we care about our precious lands. Please take Nevada under your wing, visit, and cherish our lands. Nevada is a piece of my heart, and it deserves protection and recognition. Come out and see the wondrous Gold Butte, it will change your life, forever. Thank you for your time, and please remember how special Nevada is.

Respectfully (from Gold Butte),

Michaela Tomchek - UNLV Wilderness

(b) (6)

Individual Community Members

Kent G. Blizard, PhD
(b) (6) [redacted]

February 23, 2016
The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protecting Gold Butte for today and future generations

Dear President Obama:

For years Southern Nevadans and Utahans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Utahan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly, time is running out for Gold Butte. A dramatic increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites has occurred in the last 18 months. As an ardent hikes and passionate conservationist living nearby in St. George Utah, it is important to me to preserve Gold Butte for quiet recreation, not only for me but, more importantly, for generations yet unborn.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Kent G. Blizard, PhD

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Michele Burkett
(b) (6)

November 16, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

I support protecting Gold Butte, Nevada's piece of the Grand Canyon. Covering almost 350,000 acres in southeastern Nevada, I cannot think of any corner of Gold Butte that isn't a natural wonder. Including thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back hundreds and hundreds of millions of years ago.

It is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live. Gold Butte has been ignored. While I admire the personnel of the BLM this remote area has been ignored and impart this has lead to in the recent problems. It is time to give this region protection, and I mean all of it, don't cut out any of the proposed area, the bajada east of the towns of Mesquite and Bunkerville are precious dark skies and open space commonly viewed from our front porch.

It is being said you have protected more land than any president in recent memory, therefore I am asking for this precious area to be added to your contribution. Don't wait until the 11th hour of your term, do it now, right away. Please either encourage Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilize the Antiquities Act. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Michele Burkett

Michele Burkett

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

May 13, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, on today, my 60th birthday, I realize the need to do more to protect the lands I love so much. I recently visited Gold Butte as a hiker and camper. We went into the remote backcountry and it was amazing. The cultural resources there, the wild lands, the history, well, it was all that protected lands should be. It is important to preserve Gold Butte because we saw many signs of vandalism; gun holes in 400ancient petroglyphs, burned down Wilderness signs. This wild land deserves protection to complete a protected corridor that makes sense for our children and my grandchildren.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Lori Curry
(b) (6)

November 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a high school student it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live and gives other students access to this beautiful landmark as well. Gold Butte would make an amazing field trip location for all students in Nevada because of its rich history both geologically and culturally. Students would greatly benefit from the educational aspects of Gold Butte as well as from being outside and hiking in such a location. I know that one of the platforms that your wife, Michelle Obama, is very passionate about is promoting healthy lifestyles for children. Gold Butte is an awesome place that helps promote that.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Josephine Hendry
(b) (6)

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

November 23, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

Several years ago some friends and I spent a weekend in Gold Butte. It was the second time I had been there and I've been back twice since then. It's an amazing place, well worthy of protection by any means necessary. What follows is a short essay on my experience that second trip:

Before we even stop, Tink, my Jack Russell Terrier, flashes from the truck like a white shot, bright against the dark ground and sky. She's been cooped up as have we three bipeds, riding wind gusts and a bumpy, half washed-out road until we simply can't go any farther. Her enthusiasm mirrors ours—we've been driving long enough, time to hike.

It's not a perfect day for bagging Gold Butte's highest point, late December on one of the shortest days of the year. The wind comes strong, 20 mph gusts at least, pushing clouds of deepening darkness above us. A chance for snow, perhaps, though no moisture hits us yet. We've come prepared, slip on gloves and hats, extra layers in backpacks, water, snacks. We load up, lock the truck, and follow the white spark upcanyon, impatient to be on our way.

The first two miles we're on a former road, washed out a decade or so ago. The canyon widens and narrows, wind whipping above us. Nick, our guide, knows the route, and shifts us left for our long approach to the summit. Here the terrain steepens and the rocks and brush sharpen, our always wary desert tricky with ways to protect itself.

We're here partly for that reason: to see this spot and advocate for its protection from development. It's a reminder of what we could lose—stunning as Gold Butte itself, Virgin Peak and its environs should be included, too.

It's one thing to look at a photo and know a place as beautiful and worth preserving—completely another to walk through it, breathe its air, see its plants and animals for yourself. That personal connection makes all the difference. As we climb the ridge, we pass a fecund mix of blackbrush, cliffrose, ever-present sagebrush, agave, and mixed cacti. No animals are out—they're far wiser than us. We make our way up grades that don't seem too challenging with no trail to guide us but the ridge above, a destination that seems fixed. One of the enjoyable things about this hike, however, is that it has a false summit or two that we take with a groan and a smile.

What's most special about our wild places hits me again as we rest: we just have the wind as company, no other humans in our area, no motor sounds. We've moved into that realm it's so hard to get to anymore—the simple noises of the world. Not silent, never, but soothing nonetheless.

We resume climbing. The rock gets sharper as we rise and I worry about Tink's feet. She seems fine, lunging ahead. The ridge is an ancient coral formation, filled with fossils

like brachiopods and small snails. Evidence is easily visible on a good clear day, but small snowflakes tap our faces now and again, and the wind whips itself into a frenzy at times, hard gusts that push like hands. Makes you appreciate the resilience of the life here, the mountain mahogany, singleleaf pinyon, and Utah juniper that make these windy reaches home.

After a final false summit we reach our destination. The wind blows fiercest here, pulling at clothing. Tink shivers and I wrap her in the dog sweater I brought. We take a few photos and slam some water and food, but it's truly too cold to enjoy the view for long. The spine of the Virgins stretch beside us like wings, giving us full view of Mesquite to the north, a scattering of lights signifying sunset, and Gold Butte dappled in shifting patches of speckled sun and cloud to the south, lightless and wild, as it should be.

We descend quickly, shadows growing around us, snowflakes striking our faces. We run the last stretch down the ridge, ready now for something warm in the belly. I notice Tink lagging and wait, and sure enough my concern was justified—the pads on two of her feet are cracked and bleeding lightly. I carry her down the road to the truck, and she rests on my lap as we bounce our way to the campsite. All seem to welcome the warm interior, the break from the strong gusts.

After a good hot meal we fall asleep to the sound of that wind, scratching the walls of my tent like fingernails, even with a good windbreak. Tink sleeps curled against my feet, warm, perhaps dreaming of freedom and wild places—the same thoughts I entertain as I drift away, knowing that there are no bad days out here.

Knowing, too, that Gold Butte will always draw us back. And I can't wait to get back out there.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Thank you for taking the time to listen to my concerns. Protect Gold Butte!

Sincerely,

William Huggins

(b) (6)

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior

November 17, 2015
Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me as a snowbird who has made Mesquite, Nevada my second home for almost half the year for the last five years, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live and because I enjoy hiking in Gold Butte.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,
Diana K Higgins
DIANA K. HIGGINS

(b) (6)

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director. White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

March 12, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, an avid outdoorsman, sportsman, naturalist, and conservationist, it is important to preserve Gold Butte because the preservation of the disappearing wildlands is in the long term interest of all Americans. These lands are not solely for the enrichment of corporate mining companies nor are they the personal property of a few misguided ranchers.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Andrew E. Jones
(b) (6)

cc: Senator Reid
Congresswoman Titus

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For us, a as residents of Mesquite NV, which is a rural gem with mostly tourists supporting our fragile economy and as a naturalist, this just makes so much sense. Our little community will benefit as will the whole world by your designation. This is why we stumped for you and have supported you President Obama! I'm very proud of the changes you have helped implement and now, yes we're asking for one more before you depart from your heavy responsibilities. This will be a great legacy. Thanks in advance and for all you've done. Love to you and your family.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S. 199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Warmest regards,

Bon and Chuck Kruder
(b) (6)

03/08/16

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, as a hiker I am a resident of Las Vegas and it is important to preserve Gold Butte because it's a beautiful place of beauty that I see getting destroyed without National Protection.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,
Ashley Lee
Market Outreach Coordinator

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

November 13, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a concerned citizen and outdoor enthusiast, it is important to preserve Gold Butte because it also means we continue to make Nevada a better place to live.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,
Charles Loomis
(b) (6)

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

(b) (6)

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte–due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites. For me as a member of Sun City Mesquite's Dessert Fossils hiking club, it is important to preserving Gold Butte because it also means we continue to make Nevada a better place to live and recreate.

We strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Geary Maher

Geary Maher

cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

March 10, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500
Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:
For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago. But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, the Gold Butte area is an opportunity to view the countless treasures listed above in a still relatively pristine wilderness. There are many long standing BLM designated trails for Off Road Vehicles which route traffic throughout the entire area and because of this there are many areas left for hikers and protection from further destruction. Maintaining this cooperative use of a treasured area needs to be protected permanently. There is nothing as beautiful as seeing the red rocks against the blue ski or as awe inspiring as viewing the ancient petroglyphs and imagining how the land was used thousands of years ago. It is important to preserve Gold Butte for our children and their children. They need to develop a sense of history and respect for the land, and this can only be developed by walking the ancient trails in this amazing wilderness.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

Edward and Patricia Manion

(b) (6)

November 5, 2015

The Honorable Harry Reid
Lloyd D. George Building
333 Las Vegas Boulevard South, Suite 8016
Las Vegas, Nevada 89101

Dear Senator Reid,
Axle grease initials of pioneers on a vertical orange-red cliff side close to ancient Indian petroglyphs ... The Old Spanish Trail ... The old Arrowhead Highway ... Thousands of acres of Nevada desert ... Dirt roads and no services ... Little Finland or Hobgoblins ... CCC dam and rock "cabin" ... Whitney Pockets ... Falling Man ... All this and more awaits the curious traveler to GOLD BUTTE by Mesquite, Nevada.

Senator Reid, I want you to know that I love this unique place in our beloved State of Nevada. I take as many of my friends there (not in the summer!) so they can experience these awesome wonders. I encourage other people to visit this treasure.

As a 35-year resident of Nevada, I appreciate your introducing the Gold Butte National Conservation Area Act to protect and preserve this unique area. Your hard work for your Nevada constituents has resulted in our having Great Basin National Park, Red Rock Canyon National Conservation Area, Sloan Canyon National Conservation Area, Tule Springs National Monument, and Basin and Range National Monument. Now that I am retired, I am able to more fully enjoy and marvel at the natural wonders of our state.

I know you are aware of Friends of Gold Butte which does an outstanding job of promoting Gold Butte. I have toured Gold Butte with them twice and valued each experience of discovering its wonders. Those outings inspired my contacting you.

I am in support of permanent protection of the Gold Butte area and again thank you for your commitment to the unique areas in Nevada for all of us to cherish. Your tenure in the United States Senate has served Nevada well.

Sincerely,

Anthony (Tony) Taylor

December 10, 2015

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Please Help Protect Nevada's Gold Butte

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As Nevadans, we understand the need to protect the region's recreational, cultural, and natural resources. That is why we write in support of additional protections for Gold Butte.

We had the chance to visit Gold Butte this Nevada Day. Covering almost 350,000 acres in southeastern Nevada, the area is a treasure trove of cultural, historic, and natural wonders. The area is prime habitat for the threatened desert tortoise, and we saw tracks from desert bighorn sheep along a wash that descends towards Lake Mead. We walked among the most bizarre and beautiful naturally sculpted sandstone shapes we've ever seen. There are keyholes, tables, chairs, arches, honeycombs, and sandy alcoves in colors that shift from intense red to tawny brown to nearly white. In another area, we scrambled along boulder fields and at nearly every turn saw petroglyphs, including some of the largest and most intact panels we've ever seen. There are also historic mining and pioneer-era artifacts and a massive sinkhole called the Devil's Throat that's unlike anything we've ever seen. As the sun set, we could see the Grand Wash Cliffs glowing pink in the distance and understood why Gold Butte is Nevada's piece of the Grand Canyon.

Unfortunately, we also saw some disturbing things. ATV tracks run over sensitive desert soil. Interpretive signs are riddled with buckshot and bullet holes as we drove past Cliven Bundy's ranch on the way in. USGS benchmarks and sadly even petroglyphs and pioneer sites have also been vandalized. It's clear this special place needs special protection and enhancement for the enjoyment of all.

We strongly urge you to take action to permanently protect Gold Butte now, by encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or utilizing the Antiquities Act by the end of your term. It is vitally important that we safeguard Gold Butte's economic, cultural, and environmental benefits for future generations.

Sincerely,

Howard Watts III & Leora Olivas

5 February 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Protected Public Lands Benefit Nevada's Economy

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make this region unique. Places like Red Rock Canyon National Conservation Area and Mt. Charleston are a source of community pride. They improve the quality of life and help to drive the economy. As Montanans who live near Glacier National Park and part-time Nevadans who reside in Mesquite, NV, my wife Sharon and I understand the need to protect the region's recreational, cultural, and natural resources. That is why we support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For Sharon and me, as hikers and avid outdoors people, the current situation for Gold Butte is untenable. NPR has called Gold Butte "lawless". Illegal grazing and deliberately destructive shooting at archeological sites are only two of outrages put upon this area.

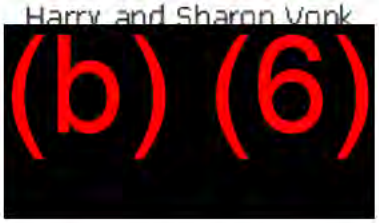
Last Saturday, as Sharon and I stood again in awe of the Falling Man and 21 Goats petroglyphs, we wondered if our grandchildren would be able to share our experience. Surely the Gold Butte area, a wondrous natural place and a record of its ancient people is worthy of conserving for us and future generations alike.

I urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a National Monument. It is vitally important that we safeguard Gold Butte's economic, as well as the cultural, and environmental benefits for future generations.

Sincerely,

HVonk

Harry and Sharon Vonk



cc: Senator Reid
Congresswoman Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Gold Butte Damage Report (Nov. 2014 - Jul. 2015)

On August 19, 2015 the Friends of Gold Butte released a report entitled "Damage in Gold Butte, Nevada" documenting destruction observed in the Gold Butte region between November 2014 and July 2015. The report provides photographs and descriptions of trespass near cultural and historic sites as well as harm to sensitive desert areas that are habitat for threatened and endangered species.

Damage in Gold Butte, Nevada
November 2014 – July 2015

EXECUTIVE SUMMARY

Located in southeastern Nevada between the Grand Canyon-Parashant National Monument and Lake Mead National Recreation Area, Gold Butte is 350,000 acres of BLM managed land. Most of the land area in the Gold Butte region is designated as an Area of Critical Environmental Concern (ACEC) to protect habitat for the Mojave Desert tortoise and big horn sheep; to protect significant cultural resources, such as petroglyphs and historic mining and pioneer-era artifacts; and to protect sensitive plant species, such as the endemic Las Vegas bearpaw poppy (*Arctomecon californica*). In addition, Gold Butte supports multiple uses including hiking, hunting, birding, camping, all-terrain vehicle riding on designated trails, and traditional tribal uses. Southern Nevadans have been asking elected officials for 15 years to protect the nationally significant cultural, historic, and natural treasures in Gold Butte.

Due to adverse circumstances, the BLM and all federal land management agencies have halted official activities in the Gold Butte area since April 2014. In the absence of a land management presence, Friends of Gold Butte (FoGB) has witnessed an increasing level of intrusion near historic and cultural sites as well as impacts to sensitive desert areas that are habitat for threatened and endangered species. Between November 2014 and July 2015, FoGB documented significant damage in Gold Butte.

FoGB conducted observations through road surveys and by hiking in impacted areas. Impacted sites were documented by photography and by recording GPS waypoints. All waypoints reported in the following pages were recorded using North American Datum 1983 (NAD 83) standard of the Universal Transverse Mercator (UTM) coordinate system. In the report, the Gold Butte Road is also known as Gold Butte Backcountry Byway (Byway).

This report compiles the significant impacts observed in Gold Butte. The report has been redacted to protect archaeological artifact and cultural site locations so as not to drive additional visitation to sensitive yet unprotected areas.

Part 1 provides evidence of unauthorized water infrastructure that is being constructed across several miles of desert that is designated as ACEC.

Part 2 documents multiple, illegal vehicle intrusions that have impacted archaeological and cultural sites; sensitive desert ecosystems including riparian areas, crypto-biotic soil, stretches of desert pavement, and unique red sand dunes; and sensitive bearpaw poppy restoration areas.

Part 3 documents vandalism, noting the looting of historic gravesites and damage to signs in Gold Butte.

Friends of Gold Butte *is a 501(c)3 organization with over 500 members and a mission to achieve permanent protection for Gold Butte's natural and cultural resources through education, community outreach and advocacy. For more information about FoGB and our activities contact Jaina Moan at* info@friendsofgoldbutte.org.

Part 1: Infrastructure intrusion with significant impacts to ACEC in Gold Butte

On May 10, 2015, a large water tank was noticed. The tank is located about one mile south of Fisherman Cove turn off and east of Gold Butte Road. This is a popular camping spot located near a large mud pile.

The large round tank (previously used for gas storage according what is written on the end) has been brought in by truck and placed onto a high spot (Image 1) near location UTM 11S 0749561 4053233. A truck drove across the previously pristine desert to deliver the tank to its present location as evidenced by vehicle intrusions near the tank (Image 2 and Image 3).

Image 1: Large tank observed near UTM 11S 0749561 4053233. Note date 4/29/2015 painted on tank. Photographed May 10, 2015.

Image 2: Vehicle damage to desert near tank, likely caused in delivering the tank, looking east. Photographed May 10, 2015.

Image 3: Vehicle damage to desert near tank, likely caused in delivering the tank, looking east. Photographed May 10, 2015.

In a low spot just west of the tank an old, very large tire, 33 25 R29 XR has been converted to a watering trough (Image 4 and Image 5). This tire had previously been located about one-half mile north of its present location (Image 6). The tire was observed at its first location in April 2013 and verbally reported to BLM field personnel on May 1, 2013. The BLM determined that removing the tire would cause more damage to the desert than to leave it in place. There is not a

legal road to the location where the tire was previously located. It was not determined how the tire was moved, but it had to involve taking a vehicle across the desert.

As illustrated in Image 5, a pipe and brass hose bib is installed in the bottom of the 'water trough' and the bottom is cemented. The pipe line can be followed some distance by the presence of disturbed soil and plants, it runs north and a little east (Image 7 and Image 8).

Image 4: Tire in new location converted to water trough. Photographed May 10, 2015.

Image 5: Cemented base of the "tire water trough." Photographed May 10, 2015.

Image 6: First location of tire, one-half mile north of present location. Photographed May 1, 2013.

Image 7: Trace of the newly placed pipe line headed northeast from the water trough. Photographed May 10, 2015.

Image 8: Trace of the newly placed pipe line from the water trough, looking south at new trench and water trough. Photographed May 10, 2015.

As illustrated in Image 4 and Image 9, there are several rolls of plastic pipe and lots of trash including baling string in the area around the trough, indicating this is a place where baled hay has been used to feed the cattle. Location is near UTM 11S 0749561 4053233.

Image 9: Rolls of pipe likely intended to be used in the ongoing trenching process. Photographed May 10, 2015.

A tractor was visible from Gold Butte Road just south of Fisherman Cove turn off at at 11 S 749909 4053620. The pipe and trench continued northeast from the tractor (Image 10). The

trench had been recently dug as far as could be seen. A water source for the trench was not found. This location is approximately one mile from the new water trough.

Image 10: Tractor and trench near tractor, looking northeast. Photographed May 10, 2015.

The pipe tees at the tractor with pipes and trenches leading northeast toward the water source, southeast toward new water trough, southwest across Gold Butte Road toward Fisherman cove area, continuing on the bajada toward Fisherman Cove area (Images 11-15). The pipe toward Fisherman cove was followed for a half-mile. Its termination point was not determined.

Image 11: Pipe tee at the tractor. The upper pipe (#1) heads northeast toward water source. The pipe to the right (#2) headed toward new water trough and pipe pointed straight down

(#3) goes southwest, crosses Gold Butte Road and continues southwest on the bajada toward Fisherman Cove area. Photo above looking northeast. Photographed May 10, 2015.

Image 12: Trench #2 and pipe headed toward Gold Butte Road from the tractor and on southwest. Photo looking west. Photographed May 10, 2015.

Image 13: Pipe #3 and valves just west of Gold Butte road. Must have used an existing pipe to cross under the road. This pipe and valve have water but the new water trough is still dry. Photo looking east. UTM 11 S 749561 4053233. Photographed May 10, 2015.

Image 14: Trench and pipe #3 continue southwest toward Fisherman Cove area. Photo looking southwest. Photographed May 10, 2015.

Image 15: Must have been an existing pipe along here and was removed at some point. Followed the trench intrusion to this location 11 S 0749288 4052896. Photo looking southwest. Photographed May 10, 2015.

On July 11, 2015 further trenching and pipe installations were observed at the area. The trough has been filled with water since May 10, 2015 when last visited. It must have held water long

enough for algae to form and water marks to appear inside the tire. It appears that the cement poured to seal the bottom failed and then wouldn't hold water. Meanwhile some wildlife got in the trough and died. On July 11, 2015, a trench and water pipe leading to the large storage tank were observed. The tank has been leveled and a fill pipe inserted in the top. It is holding water about 3 feet deep as determined by the temperature of the tank, cooler where the water is, hot where empty. The photos depict the water trough taken July 11 and 13, 2015 near UTM 11S 0749561 4053233 (Image 16). These photos document wildlife that have been caught in the trough (Image 16 and Image 17). These photos also record new trenching between the trough and storage tank (Image 18 and Image 19).

Image 16: Tire water "trough" with water marks and float valve. Cement failed to hold water. Note dead roadrunner and dead animal caught on float valve. Photo taken on July 13, 2015. Compare to Image 5. Photographed July 13, 2015.

Image 17: Dead animal caught on float valve in water trough. Photographed July 11, 2015.

Image 18: Trenching to water tank. Photographed July 11, 2015.

Image 19: Water storage tank. Note water line from top of tank. Photographed July 11, 2015.

Part 2: Vehicle Intrusions in Gold Butte recorded November 8, 2014 to February 27, 2015

Intrusions at or near [redacted] is one of the largest petroglyph panels in Nevada. The site is accessible only by foot. There had been no intrusions at this location as of October 23, 2014. The first intrusion was observed on November 8, 2014. The all terrain vehicle tracks (ATV) appeared very fresh. This intrusion started at [redacted]. A single ATV went to the end of the closed road at approximately [redacted], proceeded southeast into the previously undisturbed desert, made a large circle, and returned to the closed road. The ATV tracks then turned southeast up a small drainage, as far as they could go, damaging the desert along the way. The tracks then turned northwest until they intersected the closed road. They continued on the closed road, north to northwest. The tracks then diverted from the closed road and traveled west across the pristine desert until they reached another drainage at about [redacted]. The tracks continued south (upstream) in the drainage. The tracks left the drainage due to rock blockage and traveled out in the desert, running over the flora, knocking down at least one barrel cactus and leaving deep ruts coming out of and back into the drainage (Image 20 and Image 21). The tracks continued south to an area of previously undisturbed desert pavement at [redacted]. This is possibly the largest, best example of desert pavement in Gold Butte. Now it has scars of ATV tracks on it (Image 22 and Image 23).

Image 20: Photo above shows tracks across pristine desert going toward desert pavement area. Photographed November 8, 2014.

Image 21: Photo of barrel cactus knocked over by the ATV driving across the desert on way to desert pavement area. Photographed November 8, 2014.

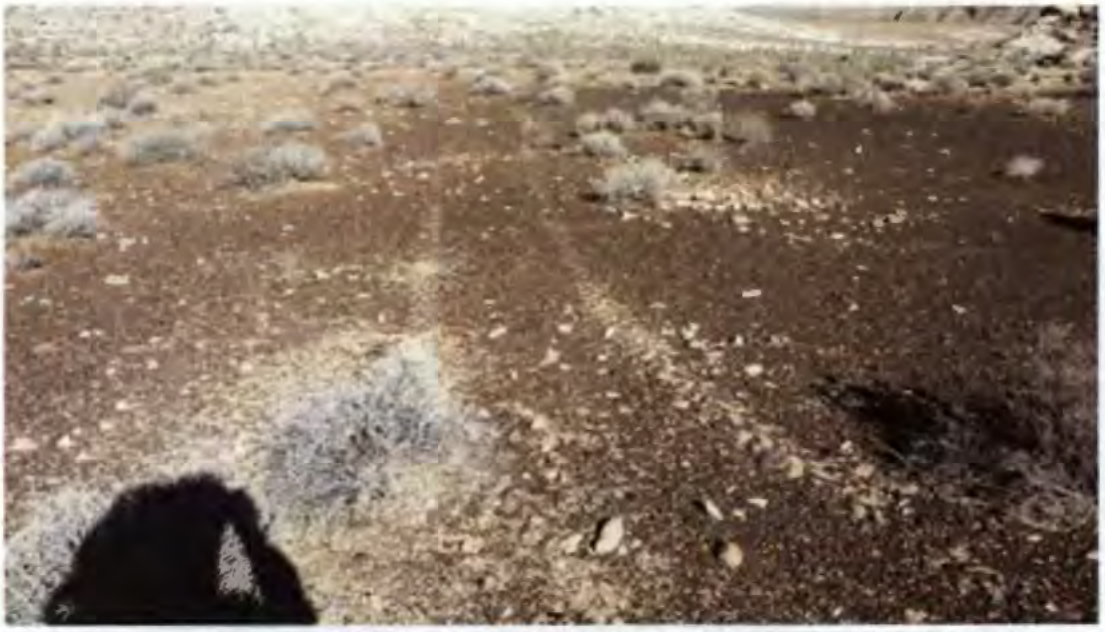


Image 22: Damage to the desert pavement area. Photographed November 8, 2014.

Image 23: Close up damage to the desert pavement area. Photographed November 8, 2014.

Between November 8, 2014 and January 18, 2015 there have been at least three more intrusions from the [redacted]. Later intrusions did not travel to the end of the closed road or divert from the road other than to make donuts in the desert or turn around. An additional intrusion near the [redacted] area was recorded at [redacted] (Image 24) on January 6, 2015.

Image 24: Intrusion near [redacted]. Photographed January 6, 2015. Looking south.

Between January 18 and February 23, 2015, additional ATV intrusions were observed from [redacted]. Most of the tracks went only part way to an area of petroglyphs and turned around. However, on February 15, 2015, a fresh intrusion was observed (Image 25). A single ATV went to the end of the closed road at approximately [redacted] then proceeded southeast as far as possible due to impassable canyon walls on all sides. Trash and beer cans were found further back on the trail. This was at [redacted]. The tracks then turned north across the drainage and then proceeded southeast as far as possible, again stopped by steep canyon walls. The furthest southeast intrusion went considerably further than any other recent intrusion.

Image 25: Intrusion near [redacted] area at [redacted].
Photographed February 15, 2015. Looking east.

On January 22, 2015, another intrusion into the Desert Pavement (DP) area was observed. This was west of [redacted]. It was unclear if the intrusion went to [redacted] area or not. The ATV track followed the previous one and with continued use it will be an illegal road (Image 26 and Image 27).

Image 26: Above photo taken east of Bitter Ridge, west of [redacted] view is looking SE. Photographed January 22, 2015.

Image 27: East of Bitter Ridge, west of [redacted] in upper right. Photographed January 22, 2015.

Intrusions near [redacted]

The previously successfully closed illegal roads in Gold Butte are now being reopened. There have been numerous intrusions at the [redacted] area located at [redacted]. These intrusions have reopened the illegal roads to Lone Palm/Little Finland and has become quite well traveled now. Some of the intrusions from the corral have traveled north/northeast up the drainages as far as possible. These appear to mostly be over older partially recovered intrusions. (Images 28 and Image 29).

Image 28: Intrusions west of the [redacted]. Photographed December 20, 2014.

Image 29: Intrusions east of the [redacted]. Photographed December 20, 2014.

Between January 18 and February 23, 2015, new intrusions all around [redacted] occurred most every week especially on weekends. The intrusions went around the corral, as well as north toward the cliffs and northwest toward Little Finland area.

Intrusions at Popular Camp Site

A popular camping area is located at the end of cherry stem road at 11 S 750999 403704. On January 5, 2015, we noticed multiple vehicle intrusions near the camp. The vehicles drove into the desert in two directions. One set of tracks appeared to have been made by a full size vehicle, such as a truck. As you can see in the photos one intrusion went south following more than one route (Image 30) and another went east along the fence (Image 31). All tracks caused significant desert flora and soil damage. Tracks leading past the fence at the camping area indicated that the fence had been cut, giving the vehicles illegal access to the sensitive north cliff and red dunes area of Little Finland (Image 32 and Image 33). Intrusions continued across the dunes for over one mile. The fence was later repaired.

Image 30: Intrusion at popular camping area, next to 'No Vehicles' sign. Looking south. Photographed January 5, 2015.

Image 31: The intrusion continued south and east across desert floor. Photographed January 5, 2015.

Image 32: Vehicle intrusions east from popular camping area, along fence line. Photographed January 5, 2015.

Image 33: Fence at popular camping area was cut and later repaired, giving the vehicles illegal access to the north cliff/dunes area of Little Finland. Photographed January 5, 2015.

Image 34: Photo above taken north of Little Finland where sand dunes meet the cliffs. View looking about east and showing where a vehicle drove across the sand dunes for over a mile.

Between January 18 and February 23, 2015, at least one additional intrusion was observed going south into the desert from the popular camping area at 11 S 750999 4037043.

Intrusions near the [redacted] area.

[redacted] is an archaeological site in Gold Butte containing the highest concentration of petroglyphs in the Gold Butte area. A parking area was established in 2009 to protect the cultural resources and fragile desert ecosystem near the [redacted]. Intrusions past the parking area for this site were recorded in November and January.

An ATV intrusion was documented east of the post and cable parking for [redacted] on November 8, 2014 (Image 35). The intrusion paralleled the trail south for approximately one hundred yards and then turned back making another path across the desert to the road.

Image 35: ATV intrusion east of the [redacted] area. Photographed November 8, 2014.

On January 6, 2015, an intrusion west of [redacted] was recorded at location [redacted] (Image 36). This area has been intruded before but the BLM had successfully restored the intrusion. Now the restoration is badly damaged. The intrusion went south onto the fragile crypto and gypsum soil leaving deep ruts across the desert floor.

Image 36: Intrusion west of [redacted] area. Photographed January 6, 2015.

Intrusion from Gold Butte Road south of Whitney Pockets in Bear Poppy restoration area
The Las Vegas bearpaw poppy (*Arctomecon californica*) is a rare, endemic Mojave Desert plant. The BLM installed post, cable, and signs in Gold Butte to protect bearpaw poppy restoration areas. An intrusion along the Gold Butte road just south of pavement end at [redacted] was first observed in December 2014 (Image 37). This trail has become heavily used by ATVs. This was an old trail that has been closed for many years, but now the road closed sign has disappered. This trail went west across the desert mainly in washes, past the sensitive [redacted] archaeological site, and connected to the [redacted] (also informally known as [redacted] Road). The ATVs exit at [redacted] on a trail previously closed by BLM to protect the Las Vegas bearpaw poppy (Image 38). Posts and cable were installed to protect the bearpaw poppy but the ATVs are driving through the restoration area and around the north end of the post and cable. The west end of the intrusion was documented on January 6, 2015 (Image 38 and 39). Many intrusions have occurred and continue to occur at this location.

Image 37: Photo above at [redacted] is the east end of the closed trail illegally reopened. This is just south of end of pavement and [redacted] and is on west side of [redacted]. Photographed December 16, 2014.

Image 38: West end of the reopened trail at [redacted], looking southeast into bearpaw poppy restoration area. Photographed January 6, 2015.

Image 39: The intrusion through the bearpaw poppy restoration area reopened a closed road leading to the [redacted] site. Photographed January 6, 2015.

Intrusions from Gold Butte Road between Whitney Pockets and Gold Butte Townsite

The following intrusions were noticed along Gold Butte Road road between Whitney Pockets and Gold Butte Townsite on February 12, 2015 (Images 40-44).

Image 40: Above photo at 11 S 755193 4038572, east side of Gold Butte Road road, this intrusion headed northeast into previously undistrubed desert. Photographed February 12, 2015.

Image 41: Above photo at 11 S 756161 4025098 on west side of Gold Butte Road road. Fence was cut and turned back, ATV proceeded down a wash, photo below shows the tracks where they went over the recently graded road. It was unclear how far they traveled into the desert, but it appeared they came back the same way. Photographed February 12, 2015.

Further south on west side of Gold Butte Road road at 11 S 754595 4020963, the fence has been cut and turned back. A vehicle traveled onto the desert floor beyond the cut fence (Images 42-44).

Image 42: Fence cut and turned back at 11 S 754595 4020963. Photographed February 12, 2015.

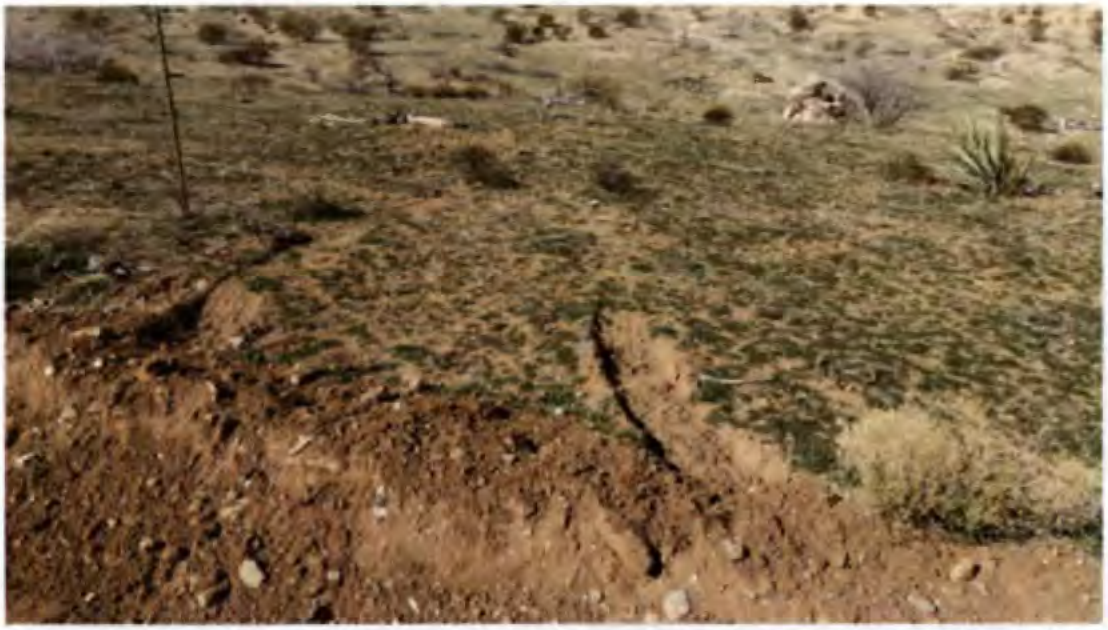


Image 43: Tracks leading beyond the cut and turned back fence at 11 S 754595 4020963. Photographed February 12, 2015.

Image 44: Tracks across desert beyond cut fence at 11 S 754595 4020963. Photographed February 12, 2015.

On the east side of Gold Butte Road, just north of Gold Butte Townsite, the fence has been cut and turned back at 11 S 752598 4019868. It is likely that ATVs are using this as a short cut to the Townsite (Image 45).

Image 45: Cut fence and intrusion north of Gold Butte Townsite at 11 S 752598 4019868 on east side of Gold Butte Road. Photographed February 12, 2015.

Intrusions on road to [redacted]

On February 27, 2015, a new intrusion was observed along the unnamed road from [redacted] at [redacted] to about [redacted] (Image 46 and Image 47). The tracks went north to edge of the cliff above [redacted] then turned around and back to the legal road. The intrusion likely occurred between November 2014 and February 27, 2015.

Image 46: Tracks from intrusion along road to [redacted]. Photographed February 27, 2015.

Image 47: Tracks from intrusion along road to [redacted]. Photographed February 27, 2015.

Intrusion from west limb of Gold Butte Back Country Byway

Along the west limb of the Back Country Byway, there is a closed trail near a rock shelter to the east. ATVs have bypassed the sign which is broken off and lying on the ground and made a new path at [redacted] (Image 48 and Image 49). The old track runs southeast and the ATVs have repeatedly driven to the end and created an open road appearance. The archeological artifacts that used to be scattered near the rock shelter are gone—not a single lithic flake or ceramic shard was to be seen.

Image 48: Vehicle intrusion along west limb of the Gold Butte Backcountry Byway at [redacted]. Photographed February 27, 2015.

Image 49: Vehicle intrusion along west limb of the Gold Butte Backcountry Byway at [redacted]. Photographed February 27, 2015.

Intrusions at [redacted] riparian area

The west limb of Gold Butte Back Country Byway continues north into [redacted] just above the [redacted] riparian area. The old path down [redacted] past the riparian area has been closed for years but has always had a lot of intrusions. When present, BLM crews repair the fence and the post and cable at the lower end of the closed area but the fence gets cut and turned back and the post and cable somehow made to allow ATVs passage. This area is receiving heavy ATV traffic and now looks like a legal road. -The "no vehicle" signs at each end are gone, the fence is cut, and the cables are loosened and useless (Image 50 and Image 51). The riparian area is heavily impacted from ATVs, cattle, and wild burros.

Image 50: Cut fence leading to [redacted] riparian area at [redacted]. Photographed February 27, 2015.

Image 51: Cut fence leading to [redacted] riparian area at [redacted]. Photographed February 27, 2015.

Part 3: Vandalism in Gold Butte

There have been several documented cases of vandalism in Gold Butte that have occurred since April 2014. Notably, the *Las Vegas Review Journal* reported that a pioneer gravesites had been disturbed in Gold Butte ("Chaos on the range may have left opening for grave robbers," April 23, 2014) (Image 52). This incident was not originally documented by Friends of Gold Butte, but is it a noteworthy inclusion for this report.

Image 52: Disturbed grave in Gold Butte. Photo originally published in *Las Vegas Review Journal*, April 23, 2014. "Chaos on the range may have left opening for grave robbers."

There are only three information kiosks in the Gold Butte area. Bullet holes have appeared on both panels of the Riverside kiosk located at 11 S 748359 4068681 (Image 53 and Image 54).

Image 53: Bullet holes in the Riverside information kiosk. Photographed December 13, 2014.

Image 54: Bullet holes in the Riverside information kiosk. Photographed December 13, 2014.

Center for Western Priorities

WINNING THE WEST

Winning the West - Nevada Public Lands Survey

This year, the road to the White House and control of the US Senate runs through the Mountain West, especially Colorado, Nevada and Montana where public lands, mountains, deserts, wildlife, and energy development are central features of life and local identity. Regardless of political party voters in these states care deeply about access to the outdoors and public lands.

CWP's Winning the West Nevada poll, conducted by the bipartisan firm Purple Strategies, sampled 700 likely 2016 Nevada voters between May 2nd and 5th, 2016. Respondents were randomly selected from a voter file and language-of-choice interviewing was available to Spanish-speaking voters. The margin of error is +/-3.7%.

Key Findings:

- There is broad bipartisan support for designating Gold Butte as a National Monument. 71% of Nevadans support monument designation.
- Fewer than one in three Nevada voters think there's too much public land in the state
- Nevada voters believe public lands are important to Nevada's economy and are an important part of what makes Nevada a good place to live.
- Many Nevadans are frequent visitors to the state's open spaces, with nearly 9 in 10 stating they had visited public lands in Nevada at least once in the past year.
- Nevadans value collaboration over confrontation and shy away from candidates supportive of Cliven Bundy. Only one in five Nevada voters would be more likely to support a candidate for office who sides with Cliven Bundy.
- Support for renewable energy development is strong, particularly expanding solar development.

For more information please visit westernpriorities.org/winningthewest

CENTER FOR WESTERN PRIORITIES

820 16th Street | Suite 450 | Denver, CO 80202
(303) 974-7761 | westernpriorities.org

Gold Butte Media Clip Book
January 2015 – May 2016

Petroglyph Panel in Gold Butte (T. Rylander)

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Poll: Nevada voters support solar energy, preservation of public lands

Writers: Megan Messerly and Daniel Rothberg
Published: June 2, 2016

Across the political spectrum, Nevada voters generally support renewable energy, taxing mining companies and preserving public lands while taking a collaborative approach with the federal government on land-use issues, according to a poll released on Wednesday.

The survey, prepared for the Center for Western Priorities, a nonpartisan conservation organization, asked 700 likely voters in the November election their opinions on an array of issues that affect land rights, the environment, energy policy and economic development.

The issues have drawn significant attention amid the February arrest of Nevada rancher Cliven Bundy in connection with a 2014 armed standoff over grazing rights and a regulatory decision in December that prompted several solar companies to cease sales in the state. With the election looming, such actions have placed issues involving public land and renewables in the spotlight.

The poll's respondents were relatively split between Republicans and Democrats, with a slight lean toward Democrats. The poll, conducted by Purple Strategies in May, has a 3.7 percent margin of error.

Here are some highlights from the poll:

Land rights and Bundy
The issue of public lands has long divided Nevadans, traditionally along political lines. Typically, Democrats tend to favor keeping Nevada's public lands in the hands of the federal government, while Republicans support transferring oversight of them over to state agencies.

To that end, the poll asked respondents whether they would prefer a Democratic candidate who "believes recreation and renewable energy should be priorities on our public lands" or a Republican candidate who supports selling public lands to close the budget deficit and "(prioritizes) the development of public lands to help grow our economy." Fifty-five percent of respondents chose the Democrat, while 29 percent favored the Republican.

The poll also delved into attitudes toward Bundy and his supporters in light of the 2014 standoff, summarizing the positions of Bundy's supporters and opponents and then asking respondents for their take. Fifty-one percent of respondents said they disagreed with Bundy while 33 percent agreed with him. Still, more than half of Republican voters tended to agree with Bundy, while independent voters and Democrats tended to disagree.
About three-fourths of respondents said Nevada should prioritize collaboration with the federal government over public lands issues rather than engage in all-out conflict.

Land use for recreation
Meanwhile, less than half of respondents had a favorable impression of the Bureau of Land Management, which oversees the vast majority of federal lands in Nevada and was the main agency on the other end of the Bundy standoff.

However, 84 percent of them expressed positive views of the National Park Service, which has

purview over Lake Mead, Great Basin National Park and Tule Springs Fossil Beds.

The Grand Canyon National Park, Lake Tahoe, and Red Rock Canyon were the three most important public land sites in the state, according to respondents. Tule Springs, the newest national park, came in last with only 28 percent of respondents saying it was very important to the state's economy and cultural heritage.

The poll also showed support among both Democrats and Republicans for designating Gold Butte as a national monument, though there was stronger support among Democrats — 78 percent of them supported the designation compared to 59 percent of Republicans.

Some of the top priorities for public land use included preserving access to the lands for outdoor recreation, expanding the state's outdoor tourism economy, and protecting wildlife.

Solar and renewables

The poll found that Nevada voters appear to support renewable development.

A majority of respondents — 66 percent — had a favorable view of solar energy companies. After the Public Utilities Commission of Nevada approved rates that increased bills for rooftop solar customers, national companies like SolarCity and Sunrun halted their operations here. In the wake of the decision in December, those companies have worked to undo the rates with a vocal public campaign, lawsuits and a proposed ballot measure.

The poll found that Nevada voters have a poor opinion of the utilities commission that crafted those rates. Only 35 percent of respondents had a favorable opinion of the commission. Oil companies and coal companies also had favorable ratings hovering just below 40 percent.

Western states should prioritize solar over the next decade, a majority of respondents said. Only 21 percent said natural gas, which comprises most of Nevada's energy supply, should be a priority. When asked how public land could best be used to spur the state's economy, a plurality of respondents — 43 percent — chose increasing renewable development projects.

Regardless of their politics, respondents said they would support pro-renewable candidates.
A majority of Democrats, Republicans and independents said they would be more likely to support a candidate who favored investment in renewables and supported policies that would effectively restart the rooftop solar industry.

Oil and mining

About half of respondents said they would be more likely to support a candidate who favored increased oil drilling and mining on public lands — provided proper environmental protections were in place — while a quarter said they would be less likely. A majority of respondents also favored mining companies having to pay extra fees and taxes for extracting minerals on public lands.

Questions on mining on public lands and mining taxes typically enjoyed more support from Republican respondents than Democratic ones.

Yucca Mountain

Nevadans still, by and large, don't want nuclear waste stored at Yucca Mountain. Fifty-five percent of respondents said they would be less likely to vote for a candidate who supported storing waste at Yucca.

On the other hand, 19 percent said storing waste at Yucca would make no difference in their vote. Democrats expressed more support for blocking waste storage at Yucca than Republicans did, though Republicans still tended to favor blocking storage over allowing it.

https://lasvegassun.com/news/2016/jun/02/poll-nevada-voters-back-solar-energy-public-lands/

Poll shows Nevadans favor balanced approach to public land issues

Writer: Sandra Chereb
Published: June 2, 2016

CARSON CITY — Nevadans love their open space and public lands, favor renewable energy and are less likely to vote for a candidate who supported Bunkerville rancher Cliven Bundy in his 2014 standoff with federal authorities.

Those were the findings of a poll released Wednesday by the Center for Western Priorities, a nonpartisan conservation and advocacy group. The survey found Nevadans overwhelmingly agree public land issues use should be prioritized collaboratively rather than through conflict with the federal government.

"With each election cycle we've seen the growing influence of states like Nevada, Montana and Colorado in national elections," Jennifer Rokala, director of the center, said in a conference call with reporters.

"Voters in these states and throughout the region care deeply about access to the outdoors and public lands," she said.

"Regardless of political party, voters in Nevada ... favor balance and pragmatism and reject the extreme public lands agenda of Cliven Bundy and his supporters," Rokala said.

Bundy and armed supporters confronted the Bureau of Land Management and law enforcement when agents moved to confiscate his cattle in April 2014 over unpaid grazing fees. The BLM later abandoned the roundup over fears of violence. Bundy, four of his sons and 14 others are under federal indictment on standoff-related charges.

The telephone survey of 700 likely Nevada voters was conducted May 2-5 by Purple Strategies, a national research firm. The survey has a margin of error of 3.7 percentage points.

Brian Gottlieb, the firm's managing director, said 57 percent of those surveyed disagreed with a statement that Nevada has too much public land, while 31 percent agreed.

Forty-six percent disagree with the rancher and his supporters, based on what they've heard, while 34 percent agree and 20 percent said they don't know. Negative responses rose to 51 percent when the question was asked after explanations of the dispute over public lands and the role of the federal government.

Additionally, 71 percent support national monument status for Clark County's Gold Butte, with 11 percent opposed.

Other key findings show:

■ Nevadans, by a 74 percent to 12 percent margin, are more likely to support candidates who encourage development of solar, geothermal and wind energy on public lands.

■ Respondents favor continuing mining and oil and gas drilling on public lands, 55 percent to 24 percent, but with added environmental protections. Additionally, they are less likely to support candidates who propose prohibiting energy development on public lands.

■ Nevadans are evenly split when asked if they are more or less likely to support a candidate espousing

opening of wilderness areas to motorized vehicles, though Republicans, by a margin of 45 percent to 34 percent, view the idea more favorably.

■ Half of all respondents are less likely to support someone who proposed selling off public lands to reduce the national deficit.

■ Voters, regardless of party, were more likely to vote for a candidate who espoused blocking the storage of nuclear waste at Yucca Mountain by an overall margin of 51 percent to 23 percent.

http://m.reviewjournal.com/politics/elections/poll-shows-nevadans-favor-balanced-approach-public-lands-issues

Let's Talk Mesquite
Where Communities Communicate

Surprise! Nevadans Prefer #ProtectNV Over #BundyRanch Extremism

Writer: Andrew Davey
Published: June 2, 2016

This week, the Center for Western Priorities & Purple Strategies released a new poll of Nevada voters that sheds some light on the years worth of political spin we've endured. For all the hype over how popular Cliven Bundy's "Range War" is in "libertarian Nevada", the actual numbers paint a very different picture.

How different, you ask? Let's examine these new numbers below the fold.

The new research shows that Nevadans are widely supportive of the state's public lands, that they want to see their public lands heritage protected, and that they are opposed to selling of public lands. A few key findings include:

– Nevadans are frequent visitors to the state's open spaces, with nearly 9 in 10 visiting public lands in the state at least once last year.

– While some have proposed selling off national public lands, Nevadans are not supportive of this idea–in fact, 50 percent of Nevadans are less likely to support a candidate who proposes selling off public lands to reduce the budget deficit.

– By a nearly two-to-one margin, voters overwhelmingly rejected the idea that there are too many public lands in Nevada.

– 72 percent of Nevadans support protecting the red sandstone canyons and cultural heritage sites in the Gold Butte region as a national monument.

The coveted "split ticket voters," those that vote for candidates of both parties, in particular supported balanced policies to increase recreation access and protections for public lands. For example, 54 percent of split ticket voters preferred a Democratic candidate seeking to promote recreation and renewable energy on public lands, compared to 27 percent that preferred a Republican candidate who supports selling some public lands and opposes new national monuments.

This is just a part of the extensive survey conducted by Purple Strategies last month. It reveals to us how much Nevadans across the political spectrum value public lands. In addition, this proves policies like permanent protection for Gold Butte are anything but "controversial" among most Nevada voters, regardless of what Senator Dean Heller (R) and Reps. Joe Heck (R-Henderson) & Cresent Hardy (R-Bunkerville) spin to the media.

The poll also highlighted public lands issues that do not move Nevada voters. Only 19 percent of Nevada voters were more likely to support a candidate who supported Cliven Bundy and his cause. Further, after hearing more about Cliven Bundy's actions, all groups of Nevada voters, including Republicans and independents, were more likely to disagree with his agenda. In contrast to Cliven Bundy and his family's agenda, the poll found a strong majority of voters (72 percent) support collaborating on public lands issues over conflict with the federal government.

While the poll only tested "Generic Democrat v. Generic Republican", it still provides some useful information about what turns on Nevada voters. In a trial heat of "generally moderate Democrat with 'balanced' land management approach" versus "Ted Cruz/Rand Paul like hard-core, anti-government, pro-Bundy Republican", the moderate Democrat

beats the hard-right Republican 55%-29%. What's perhaps even more fascinating is the trial heat of "progressive #KeepItInTheGround climate hawk Democrat" versus "more moderate Brian Sandoval style Republican", where the progressive Democrat beats the not-so-hard-right Republican 46%-39%. This in and of itself shows environmental justice is anything but a "losing issue".

On the issues themselves, Nevadans seem to care about good environmental stewardship. Nevadans overwhelmingly support increased investment in renewable energy, restoring policies that encourage more rooftop solar, and a permanent ban on storing nuclear waste at Yucca Mountain. Most Nevadans oppose Cliven Bundy's "Range War" against the rule of law, and they only oppose the #BundyRanch agenda even more when they learn more about it.

So why are climate action & public lands protection still considered "controversial" in certain parts… Or should I say, in a certain political party? Think about it.

http://letstalknevada.com/surprise-nevadans-prefer-protectnv-bundyranch-extremism/

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Nev. voters at peace with size of federal estate -- poll

Writer: Jennifer Yachnin
Published: June 1, 2016

Criticizing the size of the federal estate might not prove a good way to sway Nevada voters in November, according to a new study that finds a majority of the Silver State's residents don't believe the state is home to "too much" public land.

The poll, conducted for the Center for Western Priorities, found that 57 percent of Nevadans disagree that "there is too much public land in Nevada," while only 31 percent of those polled supported the assessment.

The survey likewise found overwhelming support for designating a new 350,000-acre national monument at Gold Butte in the southern part of the state, with 71 percent of those polled endorsing the proposal.

The conservation group released the findings today as part of a survey of 700 Nevada voters that focused on public lands and land management, as well as energy development.

"In Nevada, we found that voters understand public lands are important to the state's economy and that the natural beauty and recreation opportunities help define a way of life in Nevada," said CWP Executive Director Jennifer Rokala.

In recent years, federal ownership of Western lands has drawn attention due to incidents like Nevada rancher Cliven Bundy's April 2014 armed standoff with the Bureau of Land Management. Bundy refused to pay grazing fees, and the BLM had sought to confiscate his trespassing cattle.

The federal government owns about 60 million acres in Nevada, or 85 percent of the state's landmass.

The survey also found that among the 83 percent of those polled who were at least somewhat familiar with Bundy's activities, nearly half disagreed with his actions.

The survey found 46 percent said they disagreed with Bundy and his supporters, while 34 percent endorsed the Nevada rancher, who is currently in prison awaiting a February 2017 trial (E&ENews PM, May 25). An additional 20 percent of those polled did not agree or disagree with Bundy's stance.

"Regardless of political party, we're finding that voters in Nevada and across the West favor balance and pragmatism and reject the extreme anti-public lands agenda of Cliven Bundy and his supporters," Rokala said.

The survey also found voters supporting renewable energy development, including wind, geothermal and solar energy, in the state. Seventy-three percent of those polled said they would be more likely to support a candidate who endorsed that position, while 10 percent said they would be less likely to do so.

Similarly, 49 percent of those polled said they would be more likely to support a candidate who endorsed an increase in domestic oil and gas development, while 26 percent said they would be less likely to vote for that candidate.

Voters also endorsed candidates who vowed to block the storage of nuclear waste at Yucca Mountain, with 51 percent stating they would be more likely to support a candidate who opposed the

site and 23 percent saying they would be less likely to vote for that candidate.

The survey marks the second in CWP's Winning the West campaign. It released a similar survey about Colorado voters in February (Greenwire, Feb 25).

Kudos to Congresswoman Titus

Guest Writer: John Hiatt
Submitted: June 1, 2016

Kudos to Congresswoman Dina Titus for her op-ed piece on Gold Butte (May 29, 2016) and legislative efforts to protect this area of outstanding natural and cultural history here in Clark County.

As one who has advocated for a permanent level of increased protection for Gold Butte for more than two decades I am optimistic that we will see either Congressional designation as a National Conservation Area (NCA) or National Monument designation by Executive action before years end.

LAS VEGAS SUN

We cannot continue to wait

Guest Writer: Jocelyn Torres
Submitted: June 1, 2016

For many years Southern Nevadans, like Fawn Douglas and myself, have worked with Representative Dina Titus in an effort to protect Gold Butte. Through the years, those efforts have been stalled in Congress, but the destruction of what Rep. Titus called a "gateway to one of the most beautiful, serene spots in the Mojave Desert" has persisted.

While on a hike in late April, I saw the chopped down Joshua tree Senator Harry Reid mentioned on the Senate floor. It was a sad sight surrounded by so much beauty in a popular campsite. Joshua trees take decades to grow to maturity and are resilient despite the harsh conditions they grow in. It will take at least 50 years before a Joshua tree of similar height replaces it.

Unfortunately, the chopped down tree wasn't the only damage we saw. In the popular Falling Man site, we saw stick figures carved into a rock that was covered by petroglyphs left by those who called the site home. The damage to the petroglyphs was especially troublesome because unlike the tree, which can be replanted, damage to petroglyphs is difficult and in some instances impossible to repair.

Seeing damage like this really highlights the need to protect our piece of the Grand Canyon sooner rather than later. That is why I applaud Representative Titus for her efforts to protect Gold Butte via legislation and her call on President Obama to protect Gold Butte. We cannot continue to wait, the time truly is now.

It is our responsibility to protect Gold Butte

Guest Writer: Sabreena Hassim
Submitted: June 1, 2016

I visited the proposed monument a few weeks ago and was amazed by the beauty and tranquility within. Representative Dina Titus is right we have a lot to gain from protecting the 350,000 acres that make Gold Butte.

During my trip, I was only able to see a glimpse of what's out there. In Whitney Pockets, I got to sit on a dam, one of the remaining structures built by the Civilian Conservation Corp. While in Falling Man, I spent an afternoon attempting to interpret what the petroglyphs that decorate the red rocks meant. Before I knew it, the sunset had caught up to us and it was time to head home.

There is so much more in Gold Butte that I haven't explored, and I'm thankful that leaders like Rep. Titus are working to keep it amazing. Together we must prevent Gold Butte from being completely trashed. It is our responsibility to protect Gold Butte and all its treasures, and we can do that by designating it as a National Monument.

LAS VEGAS SUN

Please join in effort to protect our piece of Grand Canyon ecosystem

Guest Writer: Congresswomen DinaTitus
Published: May 29, 2016

The graffiti, trash and bullet holes at Gold Butte have a way of spoiling a getaway to one of the most beautiful, serene spots in the Mojave Desert. Illegal cattle grazing there threatens native wildlife, including bighorn sheep, desert tortoises, coyotes, foxes and endangered birds and plants.

While many visitors just come away disheartened, for Fawn Douglas, the tally of damage is a call to action.

Douglas is a member of the Las Vegas Paiute Tribe, whose heritage is inextricably linked to the area its members know as Mah'ha ga doo, or "land of many bushes."

Douglas' great-great-grandfather was born within the present-day boundaries of Gold Butte, a 1 1/2-hour car drive northeast of Las Vegas, along the Arizona border south of Mesquite. Stories about the area have been passed down from generation to generation.

Today, Douglas often slips away to Gold Butte to escape the noise and pressure of city life in Las Vegas and to connect with nature. She also has devoted considerable time and effort to raising awareness about what is at stake if we do not protect this land. She often takes students to the site and organizes cultural activities there. On each trip, she picks up trash along the roads and trails.

She hopes that in the near future, this incredible landscape will be free of garbage, graffiti, tire tracks and cattle.

For years, I have shared Fawn Douglas' vision of Gold Butte and tried to make it a reality. Accordingly, I have worked with federal agencies, local tribes, conservationists and outdoor enthusiasts to protect the area from further damage.

Many people do not realize Gold Butte is an extension of the Grand Canyon's greater ecosystem. If the injustices at Gold Butte were to occur at the national park, there would be public outrage.

As a community, we must treat our piece of the Grand Canyon just as they do in Arizona.

We have a lot to gain from protecting Gold Butte's 350,000 acres. The 170 million-year-old fossil tracts, 12,000-year-old petroglyphs, striking geology and wildlife are all artifacts that Americans can respectfully embrace and enjoy for generations to come.

Protecting the area would also provide economic benefits for Nevada.

Some studies suggest that new protections would provide an additional $2.7 million to $3 million to our state while improving the quality of life in nearby communities along the Nevada-Arizona border.

Douglas and groups like Friends of Gold Butte are leading the charge to educate the public on this issue, repair damage at the site and lobby government officials to ensure something happens soon. Now is the time for all of us to join forces so the Bureau of Land Management, which administers the site as an Area of Critical

Environmental Concern, has the tools it needs to safeguard this precious piece of the planet.

Toward that end, I am urging you to join me in calling on Congress to pass my bill to establish Gold Butte as a National Conservation Area. Barring that, let us implore President Barack Obama to use his authority under the Antiquities Act to set aside this land as a national monument.

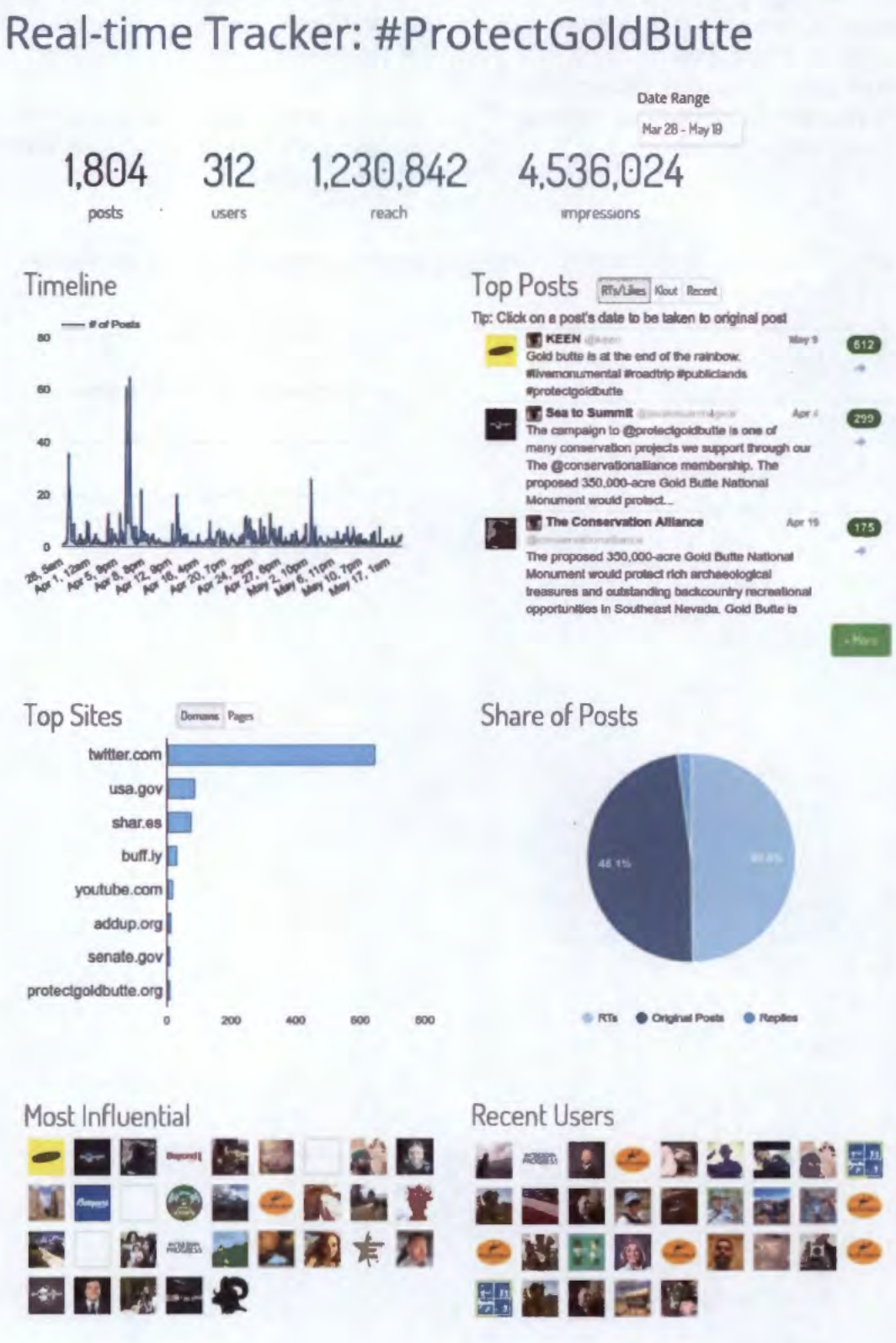
Until that happens, Gold Butte's visitors will continue to see trash on the roadways, all-terrain vehicles destroying archaeological and historic sites, graffiti defacing ancient rock formations, and cattle illegally running rampant over environmentally sensitive areas.

I do not believe that is how we want to leave this natural treasure of Nevada for our children and our children's children.

https://lasvegassun.com/news/2016/may/29/please-join-in-effort-to-protect-our-piece-of-gran/

Social Media Tracking March 28th - May 19th

https://storify.com/GoldButteNV/livemonumental-and-protectgoldbutte



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KEYHOLE

The Conservation Alliance
Outdoor Business Giving Back to the Outdoors

Gold Butte National Monument Campaign Takes a Big Step

Guest Writer: Shevawn Von Tobel
Published: May 19th, 2016

The southern Nevada campaign to gain permanent protection for Nevada's piece of the Grand Canyon, Gold Butte, hit an important milestone last month. Nevada's Gold Butte champion, Senator Harry Reid, made an impressive speech on the Senate floor calling on President Obama to declare Gold Butte as a National Monument. The Senator also pointed out the extensive damage that has been occurring in the area such as graffiti of petroglyphs, destruction of Joshua trees, and construction of illegal developments and ended his speech with the poignant quote, "When we preserve our lands, we preserve America."

Senator Harry Reid also pointed to the tremendous impacts protected public lands have on local and state economies. He highlighted a recent study done by the Small Business Majority which looked at ten of the twenty-two National Monuments President Obama has designated. The ten monuments studied in the report have a total economic impact of $156 million per year, drive approximately $58 million in labor income per year, and support approximately 1,820 jobs annually. It is no wonder then that more and more local businesses in southern Nevada are also calling on President Obama for protection of Gold Butte – they understand that protecting Nevada's public lands means protecting Nevada's economy.

Senator Reid has made big conservation gains in his thirty years in office – designating 69 wilderness areas (3.4 million acres), three National Conservation Areas, one National Park, and, his most recent achievement, Basin and Range National Monument. The Gold Butte National Monument will make for a valuable addition to the Senator's conservation legacy. This new chapter of the Gold Butte campaign would not be possible without the tremendous support of the Conservation Alliance and its outdoor business members. We'd like to especially thank Conservation Alliance member, KEEN Footwear, for amplifying the Gold Butte message to a national level through their innovative Live Monumental campaign.

http://www.conservationalliance.com/gold-butte-national-monument-campaign-takes-big-step/

Indian Country
TODAY MEDIA NETWORK.com

Southern Paiutes 11-Mile Culture Walk to Protect Gold Butte

Writer: Jacelle Ramon-Sauberan
Published: May 10, 2016

In celebration of Earth Day, Southern Paiute activists from Moapa and Las Vegas hosted an 11-mile culture walk into Gold Butte in an annual attempt to spread awareness about the need to establish a National Monument for Gold Butte, a sacred area to the Southern Paiute people.

Over 100 people participated in a cultural walk to Gold Butte, Nevada which is 15 miles northeast of Las Vegas and 60 miles from the Moapa Band of Paiutes Reservation. In the early 1900's Gold Butte became a mining town but today it is long abandoned and visitors come to the area for recreational purposes.

However, according to tribal residents, visitors have been desecrating the area.

"It is such a beautiful place and people are over-running it," said Annette Magnus-Marquart, Executive Director of Battle Born Progress who helped promote the cultural walk. "People are making their own trails, cutting down Joshua trees, shooting things that shouldn't be shot at like petroglyphs and stealing them."

"We want to keep on spreading the word as much as we can," said Fawn Douglas, a tribal member of the Las Vegas Paiute Tribe and one of the event organizers. "I think people need to speak up, tell their stories, tell why it (Gold Butte) is special and, why it needs to be protected."

Gold Butte is a sacred site to the Southern Paiute Tribes due to the petroglyphs, rock shelters, large roasting pots, middens of charcoal, pieces of pottery, discarded stone tools and Mojave Desert Tortoises.

Gold Butte was once part of the Moapa Band of Paiutes Reservation which in 1874 consisted of two million acres. However, in 1876 it was reduced to a thousand acres. In December 1980, under Jimmy Carter's Administration, an additional 70,000 acres were provided and today their total land base is 71,954 acres, according to Moapa Paiutes' website.

There has been an on-going effort for about 10 years to get Gold Butte protected. Douglas and William Anderson, former chairman of the Moapa Band of Paiutes have started helping with the movement to let the Native voice be heard.

Douglas, Williams and three other individuals came up with the idea to have the cultural walk to Gold Butte. In previous years Anderson has organized other cultural walks but this was the first to Gold Butte.

The walk was 11.5 miles long and there were 66 individuals who made the trek while others were bussed into Gold Butte. There was also a group of Maori people from New Zealand who came to the cultural walk to show their support.

"To me it was a huge success to have all different tribes represented including the Maori," Anderson said. "I thought it was so cool they showed up, it was very unexpected. Also, the Friends of Gold Butte, Sierra Club and people who have been following our story came to see how they can show us support which was great."

The walk started with a morning prayer before people were taken to the starting location and they began their walk. Individuals carried their tribal flags and Koda Anderson who is a Shivwits Tribal youth member was the only child to carry a flag

start to finish, according to Douglas. Douglas also carried her tribal flag for about nine miles before her daughter Sol Martinez took over.

Once everyone came together at the end of the walk, there were Indian Tacos served, round dancing and Chemehuevi Bird Singers sang for everyone. There were also elders who shared stories.

"There was an elder who told us about a Paiute that was born at Gold Butte and from start to finish there were positive energy," Douglas said.

Douglas, Anderson and Magnus-Marquar all want to make sure Gold Butte will continue to be here for future generations.

"It is our land, it is all Native land," Anderson said. "It is up to us to let the politicians, the President and people understand that."

http://indiancountrytodaymedianetwork.com/2016/05/10/southern-paiutes-11-mile-culture-walk-protect-gold-butte-164439

BATTLE BORN
PROGRESS

Walking to protect Gold Butte: A family tradition

Writer: Sol Martinez
Published: May 7, 2016

On April 23, my mother Fawn helped organize an 11-mile culture walk in Gold Butte to celebrate Earth Day, and raise awareness of the need to protect this amazing area.

I woke up that morning only expecting to help cook. I had volunteered with my friend Chad who was preparing Indian tacos for the event. After making the frybread dough, meat, and vegetables, we left Las Vegas to make the 80-mile drive to the area where people were going to be gathering at the end of the walk. After getting off the I-15 and driving several miles into Gold Butte, I saw my mom walking, carrying the flag of our Las Vegas Paiute Tribe. She had been carrying the flag for several hours over almost 9 miles. I could tell the flag was weighing heavy on her shoulders, and I wanted to help.

It was neat to be able to take the responsibility of holding the flag of my tribe. I walked the last two miles alongside my mother while carrying our flag.

After crossing the finish line, I rushed over to the frybread station to help prepare lunch for the walkers and attendees. It was especially nice to cook for the people who did the entire 11-mile walk; they deserved a reward for participating in this important event.

While we were serving food to the attendees, traditional singers from the Chemehuevi Tribe started to perform. I spotted my grandmother getting up to dance to the music. Soon my mother and several other elders were up and doing traditional dances to the music.

Our ancestors also danced and sang in Gold Butte.

Even though I was too busy serving food to dance myself, my mother has taught me those dances, too. Gold Butte was once home to the Paiute people, and it has lots of cultural artifacts, petroglyphs, and sacred areas.

This event was important because it got people walking out in nature, and away from the city. Being able to see the petroglyphs and learning what we can do to protect our culture is crucial. Just like my mother and grandmother taught me, I hope to be able to help educate the next generation of our Southern Paiute people these traditions of our culture.

Just like with our songs and dances, we need to protect Gold Butte to help pass this unique part of our culture on to the next generation.

http://battlebornprogress.org/walking-to-protect-gold-butte-a-family-tradition/

Heller misguided on Gold Butte

Guest Writer: Barbara Hartzell, Henderson
Published: May 6, 2016

"I want to take this opportunity to underscore that while nearly everyone agrees Gold Butte is a natural treasure, there are strong differences of opinion among Nevadans on the conservation policies best suited to ensure future generations can camp, hike, hunt, and enjoy the cultural resources in the region." — Sen. Dean Heller

Is Sen. Heller stating that the future generations of the tribes here in Nevada are not best suited to decide if the petroglyphs should be preserved so that others may continue to enjoy the cultural resources of Gold Butte?

As a Native American enrolled in the Chemehuevi Indian Tribe and a direct descendant of the Las Vegas Paiute Tribe, I find this statement insulting and degrading. While Sen. Heller personally may see no reason to protect the petroglyphs of Gold Butte, I, as a child of mass genocide, forced removal to reservations, boarding schools and assimilation, just to name a few, find the need to preserve what little we have left of the Native American culture that survived to be of the utmost importance.

Seeing bullet holes and phalluses drawn onto these beautiful drawings etched into stone by the indigenous people of the area is disgraceful. These art pieces cannot be preserved in a museum, and once they are destroyed they will be nonexistent forever, and that is unacceptable.

The difference of opinion here is that the voices of Nevadans are not important to the very senator who represents us and our state.

http://lasvegassun.com/news/2016/may/06/heller-misguided-on-on-gold-butte/

The Spectrum
A GANNETT COMPANY

Get out and enjoy avoiding the Ironman

Writer: Jud Burkett
Published: May 6, 2016

As the sun rises over Sand Hollow Reservoir Saturday morning the first wave of triathletes will wade into water, the gun will go off, and the St. George Ironman 70.3 will begin.

Wave after wave, hundreds of athletes will swim, bike and run for hours as the day wears on.

For many Southern Utahns, the resulting traffic congestion will have us wishing we'd been smart enough to get out of town and head for the hills rather than attempt to make our way through the traffic nightmare

Alas, I will be covering the Ironman and will be right in the thick of the congestion. However, I thought I'd offer a few suggestions of places to go, sights to see and hikes to enjoy that are a little further afield and perhaps help others enjoy the day far away from a crowded downtown St. George this Saturday.

While state Route 9 will be narrowed to two lanes for the Ironman, the interstate won't be impacted at all. That means two fantastic places that lie to the north and south of us on Interstate 15 offer fantastic opportunities to escape the crowds.

To the north, there's hiking to be found in the Kolob Canyons of Zion National Park, and at Kanarraville Falls but a little-known and fairly challenging hike to the top of Valentine Peak in Parowan would be at the top of my list of places to go.

I wrote about the hike in detail just a few weeks ago and you can find the story online at thespectrum.com. It's not a trek I would recommend for the faint-hearted hiker but if you're up for the challenge of climbing a few thousand feet vertically while hiking three and a half miles each way, Valentine Peak offers some amazing views.

If Parowan is too much of a drive, Robert Schuyler, an associate professor of anthropology at the University of Pennsylvania who completed an archaeological survey of Silver Reef in 1985, will be leading a lecture and walking tour of the ghost town Saturday at 10 a.m.

The Museum at Silver Reef is always a fascinating place to visit and with Schuyler there to add to the wealth of knowledge available at the site, it would make a wonderful way to spend the morning. For information, call the Museum at Silver Reef at 435-879-2254.

To the south on I-15, Gold Butte beckons. Just off of the Bunkerville exit on the other side of Mesquite, there are petroglyphs, hiking and solitude to be found in abundance.

I wrote about hiking among the petroglyphs in Gold Butte recently as well, and there are plenty of other resources available online, including the Friends of Gold Butte's website at friendsofgoldbutte.org if you decide that's the direction you'd like to plan your escape.

Alternatively, you could head a little further south and check out the ruins of St. Thomas or Valley of Fire State Park.

St. Thomas was a Mormon settlement that was flooded by the waters of Lake Mead until recent droughts left the reservoir's water levels low enough to expose the town site.

Nevada's Valley of Fire is an amazing park filled with blazing red sandstone formations very similar to those found in Snow Canyon State Park. The major difference between the two state parks this Saturday will be that Snow Canyon will have hundreds of triathletes riding their bikes though the park.

Another state park in Nevada, Cathedral Gorge, lies west of Beryl Junction and offers yet another spectacular place to escape the Ironman crowds. The gorge is filled with sedimentary spires, caves and other formations created by wind and water over millions of years. If you can manage to get past the road closures on state Route 18 on Saturday, an exploration of Cathedral Gorge and the surrounding historic towns of Southern Nevada like Pioche and Panaca is worth the drive.

If you really want to escape and roam even farther afield, you can always head for the north rim of the Grand Canyon or head out beyond that and go to Page. Take a ride on the tour boat at Lake Powell and hike to Rainbow Bridge National Monument; take a guided tour of Antelope Canyon; enjoy the guided tours of the Glen Canyon Dam, or even take a hike down Cathedral Wash in the Lee's Ferry section of Glen Canyon National Recreation Area.

It's easy to sit at home feeling shut in and trapped by the crowds when large events like the Ironman or the St. George Marathon shut down roads and bring thousands of visitors to town, but with a little planing and few gallons of gas in the tank of your vehicle, it's pretty easy to find places to get away from the hustle and bustle.

We're surrounded by hundreds of spectacular spots in which we can enjoy the natural beauty of the desert southwest here in Southern Utah and there's no better excuse for getting off the couch than the chance to avoid getting trapped by the Ironman.

http://www.thespectrum.com/story/life/outdoors/2016/05/05/get-out-and-enjoy-avoiding-ironman/83930498/

NEWS 88.9 knpr
YOUR WORLD OF INFORMATION HD Radio

Gold Butte, the Bundy Family, And Desecration Of Sacred Artifacts

Writer: Carrie Kaufman
Published: May 2, 2016

Gold Butte is a 350,000-acre swath of land on the northeast side of Lake Mead, just south of Mesquite.

It is the home of ancient native petroglyphs and other artifacts, and has been under the protection of the Bureau of Land Management for many years.

Senate Minority Leader Harry Reid wants to make it a national monument.

But there's some private land near Gold Butte. Land run by a ranching family named Bundy. Perhaps you've heard of them?

A couple of weeks ago, the day after Earth Day, many of Nevada's Paiute tribes and supporters held a "culture walk" through Gold Butte. What they found there was dismaying.

Much of what they hold sacred has been destroyed.

Ancient petroglyphs had bullet holes through them. Some had been defaced with graffiti. Many burial and campsite artifacts were trampled or stolen. And a Joshua Tree - which had been used as a marker by hikers - was chopped down.

The Bureau of Land Management is in charge of this land. But since the 2014 standoff on the Bundy ranch, the BLM has pulled back in the face of threats.

Annette Magnus of Battle Born Progress said she has also been threatened, simply for writing about dead cows she has found on the site of the road. These are the same cows that the federal government tried to take from the Bundy family in 2014 because they had refused to pay more than a $1 million in grazing fees.

Magnus said the cattle are emaciated and dying, trying desperately to live off of the desert.

The answer, say Gold Butte supporters, is to designate the land as a national monument - something President Barack Obama can do under the Antiquities Act. But it's unclear what might be different if that designation was made.

The local Paiute tribes want to be able to help administer the area, but William Anderson, former chairman of the Moapa Band of Paiutes, says that at this point, the tribes would not be part of a coalition to take care of the land.

"I reached out to the Department of Interior in D.C. to let them understand that this is something we could work together with," Anderson said.

Magnus points out that within the last two years, Nevada has gotten two national monuments - Tule Springs here in Clark County and Basin and Range in Lincoln County.

She thinks it should be a slam dunk to name Gold Butte as a monument as well. But she points out that both Congressman Crescent Hardy R (NV) - who represents the district - and Congressman Mark Amodei (R) NV are against the idea, as is Senator Dean Heller R (NV).

Jaina Moan of Friends of Gold Butte said that the majority of Nevadans support public lands, and encourages people to voice that support.

Both Magnus and Moan are optimistic that before he leaves office, President Obama will designate a third national monument in Nevada in as many years. Who will run it, though, and whether they will have any power to overcome threats of violence of those who would rather keep the federal government out, remains to be seen.

Statement from the Bureau of Land Management: "The Bureau of Land Management has been working closely with local officials and stakeholders on future management plans for the Gold Butte area. Due to concerns over employee safety, the BLM has not been able to actively manage public lands in Gold Butte over the past two years."

http://knpr.org/knpr/2016-05/gold-butte-bundy-family-and-desecration-sacred-artifacts

THE HUFFINGTON POST

Gold Butte, Nevada: A Cultural Environment Under Threat

Writer: JK Russ
Published: May 2, 2016

Before the sun has risen, a line of vehicles crosses rural Nevada's Virgin River heading to a gravel parking area at the head of narrow and winding New Gold Butte Road. Coinciding with Earth Day, the indigenous Moapa Band of Paiute along with local environmental protection groups have organized an 11-mile Culture Walk to raise awareness of the damage being done to the culturally important and environmentally sensitive area of Gold Butte.

There is still an early morning chill in the air as flag standards are lined up representing the Moapa Band of Paiute, Las Vegas Paiute Tribe, Shivwits Band and Paiute Indian Tribes of Utah. The Maori Tino Rangatiratanga flag from Aotearoa (New Zealand) is also present in support, along with a kiwi contingent.

After a dawn prayer, former Moapa Band Chairman William Anderson speaks of the importance of the Gold Butte area, previously inhabited by the Paiute's nomadic ancestors, the Tudinu, known as the Desert People. The indigenous name for the area is Mah'ha ga doo, (Many Bushes) due to the abundant vegetation found there. Amongst the towering sandstone formations are numerous examples of ancient petroglyphs, telling stories of a deep spiritual connection with the land.

The area is currently in the hands of the Bureau of Land Management, but in part due to disputes over land use and an intimidation campaign of BLM staff, the environment is under threat on numerous fronts. Petroglyphs have been graffitied and used as target practice, with some sections cut out and removed altogether. Burial sites have been violated and delicate vegetation on the desert floor crushed by off-road vehicles. Armed with images showing both the natural beauty of the area, and the damage being done to its cultural sites, Senator Harry Reid is using the Antiquities Act to petition President Obama to designate National Monument status.

With the assistance of support crews supplying water, snacks, copious sunscreen and Band-Aids for blisters, all the walkers reach the final tent at First Rock by noon. A Paiute youth group cooks up frybread tacos, and a trio of musicians perform traditional bird songs that have echoed through the Gold Butte valleys for centuries. The descendants of the Desert People are showing the way forward to a harmonious co-existence with the natural environment and the cultural treasures it contains.

http://m.huffpost.com/us/entry/gold-butte-nevada-a-culture_b_9811026.html

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Fourth Paiute culture walk

Writer: Heidi Kyser
Published: April 26, 2016

High winds that had shaken the valley all night broke just before sunrise Saturday, April 23, the day of the fourth Paiute Culture Walk to be held in Southern Nevada. Previous walks, organized by the Moapa Band of Paiutes, focused on the now-successful effort to have the nearby Reid-Gardner coal-fired power plant shut down and replaced with a tribe-owned solar generating station. Rather than rest on their laurels, former Moapa Band Chairman William Anderson and a small group of his fellow Paiutes started thinking about what they could tackle next.

They settled on protection of Gold Butte, a contested area northeast of Las Vegas that, soon after being proposed for federal protection, was the scene of the standoff between Bunkerville cattle rancher Cliven Bundy and government officials in 2014. Anderson says the rolling orange hills filled with petroglyphs and sandstone formations, along with the adjacent Valley of Fire and Lake Mead, were the stomping grounds of his and other Paiutes' nomadic ancestors. He and his friends joined with local nonprofits working to shield Gold Butte from development and vandalism, and put together Saturday's event.

Support comes from nine tribes were represented; four of them took flags to be carried by members. One flag-carrier, Fawn Douglas (above, second from right), was the only member of the Las Vegas Paiute Tribe to do the entire 12-mile walk, a moderately difficult, mostly uphill trek on a chewed-up asphalt road. The contemporary artist talked to Desert Companion about her experience.

I UNDERSTAND IT WAS JUST YOU AND YOUR MOTHER FROM THE LAS VEGAS PAIUTE TRIBE?
Yeah, at first. My mother couldn't walk because she has a bad leg. But then, for the feast at the end, we had more members who came. We had a really good turnout, actually, five on the food team to feed participants; and our cultural committee leader, Kenny Anderson, brought four tribal members and the elders group, because we didn't want them walking.

SO, JUST YOU WALKING?
Yes.

THAT MEANS YOU HAD TO CARRY YOUR TRIBE'S FLAG FROM BEGINNING TO END?
My daughter came with the food team, and she showed up when I had two miles left. So she carried the flag the last two miles.

I BELIEVE THERE WERE 60 PEOPLE WALKING. WHERE WERE YOU?
(laughs) At the end. There may have been four other people behind me, but I was the last flag carrier. I stopped at four of the tents and made sure I rested, had some water, a banana, and relaxed for a bit.

THE WALK SEEMED DIFFICULT. HOW DID YOU FARE?
You know what? I don't know, because I don't have anything to compare it to. But towards the end, mile 8 or so, I was feeling it in my feet. I was like, "Wow, my feet really hurt." But the weather was good. There were times when I would just put the flagpole across my shoulders and smile, because it was such a good day.

WHAT WAS GOOD ABOUT IT?
My mom was talking about how, at the start of the walk, everyone from all the different tribes was laughing and sharing stories with each other. It was a really a good vibe from beginning to end.

WHAT MESSAGE DID IT SEND TO THE COMMUNITY?
When we come together, we can accomplish anything. Having the different tribes that were all there, it needs to happen more often, really. Tribal people don't get together enough on issues, and when we did, it was really powerful. It wasn't just the flags that you saw. There were other tribal members there from other places: Las Vegas Paiute Tribe, Moapa Band of Paiutes, Shivwits Band, Paiute Indian Tribes of Utah — those were the four flags — and then there were also people from Chemehuevi, Colorado River Indian Tribe, Navajo, even the Maori (of New Zealand), who came to support us.

WHAT WAS THE MOST MEANINGFUL PART FOR YOU?
During the celebration at the end of the walk, some people were singing bird songs with gourds, and the elders were the first to get up and dance. My mother was one of them who got up and danced with them. It felt so positive, I was sitting there watching like, wow this is really good.

WAS ANY POLITICAL STATEMENT BEING MADE, ABOUT THE BUNDYS, FOR INSTANCE?
We talked a little bit about that, but it wasn't a big part of the day. It was a little side topic. When we were driving, we were talking about what would happen if they (the Bundys) were there. And I was like, "You know what? I think I'd invite them to walk with us, and then they could see and feel why this area means so much to us."

WHAT DOES IT MEAN TO YOU?
That land is sacred to our people. It's sung about in our "Salt Song," in a ceremony. I feel really at one with the place. Plus, I'm an artist, I paint, and it's like you're walking through a huge historical gallery. I'm working on a Gold Butte collection now.

http://knpr.org/dc-blog/standard-bearer

elmundo

Ahora y para futuras generaciones

Guest Writer: Sandra Gamez
Submitted: April 26, 2016

Gold Butte nuestro pedacito del Gran Cañón está a solo unas horas de las luces de Las Vegas. Las casi 350,000 acres son un tesoro de maravillas culturales, históricas y naturales. Algunas de sus maravillas incluyen miles de petroglifos pero desafortunadamente estos tesoros han sido víctimas de la destrucción y vandalismo. Cada día que Gold Butte no está protegido seguimos perdiendo estos valiosos recursos.

Recientemente el Senador Dean Heller publicó una carta pidiéndole al Presidente Obama que no proteja Gold Butte. Su oposición a la designación desafía amplio apoyo para proteger estas tierras y sus riquezas. Curiosamente en esa misma carta al Presidente también dice el Senador Heller que "casi todos están de acuerdo que Gold Butte es un tesoro nacional". ¿Si él cree que Gold Butte es un lugar especial, entonces por qué esperar otra década para protegerlo? Nevadenses que han abogado por Gold Butte han trabajado por años junto con el Senador Harry Reid y la Congresista Dina Titus. Juntos hemos tratando de convencer a funcionarios como al Senador Heller que aprueben legislación que proteja Gold Butte.

Ya hemos esperado al Senador Heller mucho tiempo. Además de las cartas urgiendo al Presidente que no haga nada, no ha mostrado que está dispuesto a proteger contra la destrucción adicional a nuestro tesoro nacional. La designación de Gold Butte como monumento nacional protegería abundantes recursos culturales e históricos. Ya es el momento de proteger Gold Butte. No podemos esperar hasta que haya daño irreversible. Juntos con la ayuda del Presidente Obama podemos proteger Gold Butte como monument nacional, ahora y para futuras generaciones.

Time to protect Gold Butte land

Guest Writer: Grace Larsen
Published: April 26, 2016

In his recent letter to President Barack Obama, Sen. Dean Heller wrote that "nearly everyone agrees Gold Butte is a national treasure," then continued to discourage its permanent protection as a national monument. Heller backed his stance by writing that he "strongly believes in working in a collaborative nature" and that designation of any national monument in Nevada "ought to be considered in the public Congressional process." Yet, in the same letter he touted the presidential designation of Tule Springs Fossil Beds National Monument.

I've explored the red sandstone formations and scrambled over jumbo granite boulders found in Gold Butte. I love taking visitors there to show them the thousands of ancient petroglyphs. I've also seen the damage to these petroglyphs and to wildlife habitat in Gold Butte. Heller has had years to permanently protect Gold Butte, and we can't continue to wait. Now is the time for Obama to permanently protect Gold Butte as a national monument.

http://lasvegassun.com/news/2016/apr/26/time-to-protect-gold-butte-land/

Let's Talk Mesquite
Where Communities Communicate

Bundy on Trial: Whose Land Is It, Anyway?

Writer: Andree Davey
Published: April 25, 2016

Last Friday, I embarked on a pilgrimage. I had to see for myself the scene of the crime. I also wanted to speak with the local "stakeholders" who are often overlooked when we report on Cliven Bundy's "Range War" and its aftermath.

On Saturday, that all changed for me when I experienced for myself the wonders of Gold Butte… And the people who call this place their spiritual home.
Not long after Friday's epic courtroom battle, I left Las Vegas on what promised to be an epic road trip. Later that evening, our group arrived in Mesquite and stayed in town for the night. We had to prepare for an action-packed day ahead.

Early Saturday morning, we arrived at the very edge of Bunkerville. Just a short drive away from the #BundyRanch, the starving cattle, the armed showdown locations, the alleged "cattle mass graves", and the "Range War" that dramatically altered America's conversation about public lands, regional Paiute Tribes, allied Native American Tribes, and other local Gold Butte supporters joined for prayer and quiet reflections before embarking on an eleven mile culture walk to the area known as the Whitney Pockets.

I must admit I had doubted my ability to do the entire 2016 Gold Butte Culture Walk. I'm glad I ultimately threw my doubt by the wayside, as I was able to meet some amazing people who have important stories to tell.

As we walked on, I ran into Southern Nevada Paiute Tribe members who spoke about their families' history with this land. The Paiutes are the descendants of the Tudinu people whose history of living in the Colorado River region of Southern California, Northern Arizona, Southern Nevada, & Southern Utah can be traced back to at least 1100 CE. In 1874, the US Government seemed ready to formally recognize this by approving the zoning of this land in the Moapa Paiute Tribal Reservation.

Yet in 1876, the federal government backtracked and designated a smaller reserve of land for the Reservation. That meant Gold Butte was left in federal hands, and that it would eventually fall under the jurisdiction of the Bureau of Land Management (BLM) when President Harry Truman ordered the consolidation of two public lands related agencies into the BLM in 1946.

In 1877, the Leavitts were among the families who settled in what are now Riverside & Bunkerville. They were attempting to succeed in their "religious communal" experiment that had previously failed in Santa Clara, Utah. In 1948, David & Bodel Bundy purchased a 60 acre plot of land at the edge of Riverside/Bunkerville from Raoul & Ruth Leavitt. Their son, Cliven Bundy, would also claim maternal familial lineage to the Leavitt family years later.

Sometimes I wonder if the Bundys truly understand the can of worms they open whenever they discuss their "ancestral land & water rights". During Saturday's walk, I ran into an attorney who explained at great length the struggle sovereign tribal nations have endured just to secure what's always been rightfully theirs. I also spoke with a couple Paiute Tribal members who described the importance of this land to their tradition and their lives.

Ancestors are buried here. Petroglyphs telling the stories of Paiute generations from long ago are found here. Throughout the region, the landscape triggers memories of the Paiute experience that makes Southern Nevada's cultural tapestry so rich.

During the walk, a young man began playing his flute. He not only added a moving musical soundtrack to our walk, but he also made me think of the many layers of history found here. At least for a moment, I wasn't thinking about this most recent layer that involves the Bundys and their "Range War" against the rule of law.

Eventually, I had to return to the present. And after several hours of walking through the Mojave Desert, we reached the wondrous terrain of the Whitney Pockets. Flag bearers who marched nearly the entire time while holding the tribal flags were warmly greeted. Children were playing among the red rocks. And everyone was eagerly awaiting some tasty frybread...

And an energizing song & dance program.

Once more, I thought about the rich history of this land and the people who call this land home as I witnessed some of these people share their musical heritage with all of us.

Now, these people want to share their land with us. After a complicated history of "ownership", this land now belongs to the entire American people. And now, local Paiute Tribes are fighting to ensure this public land stays in public hands.

Tribal leaders are hoping that once Gold Butte is declared a National Monument, a cultural center that tells the story of the Paiute People and their relationship with this land can be built. They're also hoping a Gold Butte National Monument means more funding for preservation of petroglyphs & burial sites that have been repeatedly violated, especially since Cliven Bundy's "Range War" drove BLM activity far away from this region. And of course, Paiute Tribal leaders share the hope other Southern Nevada business leaders have that Gold Butte protection will encourage more of the ecotourism that's already contributing $172 million annually to Nevada's economy.

After the scheduled walk, a couple of friends & I ventured just a little further into Gold Butte. As ATV's (or motorized all-terrain vehicles) were racing past the gathering area, people at the fold-up picnic tables were speculating over the fallen Joshua Tree that Carol Bundy allegedly chopped down herself, and a Jeep Cherokee sped its way onto a pedestrian trail, we walked to the next red rock formation on the trail. Even as we were being as careful as possible in staying on the designated trail, there were abundant signs of human-induced "wear & tear".

Despite those signs of "wear & tear", I could feel the energy emanating from the red rock formation at our trail. And as I looked onward to the site of the Falling Man Petroglyph that's most commonly associated with Gold Butte, I pondered the big picture here. Beyond the court filings, the political jostling, and the media circus that anyone even remotely tied to the #BundyRanch affair has become accustomed to, here lies the root of what it's all about.

As we left the sandstone formation for the picnic area, a friend & walking colleague was explaining how he wanted to be here to reconnect with his heritage. I got it. After taking the time to walk the trail, take in the mesmerizing natural beauty, and listen to the voices of those who call this special place home, I finally got it. I understood whose land this is, and I left Gold Butte with a much stronger appreciation for those who are graciously willing to share this land with all the rest of us.

http://letstalknevada.com/bundy-trial-whose-land-anyway/

Southern Paiutes and allies host Gold Butte Culture Walk

Writer: Rebecca Lewis
Published: April 23, 2016

On Saturday, Southern Paiute activists from Moapa and Las Vegas held a culture walk into Gold Butte.

Members of several other Native American tribes and allies of the ongoing efforts to protect Gold Butte were also in attendance.

Organizers of the event are working to spread awareness about the need to establish a National Monument for Gold Butte, which was a part of the original boundaries of the Moapa River Reservation and still a sacred area to the Southern Paiute people.

Fawn Douglas, one of the organizers of the event and member of the Las Vegas Paiute Tribe, said, "Gold Butte is sacred land. Our culture walk is a gathering of indigenous people to build awareness for an area that needs to be protected. It's not just for our people, it's for all people."

http://www.ktnv.com/positivelylv/southern-paiutes-and-allies-host-gold-butte-culture-walk

Moapa Band of Paiute members march to protect Gold Butte

Writer: Henry Brean
Published: April 23, 2016

One day after Earth Day, members of the Moapa Band of Paiutes and other tribes marched into the heart of Gold Butte carrying a plea for protection.

The activists want the swath of federal land 95 miles northeast of Las Vegas to be designated as a national monument. They staged the 11-mile "culture walk" Saturday to call attention to damage they say the area has suffered at the hands of vandals, rogue ranchers and illicit off-roaders.

In some places, ancient rock art has been shot up, defaced by graffiti or chipped off and stolen.

"I couldn't believe someone would do that," said walk participant William Anderson, a former tribal chairman of the Moapa Band of Paiutes. "It was surprising that people had no respect for our culture and our people."

Saturday's event began with a gathering and sunrise prayer where Gold Butte Road meets state Route 170 south of Mesquite.

The walk started 8 miles farther down Gold Butte Road, past the home of imprisoned rancher Cliven Bundy. It ended Saturday afternoon with food, songs and speeches not far from the Falling Man site, one of the area's best-known concentrations of petroglyphs.

Anderson, who traveled to Washington, D.C., last month to lobby for permanent protection of Gold Butte, said the area has been used by the Paiute people for untold generations. It was originally part of the Moapa River Reservation when its boundaries were drawn in 1873, but the government took the land back two years later, he said.

Now tribal activists and conservationists are seeking federal help to preserve the roughly 350,000 acres of rock art galleries, sweeping desert vistas and fields of twisted sandstone hemmed in by Lake Mead and the western reaches of the Grand Canyon. It's also where the 2014 standoff unfolded between the Bureau of Land Management and supporters of Bundy, whose cattle still roam the land in defiance of federal law.

This marks the fourth year in a row Paiutes in Southern Nevada have organized a culture walk around Earth Day.

The tradition began in 2012, when Anderson led a group of about 20 people in the first such walk: a 50-mile trek from their reservation on the Muddy River to the Las Vegas federal courthouse to protest the coal-burning power plant near their homes.

All but one unit at the power plant has since been shut down. NV Energy plans to close the facility entirely next year.

Contact Henry Brean
at hbrean@reviewjournal.com or 702-383-0350.
Follow@RefriedBrean on Twitter.

http://www.reviewjournal.com/news/nevada/moapa-band-paiute-members-march-protect-gold-butte

Let's Talk Mesquite
Where Communities Communicate

Local, National Politicians Differ on Gold Butte Designation

Writer: April 22, 2016
Published: Mike McGeer

Nothing separates politicians in Nevada like ownership of public lands.

In July 2014, Presidential candidate Ted Cruz, R-Texas, became a "Bundy Buddy" and filed an amendment to the Bipartisan Sportsmen Act of 2014 (S.23630) to force the federal government to sell off prize western land to the highest bidder. [i] Fifteen incumbent members of Congress agreed with Cruz that public lands should be seized by the states or sold off for drilling, mining or logging.

Cruz has begun airing his first television ad in Nevada that attacks Republican Presidential candidate Donald Trump for being too trusting of the federal government's power in the West. Cruz quotes a comment by Trump in a Field and Stream article saying:

"I don't like the idea because I want to keep the lands great, and you don't know what the state is going to do," he told Field and Stream magazine last month.[ii] It did not take Trump long to backtrack. During a Trump rally on February 22nd, Trump claimed ignorance. "it's not a subject I know anything about."

Nevada supporters of Bundy brought AB408 (aka the Bundy Bill) to the 2015 state legislature. That Bill, had it passed, "would lay claim to almost all federally managed public lands and water rights in the state."

Locally, the Mesquite Mayor Al Litman and Councilpersons Cindi Delaney, Geno Withelder, George Rapson, Kraig Hafen and Rich Green, used taxpayer dollars to pay former Nevada State Senator Warren Hardy, to support the Bundy Bill.

Chris Edwards, R., Nevada District 19, who represents the Mesquite-Bunkerville area, voted for another folly, SJR 1, a joint resolution that urges Congress to transfer title to certain public lands to the State of Nevada. [iii]

Months before the legislation session, the Mayor and City Council voted to support unlimited motor vehicle activities in the Gold Butte area. The resolution opposed wilderness designation. This thoughtless action has contributed to an increase in damage in the Gold Butte area.[iv], [v] [vi]

Of course, these "Bundy Buddies," fail to recognize that such an action is far from mainstream, too costly for the states to accept, unconstitutional and an actual deterrent to economic growth.

A report released in February of 2015 by Headwaters Economics outlined the positive relationship between Montana counties with protected public lands and per-capita income. The authors reported that "in 2010, peer-reviewed research showed that western non-metro counties had, on average, a per capita income that was $436 higher for every 10,000 acres of protected public land within their boundaries."
Nevada Democrats are clear on the issue. According to Catherine Cortez Masco, the likely candidate to replace Senator Harry Reid, "We need to do everything we can to protect Nevada's public lands for future generations." [vii]

To further the support of public lands, U.S. Senator Harry Reid D. plans to ask President Barach Obama to designate the Gold Butte area near Mesquite, NV, as a National Monument under the Antiquities Act of 1906.[viii],[ix],

In the meantime, The Friends of Gold Butte (FoGB) and others continue to witness an increasing level of intrusion near historical and cultural sites, increasing damage to sensitive desert areas and a continuing slowdown in economic growth.[x]

http://letstalknevada.com/local-national-politicians-differ-gold-butte-designation/

public news service
NEWS IN THE PUBLIC INTEREST

Earth Day Celebrations Planned Across Nevada

Writer: Suzanne Potter
Published: April 22, 2016

LAS VEGAS – Today is Earth Day, time for Nevadans to celebrate the natural world.This weekend, thousands are expected to pack celebrations across the state.

Greenfest Las Vegas is being held Saturday in downtown Summerlin. Reno's Earth Day party takes place on Sunday in Idlewild Park.

Jane Feldman, conservation chair for the Southern Nevada Group of the Sierra Club, says the environmental group will be promoting its Beyond Coal campaign at both celebrations to close the state's last coal-fired power plant – the North Valmy Generating Station in the north central part of the state.

And the Sierra Club is pushing for greater protections of public land, particularly Gold Butte. "We want to protect the Gold Butte area just north of Las Vegas as a national conservation area," Feldman states. "We also want to protect the greater Canyonlands area from uranium mining."

Southern Paiute activists from Moapa and Las Vegas are hosting a free 11-mile culture walk in Gold Butte, calling for national monument status.

Feldman says her group regularly leads hikes for inner city youth – a program called Inspiring Connections Outdoors – to pass on a love of nature to the next generation. "It's not just the tree huggers who live in natural areas that are going to be doing this kind of environmental work in the future," she stresses. "It's going to be the people that grew up in the middle of the city, too. And that's one of the things that we're providing these youngsters."

Feldman adds advocates also are working on a campaign to convince people to pull their financial investments from oil, gas and coal companies and utilities.

http://www.publicnewsservice.org/2016-04-22/environment/earth-day-celebrations-planned-across-nevada/a51554-1#sthash.JRSUoRjm.dpuf

The Spectrum
A GANNETT COMPANY

Southern Paiutes to walk in Gold Butte

Writer: Staff Writer:
Published: April 21, 2016

The Southern Paiutes will walk 11 miles at Gold Butte on Saturday in an effort to raise awareness for the sacred and spiritual importance of a place that sits within the original boundaries of the Moapa River Reservation.

The cultural walk, a tradition that began in 2012 with a 50-mile trip over three days from the Moapa Band of Paiute's Reservation to Las Vegas in an effort to shut down a Reid Gardner coal-fired power plant, will include members of several other Native American tribes as well as supporters of the ongoing efforts to protect Gold Butte near Mesquite.

They have a prominent proponent, too. Earlier this month, Nevada Sen. Harry Reid took to the Senate floor and called on President Barack Obama to use the Antiquities Act to take executive action to preserve Gold Butte.

Walkers will gather at 5:30 a.m. at the junction of Gold Butte Road and state Route 170, about 17 miles south of Mesquite. The group will begin its walk to Whitney Pockets following a sunrise prayer.

Event organizers and tribal leaders will speak at the conclusion of the walk. The festivities will also include Indian tacos and traditional Paiute singing and music.

http://www.thespectrum.com/story/news/local/mesquite/2016/04/21/southern-paiutes-walk-gold-butte/83343758/

Protecting land preserves water

Guest Writer: Ace Acosta
Published: April 20, 2016

In response to the column "Public land management is fine as is" by Matthew Kirby (Las Vegas Sun, April 8):

This column defended keeping public lands in public hands. I'd like to echo Kirby's call and those made by Sen. Harry Reid and Rep. Raul Grijalva to protect spectacular American treasures such as Gold Butte and the proposed Greater Grand Canyon Heritage National Monument. Public lands have much more to offer our society than just the finite resources from which special interests seek short-term gain. Preserving these archaeological treasure troves of Native American history and early American colonization as national monuments would not only preserve history that needs to be told but protect lands required for the production of the water we depend on in Lake Mead and the Colorado River.

The Outdoor Industry Association estimates that outdoor recreation activities — such as hiking, rock climbing, hunting, camping and off-roading, just to name a few — contribute $15 billion to Nevada's economy. These lands are also made up of mountains whose snow melt feeds aquifers and whose seasonal rains feed into washes, streams and rivers that all end up in Lake Mead. When we finally realize how interconnected protected public lands are with water, and how dependent life is on natural hydrology, only then will we realize the true economic value of the land we borrow from future generations.

http://m.lasvegassun.com/news/2016/apr/20/protecting-land-preserves-water/

The Spectrum
GANNETT COMPANY

Writer: Staff Writer
Published: April 18, 2016

Gold Butte speaker series to focus on botany.

The botanical treasures of Gold Butte will be the focus of the monthly Friends of Gold Butte Speaker Series on Wednesday night at the Mesquite Community Theatre, 150 N. Yucca St.

Botanist Gayle Marrs-Smith, field manager for the Las Vegas Office of the Bureau of Land Management, will describe the life histories of common and rare plants of the Mojave Desert. She also will explain the best ways to identify shoots and blooms. Doors open at 6:30 p.m.; the presentation begins at 7 p.m.

"Spring is a great time to visit Gold Butte and see the desert bloom," said Jaina Moan, executive director of the Friends of Gold Butte, a non-profit organization with a mission to achieve permanent protection for Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy.

The Gold Butte Speaker Series is a monthly event held September-November and January-April each year. Topics in the series focus on educational, scientific, cultural and recreational issues relevant to the Gold Butte region. All presentations are free and open the public.

For information, go online to http://www.friendsofgoldbutte.org/events-2/education-program/.

http://www.thespectrum.com/story/news/local/mesquite/2016/04/18/virgin-valley-news-brief/83138496/

The Spectrum

Save Gold Butte

Guest Writer: John Dechant
Published: April 18, 2016

Senator Harry Reid's move to ask President Obama to use an executive order to permanently protect the Gold Butte area is spot on. (DVT, 4/8/16) The area in question has languished in conservation limbo for far too long and something needs to be done soon if the artifacts and antiquities existing there are to be saved. Accomplishing this by presidential fiat is the only likely way that the needed restoration and preservation are going to happen. To try to get this done by submitting legislation to our politicized and paralyzed U.S. House and Senate is a ludicrous notion.

Federal lands such as Gold Butte do not belong to persons, cities, counties, or states. These lands belong to every American and are part of every American's birthright. As such, the only logical overseeing entity is the U.S. government. I'm aware that that's not a popular statement to make but rational thinking tells me that statement is true. Having seen some of the vandalism and damage referred to in the article, rescue can't come any too soon.

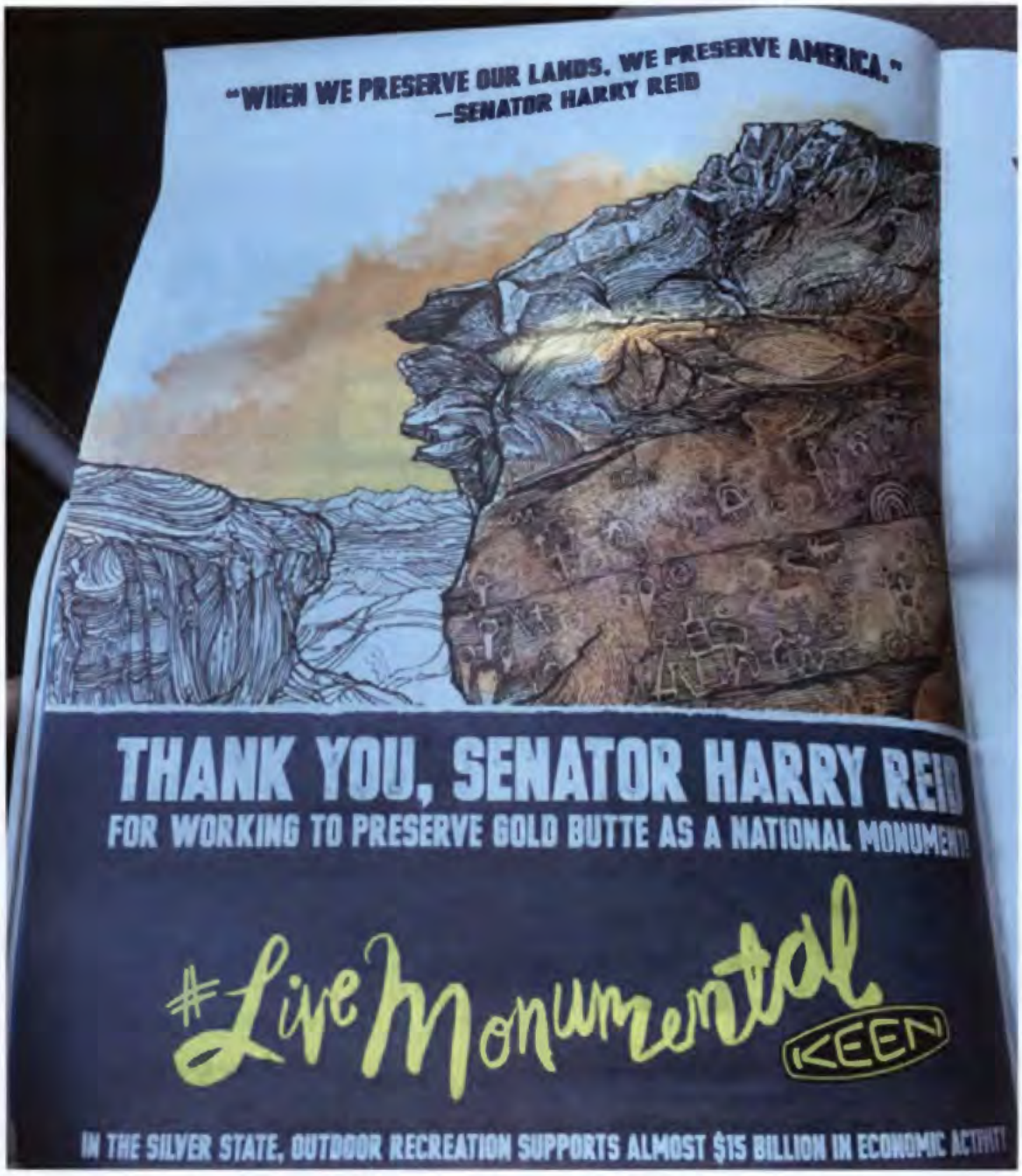
Gold Butte is well worth saving.

http://www.thespectrum.com/story/opinion/mesquite/2016/04/18/letters-editor/83189430/

LAS VEGAS SUN

Thank you ad from KEEN Footwear

Published: April 17, 2016



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Protecting our national treasures

Guest Writer: Michelle Napoli
Published: April 13, 2016

Your recent coverage helped shine some light on the damage being done in Gold Butte ("Ceremony marks pioneer's return to Gold Butte grave," March 28). An even brighter spotlight would illuminate many more examples of incontinent destruction of this beautiful area's cultural, historic and ecological treasures.

Native American petroglyphs riddled with bullet holes. The senseless chopping down of a defenseless, mature Joshua Tree. Vandalism to nearly 100-year-old horse corrals, relics of the area's pioneer ranching days. These are just a few examples of what is happening in Gold Butte, and the damage is difficult or impossible to reverse. The impact is significant.

But there is another important reason to protect Gold Butte, and it comes down to good old-fashioned economics. The fact is, when our special public lands are preserved and protected, visitorship rises and the surrounding communities benefit financially as a result.

As you noted in your pages last week, a recent study shows that for Nevada's Basin &Range and nine other national monuments designated by President Obama, "the annual economic benefits ... include $58 million in labor income per year and roughly 1,820 jobs." ("Reid praises study on economic impact of new national monuments," April 6).

For Mesquite, the closest town to Gold Butte, national monument status means visitors will come to take in Gold Butte — and spend money at restaurants, gas stations, motels and other local businesses before they leave.
Gold Butte is already public land that belongs to you, me, all Nevadans and, indeed, all Americans. But if it is to retain its tremendous biological, historic, recreation and economic benefits, the time to protect Gold Butte as a national monument is now.

http://www.reviewjournal.com/opinion/letters/protecting-our-national-treasures

Desert Valley Times

Gold Butte is well worth saving

Guest Writer: John Dechant
Submitted: April 13, 2016

Senator Harry Reid's move to ask President Obama to use an executive order to permanently protect the Gold Butte area is spot on. (DVTNV, 4/8/16) The area in question has languished in conservation limbo for far too long and something needs to be done soon if the artifacts and antiquities existing there are to be saved. Accomplishing this by presidential fiat is the only likely way that the needed restoration and preservation are going to happen. To try to get this done by submitting legislation to our politicized and paralyzed U. S. House and Senate is a ludicrous notion.

Federal lands such as Gold Butte do not belong to persons, cities, counties, or states. These lands belong to every American and are part of every American's birthright. As such, the only logical overseeing entity is the U.S. Government. I'm aware that that's not a popular statement to make but rational thinking tells me that statement is true. Having seen some of the vandalism and damage referred to in the article, rescue can't come any too soon.

Protection not trash

Guest Writer: Iridane Sanchez
Submitted: April 11, 2016

I just recently learned about the Gold Butte area. Two weeks ago I went out there for the first time to help with a trash pickup. I wasn't expecting to find much, but there was a lot of junk on the side of the road. Beer bottles and cans, shredded tires and old car parts, spent shotgun shells and even a fishing rod! It was estimated we picked up 800 pounds of trash on just a mile or so of that road in a few hours.

I also saw things that I, and probably a lot of people, miss speeding down the highway. It's not all brown dirt, and in spring there are beautiful flowers and plants in every possible color. Gold Butte is surrounded by beautiful protected lands: Lake Mead, the Grand Canyon, and Valley of Fire.

Senator Reid is right, this place is beautiful too. Why isn't it protected from the people who are thoughtless enough to trash it? I hope President Obama will make Gold Butte a National Monument so the land can be taken care of the way it should.

Let's Talk Mesquite
Where Communities Communicate

Harry Reid Pushes to #ProtectGoldButte

Writer: Elaine Hurd
Published: April 11, 2016

Nevada Democratic Senator Harry Reid took to the U.S. Senate Floor on Thursday (April 7, 2016) to call on President Obama to preserve Gold Butte. Hooray!

Gold Butte is a national treasure which straddles the Virgin and Moapa Valleys in northeast Clark County outside Las Vegas. The area is comprised of about 350,000 acres currently deemed an Area of Critical Environment Concern (ACEC). Harry Reid and Congresswoman Dina Titus have introduced legislation that would designate it a National Conservation Area with Wilderness. Since that legislation has stalled, there has been a push for President Obama to use his executive authority under the Antiquities Act to designate it a National Monument.

On the floor of the U.S. Senate, Reid pointed out that Cliven Bundy and four of his sons are in jail awaiting trial on the April 2014 standoff whereby armed civilian militia stopped Bureau of Land Management contractors from enforcing federal court orders by rounding of Bundy's cattle, which has been illegally grazing cattle there for nearly 20 years.

Reid rightly pointed out that BLM officers have been prevented from protecting the area from vandalism and destruction of delicate desert and ancient Native American petroglyphs. He called the area "stunningly beautiful," which portions of it definitely are.

Reid also condemned the actions of Cliven Bundy and his clan.

You can read the full transcript of Senator Reid's press release HERE. Here are highlights, I encourage you to read the whole speech and view the accompanying pictures:

"Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot – or will not. Many of our current national parks were created using this authority… Unfortunately, many Senate Republicans want to undermine the Antiquities Act. They refuse to defend our cultural and historic antiquities that are being systematically destroyed."

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs. These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House. And there's no guarantee we'll get it done. We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

The day before the Senator's Senate Floor Speech on Gold Butte (April 6, 2016), Reid held a press conference about a report compiled by Small Business Majority. President Obama has designated

10 national monuments since 2012 which has had an economic impact of $156 million a year in the surrounding areas along with 1,800 jobs. You can read their findings HERE.

Now that Cliven Bundy is in jail, along with four of his sons, Carol Bundy has become the spokesperson for the family. Capitalizing on the notoriety of Senator Reid mentioning her family and the blame he cast on the Bundys for destruction at Gold Butte, Carol Bundy answered him by video on the Bundy Ranch facebook page on Friday, April 8. Of course, she challenges Reid's characterization of the Bundys, claims ancestral rights to the land and invites Senator Reid to visit with them.

Court dates are set for Cliven Bundy, Ammon Bundy, Ryan Bundy, Dave Bundy and Mel Bundy over the April 2014 armed civilian standoff between federal officers and the Bundys, along with other co-conspirators also awaiting trial.

Will he or won't he? I guess that is the question. Will President Obama designate Gold Butte as a National Monument? Frankly, I don't know what the argument is about. These are public lands which belong to THE PEOPLE, not the Bundys or other descendants of settlers of the Virgin and Moapa Valleys. PERIOD. It is a vital area with protected plant and animal species, ancient artifacts and rare rock formations. Why let it be destroyed by those who refuse to be governed by laws?

The positive economic impact and benefit to tourism in Mesquite (in particular) is without question.

Gold Butte has been part of the National Monumental Tour, sponsored by Keen. Other Nevada based groups have been pushing for either the National Conservation Area with Wilderness or National Monument designation, including Friends of Gold Butte.

What do the people gain by allowing it to deteriorate? The time to protect Gold Butte is now.

http://letstalknevada.com/harry-reid-pushes-protectgoldbutte/?awt_l=HrLeM&awt_m=3k8ho.sthVJO.UI

Time to protect Gold Butte

Guest Writer: Jose Witt
Submitted: April 9, 2016

Senator Reid was absolutely right when was quoted as say the "do-nothing Congress led by republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

If Congress won't protect Gold Butte legislatively, like so many locals have been begging for years, then it's time for the President to exercise his executive powers under the Antiquities Act, on behalf of the people and the greater good, and create Gold Butte National Monument. Gold Butte cannot wait any longer. While politicians bicker the damage to ancient petroglyphs and the sensitive desert habitat continues. It's more than a pretty place. Gold Butte is Nevada's piece of the Grand Canyon and our heritage.

Thank you Senator Reid for continuing to fight for our state and for recognizing that land protection is not a partisan issue it's an American one.

theguardian

Harry Reid trades insults with Cliven Bundy's wife in battle over standoff site

Writer: Sam Levin
Published: April 9, 2016

Nevada Senator Harry Reid and the wife of jailed rancher Cliven Bundy traded insults this week as the Democratic politician announced he would be pushing to protect the land near the family's property now that Bundy and his sons are behind bars.

"I've tried to protect Gold Butte for a long time," Reid said on Thursday, referring to the region north-east of Las Vegas where Bundy led an infamous standoff with the government in 2014 after years of refusing to pay federal cattle grazing fees.

"And the reason we haven't been able to do anything to this point is … the Bundy boys and his pals," Reid continued. "Because of the fact that the Bundys are in jail, I'm going to reach out to the White House … We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

On Friday, Carol Bundy, Cliven's wife, fired back in a Facebook videowhile critics of Reid alleged that he was plotting a "federal land grab" by the Bundy ranch.

Reid's previous legislative efforts to create a 350,000-acre national conservation area at Gold Butte have failed, and conservative critics throughout the west have accused him of attempting to steal land from families who have long ranched in the area.

In the 1990s, Bundy, now 69, stopped paying grazing taxes to the federal government, arguing it had no authority to restrict land uses. The conflict culminated in a tense armed standoff and Bundy's recent arrest. He and four of his sons are facing serious charges, with federal prosecutors alleging that they led a coordinated assault against government employees.

In the 1990s, Cliven Bundy, now 69, stopped paying grazing taxes to the federal government, arguing it had no authority restricting land uses. Photograph: John Locher/AP.

Two of the sons, Ammon and Ryan, are also facing charges for leading anoccupation of federal buildings in eastern Oregon in another high-profile standoff in protest of government policies. Dozens of the Bundys' supporters are also in jail.

Carol responded to Reid in her video, saying: "What you're doing to my family and to the state of Nevada is absolutely horrible, and I for one am very angry today."

She continued: "I am angry at Harry Reid for thinking that because my men are in jail, it's OK to come now and take … the land that my family has farmed and ranched on for generations."

The Bundy matriarch further challenged the senator to visit the family: "I would like to invite you to come to our ranch. I would like you to come look me square in the eye and tell me that my family and I are domestic terrorists. I would love you to come to my ranch and show me where my family has done any abuse of any kind to this land that we love."

Reid, the Democratic Senate leader, has previously called Bundy supporters "domestic terrorists".

In a phone interview on Friday, Bailey Logue, Cliven's 24-year-old daughter, who runs the family's Facebook page, said she was not surprised by Reid's announcement. "He's an evil, evil man," she said.

Still, she said, "I couldn't believe that he actually put it out there like that… It made me angry."

Logue said her mother's invitation for Reid to visit was sincere. If she had a chance to speak to him, Logue said she would appeal to Reid's religious faith, given that they are both Mormons. "He has a father. He has sons. What would he think if we came out with something like this against his family and his loved ones?" she said.

Obama's designations of national monuments have sparked significant backlash from ranchers and other westerners who say conservation is destroying families' livelihoods. Supporters and environmentalists say the land protections are critical steps in preserving habitats and species and that unregulated cattle-grazing can cause significant damage.

Reid's office did not respond to a request for comment.

http://www.theguardian.com/us-news/2016/apr/08/harry-reid-cliven-bundy-nevada-racher-armed-standoff

ELKO DAILY FREE PRESS

Reid touts Nevada's new national monument

Writer: Staff Writer
Published: April 8, 2016

WASHINGTON (AP) — Harry Reid loves national monuments designated by President Barack Obama.

The Senate Democratic leader on Wednesday highlighted the economic and cultural benefits of monuments, including the 704,000-acre Basin and Range National Monument created last year in Reid's home state of Nevada.

Reid called the area, with its lunar-like landscapes and centuries-old rock art, "stunningly beautiful" and said it "represents the Nevada I love and was born in."

But even as he and fellow Democratic Sen. Martin Heinrich of New Mexico recited benefits brought by the 22 national monuments Obama has created since 2009, Reid could not resist partisan jabs at Republicans, who have accused Obama of sneaky land grabs that bypass Congress and ignore the interests of local residents.

"I don't know what people are complaining about. Maybe they have nothing better to complain about," Reid said at a Capitol Hill news conference.

"There are certain things that need to be done," Reid said, but a "do-nothing Congress led by the Republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

Obama had "no choice" but to step up his use of executive orders — including his authority under the Antiquities Act to protect national monuments, Reid said. "I've been in Congress a long time and there's never been anything like it with this obstruction."

A report released by a business group Wednesday said 10 national monuments created by Obama since 2012 have an economic impact of $156 million a year and support more than 1,800 jobs. The report was compiled by Small Business Majority, a Washington-based advocacy group.

While he appreciates Obama's designation of Basin and Range, Reid says he hopes the president will create at least one more monument in his state, the Gold Butte area in southern Nevada.

The ecologically fragile area is where Nevada rancher Cliven Bundy led an armed standoff against government agents two years ago.

"Now most of them are in jail so maybe we can move forward on that," Reid said.

The Spectrum

Nevada senator wants historic site to be designated as a national monument

Writer: Lucas Thomas
Published: April 7, 2016

Nevada Democratic Sen. Harry Reid on Thursday morning resumed his quest to gain permanent protection for Gold Butte near Mesquite.

Speaking on the Senate floor, where he displayed multiple pictures that showed both the area's stunning beauty and signs of graffiti and vandalism to the vibrant sandstone formations and Joshua trees, Reid called on President Barack Obama to use the Antiquities Act to take executive action to preserve Gold Butte. With "the Bundys and their pals" in jail, Reid said he believed the time was right to "reach out to the White House."

"We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now," Reid said. "Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot — or will not. Many of our current national parks were created using this authority."

The Antiquities Act allows the president to designate any landmark, structure or area of historical significance as a national monument. Obama has already used the Antiquities Act once in Nevada, in 2015, by designating the Basin and Range National Monument.

Reid has long been the face of the effort to protect Gold Butte, an expansive chunk of land that is now classified as a National Area of Critical Environmental Concern. In 2013 and 2015, he sponsored legislation titled "Gold Butte National Conservation Area Act," which would have established the area as a protected site. Attempts to pass legislation have been met by opponents who believe the federal government already controls too much of Nevada's land.

For that reason, Reid's communications director, Kristen Orthman, said the senator is determined to take his latest effort directly to the president.

"When was the last time a land bill moved through Congress?" Orthman asked rhetorically.

Efforts to protect Gold Butte have been complicated in recent years by Bunkerville rancher Cliven Bundy, whom Reid described as an "outrageous lawbreaker" who "illegally grazed his cattle" in an area that is supposed to be managed by the Bureau of Land Management. He also blasted the Bundy family's involvement in this year's "armed takeover" of the Malheur National Wildlife Refuge in Oregon, equating their actions to "domestic terrorism."

Following a 2014 standoff with federal authorities at Bundy's ranch, which borders Gold Butte, the BLM ceased active management at Gold Butte for fear of violence, according to officials.

"... The federal employees tasked with safely guarding these antiquities were prevented from doing their jobs," Reid said. "These employees have been under constant physical and mental threat for doing what the American people have tasked them to do. Petroglyphs are being destroyed, drawn over, shot at and stolen.

Now, however, Reid said Bundy is "where he should be — in jail."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything

to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House," he said.

When a national monument is designated, the federal government assumes control of that land and can make decisions to control the land without the need for congressional approval. Opponents, including Nevada Republican Rep. Cresent Hardy, view this action as a land-grab; proponents argue it is a necessity to ensure the future use of public lands. A compromise has eluded for more than a decade.

"Sen. Reid has introduced bills in congress, and it just continues to stall out," said Jaina Moan, executive director of the Friends of Gold Butte, a non-profit organization with a mission to achieve permanent protection for Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy. "So having the ability for Obama to designate it a national monument helps us achieve protection."

In recent years, Moan said, the need for protecting Gold Butte has become more urgent.

A #ProtectGoldButte Twitter campaign had 128 followers on Thursday night.

"We can't wait any longer," she told the Desert Valley Times on Thursday. "More people are going out to Gold Butte now, so the damage we've observed has been steadily increasing."

When asked how Reid felt about the chances of Obama taking action, Orthman said the senator was "hopeful."
Moan took it a step further: "I'm optimistic," she said. "I think there are a growing number of people who support protecting Gold Butte."

While she acknowledged opponents of permanent protection of what the Friends describe as Nevada's piece of the Grand Canyon, Moan said "most people who are opposed really don't understand what it means to protect that landscape," but added that there would be an "inclusive democratic process to determine a resource management plan for Gold Butte."

Orthman said there is no timetable for hearing an answer from Obama.

http://www.thespectrum.com/story/news/local/mesquite/2016/04/07/reid-calls-obama-protect-gold-butte/82755512/

TPM

Reid Blasts Bundys On Floor, Wants NV Standoff Site To Be Nat'l Monument

Writer: Lauren Fox
Published: April 7, 2016

Senate Minority Leader Harry Reid (D-NV) on Thursday renewed his calls to make a national monument out of Gold Butte, the site of the 2014 Bundy Ranch standoff in Nevada where Cliven Bundy had illegally grazed his cattle for decades.

Reid announced on the floor that he plans to ask President Barack Obama to use his authority granted under the Antiquities Act to protect that land. The minority leader argued the protection could come at a fortuitous time, as several members of the Bundy family are jailed for their roles in both the 2014 standoff and the takeover of the Malheur Wildlife Refuge earlier this year in rural Oregon. Family patriarch Cliven Bundy is also being held in Nevada on assault and federal conspiracy charges tracing back to the 2014 standoff near his family's ranch.

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs," Reid said on the floor. "It was about 19 of them that have been indicted. Most of them are still in jail where they belong...[workers] have been under constant physical and mental threat for doing what the American people asked them to do."

The national monument Reid is asking for would stretch roughly 100 miles, beyond the site of the 2014 standoff. The land is currently jointly managed by Clark County and the Bureau of Land Management. Grazing is not legal on the land, and if the land is granted monument status it still won't be legal to graze there.

Reid had introduced legislation in the past to protect Gold Butte, as The Las Vegas Sunchronicled, but it faces long odds in a Republican-controlled Congress. Reid has since turned to asking the President to deem the area a national monument.

http://talkingpointsmemo.com/livewire/reid-bundy-ranch-national-monument

Harry Reid attacks Bundys on Senate floor, calls for Gold Butte protection

Writer: Jeff German
Published: April 7, 2016

With the "outrageous lawbreaker" Cliven Bundy and four of his sons in custody, U.S. Sen. Harry Reid of Nevada took to the Senate floor Thursday to renew his push to preserve the scenic Gold Butte area northeast of Las Vegas.

Reid proposed a congressional bill in 2013 to create a national conservation area at Gold Butte, a region of rugged mountains, sandstone ridges and Native American petroglyphs.

But the bill has stalled, and the Democratic leader in his Senate speech accused the defiant Bundy family of blocking daily efforts by federal officers to protect the land.

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities, were prevented from doing their jobs," he said. "These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

The senator still has hopes that President Barack Obama will preserve Gold Butte, something he has the power to do under the law. Obama has made such declarations in the past to protect federal land in Nevada.

Reid also called attention in his speech to the armed takeover of a government wildlife refuge in Oregon earlier this year "by a dangerous group of militants" that included Bundy family members.

"This particular episode of domestic terrorism has roots in Nevada, I'm sorry to say," Reid told his colleagues. "They were led by the sons of Cliven Bundy. Cliven who, as we speak, is where he should be — in jail."

Reid said the Bundy patriarch has been "breaking federal laws for decades," adding, "I'm disappointed that some of my colleagues supported this outrageous lawbreaker."

Bundy is in federal custody facing 16 felony charges stemming from the April 12, 2014, armed standoff with law enforcement near his Bunkerville ranch, which is part of the Gold Butte area.

In court papers earlier this week, his defense lawyer, Joel Hansen, called Bundy a political prisoner — like the late South African president and civil rights activist Nelson Mandela — who is being punished for exercising his First Amendment rights.

"Harry Reid's comments just serve to prove that Cliven and his sons and the rest of the cowboys who came there (Bunkerville) to help are political prisoners," Hansen said Thursday. "Now we have one of the most powerful men in America, Harry Reid, saying that they ought to be in prison.

"Is Harry Reid the judge in this case or is he trying to improperly influence and poison the jury pool so that they will follow his opinion when they get to the jury box?"

Bundy, 69, and 18 other people, including four of his sons, were charged in a federal indictment in Las Vegas last month in connection with the 2014 Bunkerville showdown.

All 19 defendants have been ordered held without bail as dangers to the community.

The defendants are alleged to have participated in a "massive armed assault" on Bureau of Land Management officers trying to round up Bundy cattle being grazed illegally on federal land.

http://www.reviewjournal.com/news/las-vegas/harry-reid-attacks-bundys-senate-floor-calls-gold-butte-protection

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Reid promises designation where Bundy cows roam

Writer: Phil Taylor

Published: April 7, 2016

Senate Minority Leader Harry Reid (D-Nev.) today said he'll coax President Obama to designate hundreds of thousands of acres of scenic Nevada desert surrounding Cliven Bundy's ranch as a national monument, a move Reid said is now possible thanks to the rancher's recent arrest.

Reid has previously pushed legislation to designate a 350,000-acre Gold Butte National Conservation Area as well as 220,000 acres of wilderness protections within it, but it has stalled without the support of Sen. Dean Heller (R-NV).

"Because of this legislation and now the fact that the Bundys are all in jail, I'm going to reach out to the White House, and I guarantee we'll get it done," Reid said in a speech this morning on the Senate floor. "That's for sure, to see if President Obama will protect this area."

Reid's office later issued a press release walking back the senator's statement, saying there's "no guarantee" the president will act.

"We'll see if President Obama will protect this area," Reid said in the written statement.

Gold Butte, an arid mesa of Joshua trees, creosote bushes and Native American petroglyphs, is a favorite spot for hikers and campers thanks to its proximity to Las Vegas about 80 miles to the southwest.

Bundy for decades has used the lands to graze hundreds of cattle without a permit, stifling government restoration efforts and scientific research. When the Bureau of Land Management tried to remove the cattle two years ago, Bundy enlisted hundreds of supporters -- scores of them armed -- to force the agency to retreat.

Conservation groups, including the footwear company Keen, have been prodding Obama to protect the area using his authority under the 1906 Antiquities Act.

Reid's involvement is notable, given his sway in the Oval Office. Reid took credit for prodding Obama last summer to designate the 700,000-acre Basin and Range National Monument in Nevada, a sweeping expanse of rugged mountains and sagebrush valleys that encompasses artist Michael Heizer's massive "City" project.

Last summer, Reid, who is set to retire at the end of this session, told the Las Vegas Review-Journal he was taking a break from pushing executive protections and would let the Gold Butte proposal "work its way through the system."

It appears that with the FBI's arrest of Bundy on Feb. 10 in Portland, Ore., and separate arrests of four of his sons, his bodyguard and roughly a dozen others involved in the 2014 Gold Butte standoff, Reid has changed his stance.

The monument proposal is clearly on the White House's radar. In February 2015, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Reid and Rep. Dina Titus (D-Nev.) to discuss their proposals to protect Nevada's public lands, including Gold Butte.

Such a designation would be controversial given Republican opposition to the president's use of the Antiquities Act, and particularly given Gold Butte's symbolism as a rallying point for anti-government activists.

An email to a Heller spokesman was not immediately returned this morning, but the senator has long opposed a monument designation.

"The use of your authority under the Antiquities Act would not serve the area well and would escalate anger and frustrations with the Department of the Interior government in a region of our state where tensions are already presently high," Heller said in a letter to Obama in summer 2014.

Republicans are trying to include language in this year's spending bills that would restrict Obama's ability to ban energy development and mining under the act.

Reid this morning argued protections are needed to preserve Gold Butte's tribal sites and its "stunning" Joshua trees. He displayed photos of petroglyphs he said had been drawn over, shot at and stolen.

Obama "has the authority, as any president does, to stop this sort of destruction and stop it now," Reid said. "Congress created the Antiquities Act to empower the president to protect our culture, our historic and natural resources when and where Congress cannot or will not."

Monument designations do not appropriate more money to federal lands agencies, but they do tend to give protected lands higher priority when agencies allocate funding and personnel like law enforcement.

Obama has used the act 22 times to set aside 265 million acres of federally administered lands and waters, more than any other president. Excluding his ocean monuments, Obama has protected nearly 4 million acres of Western land, more than all other presidents except Jimmy Carter and Bill Clinton.

Reid yesterday touted a report commissioned by the Small Business Majority, a left-leaning advocacy group, that highlighted the local economic benefits of national monuments designated by Obama (Greenwire, April 6).

Senator Reid's Floor Speech: We Must Protect Nevada's Gold Butte, Lands Across America

Speaker: Senator Reid
Published: April 7, 2016

"Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot – or will not. Many of our current national parks were created using this authority… Unfortunately, many Senate Republicans want to undermine the Antiquities Act. They refuse to defend our cultural and historic antiquities that are being systematically destroyed."

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs. These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House. And there's no guarantee we'll get it done. We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

Washington, D.C. – Nevada Senator Harry Reid spoke on the Senate floor today about the need to protect and preserve Gold Butte in Nevada and other sites throughout the nation. Below are his remarks:

I'm grateful that the presiding officer today is from the state of Nevada, my friend, the junior Senator from Nevada. When I think of home, I think of the desert.

You can't talk about Nevada as a desert only, even though the vast majority of the state is a very arid place. We also have the beautiful Sierra Nevada Mountains, the Ruby Mountains. We are the most mountainous state in the union except Alaska with 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. We have one mountain that we share with California that is almost 14,000 feet high. It is a beautiful state.

But today, I'm going to focus on some of those arid places, places where I was born and raised. Having been back here in Washington for such a long time – 37 years – I think of the blue skies that are so prevalent in Nevada. They hover over a canvas. No one could paint a picture as beautiful as that, of these mountains in the middle of the desert, these Joshua trees or of the sagebrush.
It is that beauty that's drawing thousands of visitors to Nevada and Nevada's wilderness every year. Yesterday, the Reno Gazette-Journal wrote an article reporting how important this industry is to our country:

"The big time solitude found in the big empty spaces of the western U.S. generates big money for regional economies.

"That's according to a study that attempts to put a dollar value on 'quiet recreation' on Bureau of Land Management property.

"It found that sports like hiking and mountain biking on BLM land generated more than $1.8

billion in spending in 2014, that's roughly equivalent to two months of gambling revenue in Las Vegas casinos."

Our public lands are jewels that we must protect.

To its credit, the Bureau of Land Management and their dedicated employees do a remarkable job in safeguarding these national treasures so that Americans can enjoy them.

When I was first elected, the Bureau of Land Management was on par with the internal revenue service. No one liked them. Now they are admired. They've done a remarkably good job to take care of public lands.

John Sterling, the Executive Director of The Conservation Alliance, told the Reno Gazette-Journal, quote:

"The BLM is the final frontier for a primitive experience on our public lands. They represent the future of outdoor recreation."

Most Americans are familiar with what happened earlier this year in Oregon. The Malheur National Wildlife Refuge in Oregon was taken over. A dangerous group of militants staged an armed takeover of the refuge, they came with their canvas shirts and their camouflage pants and their guns and their all-terrain vehicles to take over the federal property. And they did. They damaged the refuge to the tune of about, maybe $20 million: defecating on some of the ruins in the facility and stopping the Native Americans from being able to do their annual fishing.

This particular episode of domestic terrorism has roots in Nevada, I'm sorry to say. They were led by the sons of Cliven Bundy. Cliven who, as we speak, is where he should be – in jail. Two of his sons are in jail, too, having participated in the unlawful takeover. Cliven Bundy is a Nevadan who has been breaking federal laws for decades.

I'm disappointed that some of my colleagues supported this outrageous lawbreaker. Teddy Roosevelt created this national wildlife refuge in Oregon. This radical president, Theodore Roosevelt – and I say that sarcastically because he wasn't. He was a great president. He created this refuge in 1908. Roosevelt used the tools at his disposal as president – including the Antiquities Act – to protect our national heritage so that generations of Americans could enjoy it.

Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot – or will not. Many of our current national parks were created using this authority. In fact, 16 presidents – eight Democrats and eight Republicans – have used this authority to protect these lands for the benefit of the American people. Even George W. Bush used the Antiquities Act.

http://www.reid.senate.gov/press_releases/2016-04-07-reid-we-must-protect-nevadas-gold-butte-lands-across-america

Gold Butte

Guest Writer: Brandon Willis
Published: April 6, 2016

I was pleased to read Henry Brean's article about the return of Nevadan pioneer Arthur Coleman's remains to his original grave site in Gold Butte ("Ceremony marks pioneer's return to Gold Butte grave," March 29). In addition to grave robbing, the recent chaos in Gold Butte has led to illegal development and road building, the vandalism of petroglyphs and the destruction of cultural sites.

Every day that Gold Butte is not protected we are losing valuable cultural, historical and natural resources. Now is the time to protect Gold Butte.

http://www.reviewjournal.com/opinion/letters/letters-don-t-put-blame-retired-workers

Capitol Hill buzz: Harry Reid talks monuments, jabs at Republicans

Writer: Matthew Daly
Published: April 6, 2016

WASHINGTON — Harry Reid loves national monuments designated by President Barack Obama. The Senate Democratic leader on Wednesday highlighted the economic and cultural benefits of monuments, including the 704,000-acre Basin and Range National Monument created last year in Reid's home state of Nevada.

Reid called the area, with its lunar-like landscapes and centuries-old rock art, "stunningly beautiful" and said it "represents the Nevada I love and was born in."

But even as he and fellow Democratic Sen. Martin Heinrich of New Mexico recited benefits brought by the 22 national monuments Obama has created since 2009, Reid could not resist partisan jabs at Republicans, who have accused Obama of sneaky land grabs that bypass Congress and ignore the interests of local residents.

"I don't know what people are complaining about. Maybe they have nothing better to complain about," Reid said at a Capitol Hill news conference.

"There are certain things that need to be done," Reid said, but a "do-nothing Congress led by the Republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

Obama had "no choice" but to step up his use of executive orders — including his authority under the Antiquities Act to protect national monuments, Reid said. "I've been in Congress a long time and there's never been anything like it with this obstruction."

A report released by a business group Wednesday said 10 national monuments created by Obama since 2012 have an economic impact of $156 million a year and support more than 1,800 jobs. The report was compiled by Small Business Majority, a Washington-based advocacy group.

While he appreciates Obama's designation of Basin and Range, Reid said he hopes the president will create at least one more monument in his state, the Gold Butte area in southern Nevada.

The ecologically fragile area is where Nevada rancher Cliven Bundy led an armed standoff against government agents two years ago.

"Now most of them are in jail so maybe we can move forward on that," Reid said

http://lasvegassun.com/news/2016/apr/06/capitol-hill-buzz-harry-reid-talks-monuments-jabs/

Reid praises study on economic impact of new national monuments

Writer: Jim Meyer
Published: April 6, 2016

WASHINGTON — Senate Democratic leader Harry Reid on Wednesday lauded a study linking $156 million in economic activity to the Basin and Range National Monument and nine other monuments in four states even though figures were not available for those specific sites.

Released by the Small Business Majority, the study focused on economic benefits local businesses enjoy from increased tourism and other activities resulting from designations by President Barack Obama since 2012.
Often the areas are in rural areas, the study stated, adding that some sites have experienced a 500 percent increase in tourism after Obama's action.

Rhett Buttle, president and managing director of Small Business Majority, said information specific to the Basin and Range National Monument and the other areas was not available.

During a press conference with Sen. Martin Heinrich, D-N.M., who spoke of monuments in his home state, Reid emphasized the legacy the presidential actions will leave.

"Too often, we only view land as valuable when it is being developed, mined, drilled or logged," he said.

"But, as this report shows, we can protect the most magnificent areas of our nation while also providing real opportunities for local economies."

Reid recalled his initial conversation with the president about the Basin and Range area and the difficulty he had in describing the 704,000 acres — 1,100 square miles — in Lincoln and Nye counties that include desert valleys, mountain ranges and both ancient and modern art.

"It is just stunningly beautiful," he said, citing the massive sculpture by artist Michael Heizer known as "City."

According to the study, which was conducted by BBC Research & Consulting, the annual economic benefits for the 10 monuments include $58 million in labor income per year and roughly 1,820 jobs.

Obama's designation of the Basin and Range National Monument was not welcomed by everyone.

Critics not only saw the presidential action as another effort of control by the federal government but also suggested it could end up hurting the local economy.

When asked about such concerns Wednesday, Reid again dismissed them.

"I don't know what people are complaining about," he said, describing the lack of activity in that area since statehood.

Now, Reid said, visitors will be drawn to the area to see Heizer's work as well as the area's unique landscape.

He also defended Obama's action, saying the president had no choice because of the "do-nothing" approach taken by congressional Republicans.

"We need to do more," Reid said.

Before they both leave office in January, Reid expressed hope that the president will take action on the Gold Butte area and blamed the lack of activity on the Cliven Bundy family.

He referred to the family's legal issues and added "so maybe we can move forward on that."

http://www.reviewjournal.com/politics/reid-praises-study-economic-impact-new-national-monuments

U.S.News & WORLD REPORT

Reid highlights the economic and cultural benefits of national monuments designated by Obama

Writer: Matthew Daly
Published: April 6, 2016

WASHINGTON (AP) — Harry Reid loves national monuments designated by President Barack Obama. The Senate Democratic leader on Wednesday highlighted the economic and cultural benefits of monuments, including the 704,000-acre Basin and Range National Monument created last year in Reid's home state of Nevada.

Reid called the area, with its lunar-like landscapes and centuries-old rock art, "stunningly beautiful" and said it "represents the Nevada I love and was born in."

But even as he and fellow Democratic Sen. Martin Heinrich of New Mexico recited benefits brought by the 22 national monuments Obama has created since 2009, Reid could not resist partisan jabs at Republicans, who have accused Obama of sneaky land grabs that bypass Congress and ignore the interests of local residents.

"I don't know what people are complaining about. Maybe they have nothing better to complain about," Reid said at a Capitol Hill news conference.

"There are certain things that need to be done," Reid said, but a "do-nothing Congress led by the Republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

Obama had "no choice" but to step up his use of executive orders — including his authority under the Antiquities Act to protect national monuments, Reid said. "I've been in Congress a long time and there's never been anything like it with this obstruction."

A report released by a business group Wednesday said 10 national monuments created by Obama since 2012 have an economic impact of $156 million a year and support more than 1,800 jobs. The report was compiled by Small Business Majority, a Washington-based advocacy group.

While he appreciates Obama's designation of Basin and Range, Reid says he hopes the president will create at least one more monument in his state, the Gold Butte area in southern Nevada.

The ecologically fragile area is where Nevada rancher Cliven Bundy led an armed standoff against government agents two years ago.

"Now most of them are in jail so maybe we can move forward on that," Reid said.

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http://www.usnews.com/news/politics/articles/2016-04-06/capitol-hill-buzz-reid-talks-monuments-jabs-at-republicans

Small Business Majority Monuments Report: Press Event

Published: April 6, 2016

Link to video: click here. Senator Reid's language on Gold Butte starts @ 19:00.

E&E PUBLISHING, LLC
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Reid touts report on monuments' economic benefits

Writer: Corbin Hiar
Published: April 6, 2016

Senate Democrats today touted a report highlighting the local economic benefits of national monuments designated by President Obama. They also used it as a chance to push back on skeptics of public land. "Too often, we only view land as valuable when it is being developed, mined, drilled or logged," Senate Minority Leader Harry Reid (D-Nev.) said during a Capitol Hill news conference. "But, as this report shows, we can protect the most magnificent areas of our nation while also providing real opportunities for local economies."

Conducted by BBC Research & Consulting for Small Business Majority, a left-leaning advocacy group, the report found a strong link between the protection of public lands and economic growth.

The review focused on 10 of the 22 national monuments Obama has designated under the Antiquities Act, a century-old law that allows the president to protect lands or sites without the approval of Congress.

The study classified them as "natural and cultural" monuments that are mainly in rural areas where local economies and small businesses are particularly reliant on income from tourism and outdoor recreation.

One example that Reid cited was the Basin and Range National Monument, 700,000 acres of Nevada desert that sits in an picturesque valley framed by mountains (E&E Daily, July 10, 2015).

Those monuments have a total economic impact of $156 million per year, drive approximately $58 million in labor income per year and support about 1,820 jobs annually, the report said.

The economic analysis excluded the eight "historical" national monuments the president has established, such as the Harriet Tubman Underground Railroad National Monument on Maryland's Eastern Shore (E&ENews PM, March 23, 2013).

"The vast majority of historical national monuments are still in development and are offering only limited programs or limited visitor hours," the report explained. "As such, visitation data for those monuments are unavailable and/or do not provide an accurate account of the full monument visitation."

The report added, "An economic valuation at this stage for those historical monuments is likely to significantly understate the long term economic importance of those monuments."

The document also left out the Pacific Remote Islands Marine National Monument because it offers no opportunities for visitation. And the three California desert national monuments that Obama protected earlier this year came after the report's drafting (Greenwire, Feb. 12).

Senators slam Bishop, Bundys

The report comes amid growing hostility to federal control of lands in the Republican-controlled Congress, and among some leaders and activists in the West.

Sen. Martin Heinrich (D-N.M.), who joined Reid and members of Small Business Majority at the news conference, pushed back on congressional objections to presidential monument designations by pointing to the local support for the Rio Grande

del Norte National Monument in the northern part of his state.
"Some of the same objections, I would point out Congressman [Rob] Bishop being the lead, said this is a terrible thing, that the president would force this national monument on the people of New Mexico," said Heinrich, referring to the Utah Republican who now leads the powerful House Natural Resources Committee.

But when then-Interior Secretary Ken Salazar visited the community near the Rio Grande monument, no one stood to oppose the designation, Heinrich said.

"I would trust local delegations to be a little more in touch with the facts on the ground than that, and certainly it has been a good thing for my constituents and the people of New Mexico," Heinrich said.

For his part, Reid took aim at the most prominent anti-federal-land activists in the country and went as far as to advocate for a new monument in their backyard.

"We need to do more. I'm looking at something in Nevada. I hope the president will start looking at it. It's called Gold Butte. It is ... stunningly unique," he said. "The reason the president hasn't had an opportunity to look at that very closely was because that was where the Bundy family raised the hell that they did. Now, of course, most of them are in jail."

In 1993, the Bureau of Land Management restricted Cliven Bundy from using Gold Butte for grazing his cattle, but Bundy refused to comply. He then stopped paying his grazing fees and allowed the cows to run free for decades, despite multiple federal court orders that called for their removal.

Ultimately, Bundy and two of his sons were indicted earlier this year on 16 felony charges for their roles in an armed standoff with BLM at his Bunkerville, Nev., ranch in April 2014, which began when federal officials tried to impound the family's cattle (Greenwire, Feb. 18).

Protecting Gold Butte

Guest Writer: Jim Boone
Published: April 1, 2016

I read with interest Henry Brean's article on Gold Butte ("Ceremony marks pioneer's return to Gold Butte grave," Tuesday Review-Journal). Mr. Brean wrote: "His grave was dug up sometime in April 2014, right around the time of the now-infamous standoff near Bunkerville between the Bureau of Land Management and rogue rancher Cliven Bundy."

While it is nice to see the community come out for this reinterment, it is worth pointing out that the desecration occurred when law enforcement was highly focused on Bunkerville. Acts such as this desecration and other recent insults upon the land (wanton vehicle damage to signed sensitive plant habitat, chopping down Joshua trees, etc.) go to show that the area needs permanent protection, before all of the historic sites and more of the natural sites are damaged.

Permanent protection will bring financial resources benefiting the landscape (pit toilets, signs, road maintenance) and the surrounding communities (contract jobs in Gold Butte, travel industry jobs, etc.).

http://www.reviewjournal.com/opinion/letters/letters-answer-taxes-not-good-one

Protections Needed

Guest Writer: Jesy simons
Submitted: March 30, 2016

I was glad to read that the Gold Butte grave vandalism that happened in 2014 was finally made right in this week's article *Ceremony marks pioneer's return to Gold Butte grave*. There so much history in Gold Butte, both ancient and recent. Many visitors are drawn to the breathtaking petroglyphs but the area provides a trip through time at places like the Gold Butte town-site and other spots to witness evidence of our more recent history.

The reinternment ceremony held last week is a step in the right direction to preserve our heritage and set a precedent that this destruction will not be tolerate by Americans. We need to send a clear message that our heritage and our history is precious and worthy of protection. National Monument status is the precise designation Gold Butte deserves. We need to do it now before the pages of the history book found in Gold Butte are ripped away and lost forever.

Ceremony marks pioneer's return to Gold Butte grave

Writer: Henry Brean
Published: March 28, 2016

Almost two years after his grave was disturbed near the ghost town of Gold Butte, Arthur Coleman is back where he belongs.

About 30 area residents gathered at the remote grave site Saturday to remember Coleman and return his remains to the ground about 100 miles northeast of Las Vegas.

His grave was dug up sometime in April 2014, right around the time of the now-infamous standoff near Bunkerville between the Bureau of Land Management and rogue rancher Cliven Bundy.

Authorities still don't know who disturbed the small burial plot or why.

Saturday's gathering was all about setting things right.

Logandale native Lindsey Dalley, who helped organize the reinterment, said the crowd included residents of all ages from the Virgin and Moapa valleys.

People began showing up at about 9 a.m. with shovels and potluck dishes. They lingered until 3 p.m., swapping stories about Coleman and his longtime friend and business partner, William Garrett.

The two men met in Gold Butte around 1916, after the mining camp had seen its post office close and its fortunes fade.

Coleman and Garrett would spend the next four decades there, running cattle, scratching for gold and brewing moonshine around the home they shared in the ruins of the camp.

They made for an odd team: Coleman, a 5-foot-1 miner, and Garrett, a notorious 6-foot-1 rancher out of Texas whose uncle may have been the famed lawman who shot Billy the Kid. Locals took to calling the pair "the long and the short of it."

The men lived at Gold Butte until Coleman's death in 1958 at age 82. Garrett died three years later, at age 81, and joined his old friend in the ground behind their home.

Years later, their plots were fenced and marked with engraved headstones.

Dalley grew up across the Virgin River from the rugged country Coleman and Garrett called home, and he described the two men as "the hub on the wheel of history" in northeastern Clark County. "It's like the river of time is flowing through there, and these guys were the anchor point for our two communities," he said.

The Clark County coroner's office collected the bones left scattered around the grave site on April 23, 2014, the day after the damage was reported to authorities.

Coroner John Fudenberg said DNA testing was unsuccessful, but investigators were able to determine that the remains belonged to an adult man and had been previously embalmed.

Fudenberg's office released the remains to the BLM in late October, and the BLM turned them over for

burial by the Moapa Valley Mortuary and a local nonprofit called Partners in Conservation.

Dalley said the same "common-sense conservation group" was responsible for filling Coleman's grave back in after investigators were done with it in 2014.

A church contingent from Bunkerville led Saturday's graveside service. The mortuary in Moapa Valley donated a pair of thick, concrete burial vault lids that should keep anyone else from digging up the graves at Gold Butte.
"If they do, they'll have to earn it," Dalley said.

Near the end of Saturday's ceremony, Dalley spotted a truck rumbling down the dirt road toward them towing a rusted Model A Ford pickup on a trailer.

It turned out to be Coleman's old Model A. He had left it in his will to a neighboring ranch family almost 60 years earlier, so a member of the family towed it down from St. George, Utah, for the memorial.

"You could have brushed me over with a feather when that thing showed up," Dalley said. "It was like history had come alive and was standing there in front of you."

http://www.reviewjournal.com/news/nevada/ceremony-marks-pioneer-s-return-gold-butte-grave

The Spectrum
A GANNETT COMPANY

Protect the petroglyphs

Guest Writer: Carlos Torres
Published: March 24, 2016

In "Finding the past in Southern Utah," the story about a gentleman who wants to carve his mark into Gold Butte stood out. We saw actress Vanessa Hudgens get in trouble for carving her name in Sedona recently and new vandalism in nearby Gold Butte happens weekly. Visitors graffiti over ancient petroglyphs, thus preventing others from enjoy them in their intended state.

There are other ways to leave your "mark" without damaging cultural and historic sites. More people knew Hudgens visited Sedona because of her social media post than would have ever known she was there had she just carved her name into the park's rocks. There are many ways in today's world to leave your mark, from signing your name in a visitor log to posting pictures of your experience on social media. There is no need to damage the land and spoil it for future visitors.

Sadly, not all public land visitors see it this way. That's why if we truly want to protect Gold Butte, we must act now to permanently protect it. We cannot wait as petroglyphs continue to be spoiled by those attempting to leave their mark.

http://www.thespectrum.com/story/opinion/mesquite/2016/03/24/letters-editor/82104982/

Economics, Public Lands, & Tourism We Are Missing Out On

Guest Writer: Christian Gerlach
Submitted: March 16, 2016

The Las Vegas Sun just published an article "The future of tourism: Our fortress of cards" that reveals some amazing insights into the potential economic future of our local economy. Mr. Morris' article sheds light on what tourists do while on holiday. Among the facts were that fewer tourists are gambling, and are instead relying on alternative forms of entertainment to enjoy Sin City.

Of the premiere forms of recreation now being enjoyed more by tourists is outdoor recreation. The Outdoor Retailers Association, an association of businesses directly benefiting from the American people's shared ownership of public lands, puts Nevada's outdoor recreation economy at $14.9 billion a year. This accounts for some 148,000 jobs both directly and indirectly created by tourists who love of Nevada's share of America's public lands. The fact is that tourists love Nevada for our natural beauty. Who wouldn't? Las Vegas itself is surrounded by some of the most awe-inspiring natural wonders our world has to offer. Drive only five hours away from Las Vegas and you can be in one of 25 different national parks, wildlife refuges, or national monuments.

We in Nevada have a history of tourism and protecting public lands. That is why it is absolutely vital that we promote further visitation of Nevada and the region by protecting more beautiful landscapes, landscapes like Gold Butte. By preserving these unique places we not only benefit our environment, we benefit our pocketbook.

The Spectrum
A GANNETT COMPANY

Gold Butte speaker series to focus on hummingbirds

Writer: Staff Writer
Published: March 14, 2016

Hummingbirds will be the focus of the Friends of Gold Butte Speaker Series on Wednesday night at the Mesquite Community Theatre, 150 N. Yucca St.

Citizen scientists Ned and Gigi Batchelder and wildlife photographer David Boyarski will talk about their adventures of banding and photographing hummingbirds in Southern Nevada during the 45-minute program. Doors open at 6:30 p.m.; the presentation begins at 7 p.m.

"In the spring, we start to see hummingbirds zipping about in Gold Butte," said Jaina Moan, executive director of the Friends of Gold Butte, a non-profit organization with a mission to achieve permanent protection for Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy. "We are excited to deepen our understanding of the behaviors and migration of these tiny, fascinating creatures."

The Gold Butte Speaker Series is a monthly event held September-November and January-April each year. Topics in the series focus on educational, scientific, cultural and recreational issues relevant to the Gold Butte region. All presentations are free and open the public.

For information, go online to friendsofgoldbutte.org/events-2/education-program/.

http://www.thespectrum.com/story/news/local/mesquite/2016/03/14/gold-butte-speaker-series-focus-hummingbirds/81775642/

The Spectrum

Candidates need to protect public lands

Guest Writer: Sasha Illic
Submitted: March 7, 2016

I appreciated Lucas Thomas's reporting on the candidates discussion in Mesquite ("Democrats make their pitch in CD4" March 2, 2016 The Spectrum). Representative Hardy is the lone sheep when it comes to his stance on Public Lands. Every other candidate has got it right. Places like Gold Butte should be protected before the history & culture found only there are lost forever. Like Kihuen was quoted as saying in the article, we need to make Gold Butte a National Monument before it's too late.

We also need to be clear when we talk about the Senate Joint Resolution 1 from last year. It was not, as Lucas Thomas said in this article, "a resolution that would restore public lands back to the state of Nevada." SJR1 was an attack on America's Public Lands, a ploy to steal land from all Americans and sell it off to the highest bidder to be privatized and lock Nevadans out. Kihuen had it right, Nevada can't afford to get into the business of land management, and we wouldn't, our public lands would be sold, cheaply. Another reason we need a strong supporter of Public Lands in that congressional office

Congressman should care about public lands

Guest Writer: Eric Roberts
Submitted: March 4, 2016

I'm a resident of Congressional District 4 and I think Rubin Kihuen hit the nail on the head in Ben Botkin's "Mesquite's congressman sends memo to Demo challengers while they're in town" (March 1, 2016 Review Journal). My representative, Congressman Hardy, is doing an incredible disservice to my fellow CD4 residents when he could care less about America's Public Lands. They make up a huge percentage of our district. I want to echo and expand on what Kihuen was getting at in regards to Gold Butte.

Gold Butte is a tremendous place worthy of National Park designation in our own backyard! The last few years the BLM and recreationists have been scared off of our Public Lands by a welfare rancher with guns while this sacred place hangs in the balance. Enough is enough. Make Gold Butte a National Monument and give it the protection it deserves.

The Spectrum

Democrats make their pitch in CD4

Writer: Lucas Thomas
Published: March 2, 2016

Lucy Flores made it clear why she and three other Democrats are seeking election in Nevada's 4th Congressional District.

"This race is critically important, and we shouldn't have lost it in 2014," Flores said Monday night during the candidates' one-hour forum at the Wolf Creek Golf Club. "So ensuring that one of us makes sure we get it back from Cresent Hardy, I think, is the No. 1 goal."

It's election season, and the Nevada State Democratic Party has its sights set clearly on Hardy's seat in congress — a challenge that the Mesquite Republican welcomes, literally, in his native Virgin Valley. Following Monday's forum, which was organized by Let's Talk Nevada and the Virgin Valley Democrats, Hardy's campaign manager, Ross Hemminger, handed out information to the four Democratic challengers that included a business and visitor guide, a city map and a letter that Flores and State Sen. Ruben Kihuen both described as "snarky."

In front of a partisan crowd of about 100 people, Flores, Kihuen, Las Vegas philanthropist and political newcomer Susie Lee and former Assembly speaker John Oceguera covered an array of issues, including two issues — the protection of Nevada's public lands, including Gold Butte south of Mesquite, and the potential for economic growth in southern Nevada — that are tied closely together.

"First and foremost, not only in Mesquite, but in all of Nevada, we need to create incentives for good paying jobs. Nevada has notoriously been at the top of the bad lists and bottom of the good lists and for once with renewable energy, we have an opportunity to be at the top of a good list," Lee said. "That offers a lot of opportunity not only in Mesquite but in many of our rural areas and throughout Nevada with our abundance of solar energy."

A former assemblywoman, Flores noted the importance of Nevada's land capabilities in aiding economic growth, as well.

"It has historical significance, it's got environmental significance, and it's got economic significance," Flores said when asked about permanent protection for Gold Butte, which Hardy has consistently opposed. "Ensuring that all of those interests are met by protecting Gold Butte is critical to the economy and the community here in Mesquite."

Kihuen also tied economic development to local environmental issues.

"I plan on continuing the work Sen. [Harry] Reid started in designating some of to these areas as national monuments," Kihuen said of Gold Butte. "We have all of this open land, particularly the 4th Congressional District, that if it's given back to the state, we cannot afford it," he said explaining why he voted against a resolution that would restore public lands back to the state of Nevada.

The candidates discussed a variety of other issues, including gun control, legalized marijuana and even the potential of professional sports in Clark County. In early April, T-Mobile Arena, a 20,000-seat arena on the Las Vegas Strip, which has been closely associated with businessman Bill Foley's plan to bring an NHL franchise to Sin City, is scheduled to open. The NFL's Oakland Raiders have tentatively explored the idea of relocating the franchise to Las Vegas, as well.

"We've reinvented ourselves in this state many, many times. I think a professional sports team would be the next step," Oceguera said. "We have to keep reinventing this economy and reinvigorating it, but it's how we pay for that."

He added, "I wouldn't be in favor of public financing."

Despite the candidates' common ground, the forum did get testy at times.

When Flores was unable to recall specific details of a 2011 bill that she voted on, Lee told the audience, "When I vote on something, I will know exactly what I'm voting on."

Immediately, Flores countered, "When you're in the legislature, you deal with hundreds, if not thousands of bills, each session," noting that it's nearly impossible to sift through every detail of every bill.

But, minor differences aside, the four candidates largely toed the Democratic line and reiterated their stance that the 4th Congressional District should not be represented by a Republican.

"I don't think the guy that's representing me in this district is doing a good job," Oceguera said when asked why he was seeking election. "Whether we're talking about things like Planned Parenthood, whether we're talking about issues with our public land ... [Hardy] votes the wrong way on those issues."

Flores described Hardy as an "extremist," grouping him in with Tea Party Republicans, and Lee noted that Hardy had been named by the Human Rights Campaign as "one of the faces of inequality" in Congress.

"We have a congressman who is part of that wealthy and the elite," Kihuen said of Hardy, adding that "he's part of that system that has rigged the economy against people like you and I."

After distributing what he called a "welcome" packet to the four Democratic challengers, none of whom live in Mesquite, Hemminger responded to their criticism of Hardy.

"While Congressman Hardy is busy working on behalf of the 4th District, Democrats are recycling their playbook of desperate, negative attacks," he said. "Congressman Hardy's record of fighting for his district speaks for itself, and public polls show that (the people) approve of the job he is doing."

In his note to each Democrat, Hardy wrote, "Welcome to Mesquite. As a life-long resident of the Virgin Valley, I am so proud of all that we have to offer here. I suspect it may take you some time to learn about the area, so I have included a guidebook for your reading pleasure. I hope you enjoy campaigning here as much as I have enjoyed actually living here."

The next day, Kihuen responded with a note of his own, challenging Hardy to a debate on Gold Butte. His note read, "The photo (on the front of Mesquite Chamber of Commerce guide) was taken just north of one of my favorite areas in all of Southern Nevada, Gold Butte. Ironically, in your zeal to score political points you highlighted one of our biggest disagreements, your unconscionable position that we should not protect our public lands."

Preceding the CD4 forum, Commission District B candidates Marilyn Kirkpatrick, the incumbent, and Steve Ross, the challenger, discussed many of the same issues, including public lands and economic development, during a 45-minute session.

"How can we best preserve them so that folks can use them on a regular basis, take pride in them because there are many wonderful things out there, and ensure for the long term that they have the ability to use those 100 years from now?" Kirkpatrick said of the Silver State's open spaces.

On the potential for economic boosters in Mesquite, Ross said, "What I've seen over the past several years is that lack of support that the county has not given the municipalities within its borders. Mesquite, especially, there are so many golden

opportunities I see whether it's economic development or job creation," Ross said.

The primary election is June 14 and the general election is Nov. 8.

http://www.thespectrum.com/story/news/local/mesquite/2016/03/02/democrats-make-their-pitch-cd4/81213260/

Mesquite's congressman sends memo to Demo challengers while they're in town

Writer: Ben Botkin
Published: March 1, 2016

The campaigns of U.S. Rep. Cresent Hardy, R-Nevada, and four Democratic contenders for his seat had an unscheduled meeting in Mesquite.

The four Democrats participated in a forum Monday night in Mesquite, which is in the 4th Congressional District. An unexpected guest showed up, bearing a friendly greeting from the congressman. He was Ross Hemminger, Hardy's campaign manager.

Hemminger passed along letters to the candidates welcoming them to Mesquite. Hardy has the distinction of being the only candidate in the race to live in Mesquite. As an added bonus, Hardy tossed in a Mesquite Chamber of Commerce guidebook to the Virgin Valley. The not-so-subtle but friendly dig suggested the candidates might need help getting familiar with the region.

The pool of Democratic candidates includes Lucy Flores, a former state assemblywoman; Ruben Kihuen, a state senator; philanthropist Susie Lee; and John Oceguera, a former Assembly speaker.

"As a lifelong resident of the Virgin Valley, I am so proud of all that we have to offer here," Hardy wrote in a short letter to Kihuen, obtained by the Review-Journal. "I suspect it may take you some time to learn about the area, not being from the district, so I have included a guidebook for your reading pleasure. I hope you will enjoy campaigning in the 4th District as much as I have enjoyed actually living here."

Kihuen doesn't live in the congressional district, though there's no requirement for congressional candidates to do so and it's not unusual for candidates to live outside a congressional district.

Kihuen responded swifty with a letter to Hardy on Tuesday, challenging the congressman to join the four Democratic candidates in Mesquite for a forum to discuss Gold Butte.

Conservationists have called for protections for Gold Butte, a roughly 350,000-acre area two hours northeast of Las Vegas known for wide desert vistas, petroglyphs and other unique landscape features. Hardy has said he would "fight tooth and nail" against proposed wilderness designations for the area.

Kihuen told Hardy that the area's natural resources need protections and urged him to "join the effort to protect Gold Butte," noting the Mesquite guidebook's cover showed the moon rising over a mesa northwest of Mesquite.

"The photo was taken just north of one of my favorite areas in all of Southern Nevada, Gold Butte," Kihuen wrote. "Ironically, in your zeal to score political points you highlighted one of our biggest disagreements, your unconscionable position that we should not protect our public lands."

Hardy's seat is one of a handful of congressional seats that Democrats hope to pick up in the November election. The district stretches across six rural counties and North Las Vegas.

It's unclear if that forum will actually take place, and Kihuen's campaign is still waiting for a response. If it happens, Kihuen's suggested dates

are the week of March 7 or the week of March 28.
Congress is in recess both weeks.

http://www.reviewjournal.com/politics/mesquite-s-congressman-sends-memo-demo-challengers-while-they-re-town

THE REBEL YELL

UNLV Wilderness Club seeks protection for Gold Butte

Writer: Jacob Lasky
Published: February 29, 2016

Often referred to as "Nevada's piece of the grand canyon" the Gold Butte area has been subject to neglect and vandalism over the last few years — but one club at UNLV hopes to reverse that harm.

UNLV's Wilderness Club began last semester as an effort to raise awareness about protecting Gold Butte and other natural wonders in Nevada.

"I wanted to start UNLV Wilderness to get college students, mainly here on campus, knowing about places like Gold Butte...and helping out with the environment," said Michaela Tomchek, the club's president and founder.

Gold Butte is about 100 miles northeast of Las Vegas near Mesquite and is designated as an Area of Critical Environmental Concern by the Bureau of Land Management.

The area consists of 350,000 acres of land that is home to an abundance of rock formations, petroglyphs and wildlife and remnants from the Gold Butte ghost town.

The area received notable media tension in 2014 when rancher Cliven Bundy led an armed standoff against federal forces in a dispute over grazing rights in the area.

Despite some federal recognition, the land has fallen to vandalism.

Bundy was recently indicted on federal charges related the standoff in the area.

Senate Minority Leader Harry Reid (D-NV) condemned Bundy and his actions in Gold Butte in February during a press conference at UNLV.

"He's already hurt Gold Butte, he's hurt a lot of things, but hopefully we can get beyond that," Reid said.

However the Bundys are not the only people causing serious harm to the area's petroglyph sites and rock formations with firearms.

The first thing noticed by Sebastian Sandqvist, UNLV Nature Club vice president, while driving to one of the petroglyph with the wilderness club, was a bullet-ridden site map of the area.

"We drove up to one of the petroglyph sites, and those petroglyphs had actually been shot at as well, which is terrible," Sandqvist said.

Sandqvist feels that area deserves more protection due to its historical value and close proximity. Tomchek is disappointed by vandalism in the area too.

"The carelessness that occurs there is very heartbreaking," Tomcheck said. "People should come there solely to appreciate the beautiful lands that we have."

The Wilderness Club feels that Gold Butte should receive more protection similar to areas like Red Rock Canyon.

Tomchek and other members collected over 150 petitions last semester to bring attention to protection efforts in Gold Butte. She hopes the club can recruit more signatures and people to the club now that the weather has been warming up.

The club is also affiliated with Friends of Gold Butte, a nonprofit organization in Nevada devoted

to preservation efforts in Gold Butte, and took two field trips out to the area last semester.

The recent media attention concerning Bundy and his family is something that Tomchek would rather not associate Gold Butte with, however.

"Gold Butte should not be looked as a place where the Bundy's are," Tomchek said. "We want it to be looked at as our piece of the Grand Canyon, and we want it to be explored and cherished."

Among state politicians who have been supportive of conservation efforts in the area are Sen. Reid (D-NV) and Rep. Dina Titus (D-NV).

However, the Wilderness Club would like to encourage more political support for conservation efforts.

"Protecting these lands should not be a partisan issue," Tomchek said. "Our goal is to get both parties on board with protecting these beautiful lands."

Tomchek said she feels that if the land received more federal recognition it would have a positive impact on Nevada's economy.

The Wilderness Club has grown to around 50 members since its formation.

The club plans on taking more field trips out to Gold Butte this semester, as well as participating in other conservation efforts in areas like Lake Mead, Red Rock Canyon and Sloan Canyon.

http://www.unlvrebelyell.com/2016/02/29/unlv-wilderness-club-seeks-protection-for-gold-butte/

Gold Butte could draw visitors, too

Guest Writer: Dana Higgins
Submitted: February 25, 2016

I read with interest the editorial "The great Lake Mead" (Feb.24). It notes the popularity of Lake Mead National Recreation Area, Red Rock, Valley of Fire "and more" in drawing visitors to the Las Vegas area. If Gold Butte, Nevada's piece of the Grand Canyon, were to be accorded the permanent protection it so richly deserves, it could also be more widely marketed to visitors attracted to the beauty and cultural heritage of southern Nevada. Let's not just include it in "and more". Let's ask Congress to approve National Conservation Area designation for Gold Butte, so that we can get the resources to protect and market Gold Butte and to provide for a visitors' center and facilities for those who would come.

Indian Country
TODAY MEDIA NETWORK.com

Battle Over Federal Land Surfaces In Presidential Debate

Writer: Mark Trahant
Published: February 24, 2016

Ted Cruz just joined the Sage Brush Rebellion.

A new 30-second spot, "Nevada Land," says the land belongs to the people of Nevada, "not Washington bureaucrats." To make his point Cruz features a picture of cattle grazing, presumably on federal lands. "If you trust me with your vote, I will return full control of Nevada's lands to its rightful owners, its citizens. Count on it."

Count on it? Rightful owners? The whole Sagebrush Rebel narrative misses the point that tribes in the region have called the area home for more than 10,000 years and if there's any claim to rightful ownership then it's the first owners who have the rightful claim.

Indeed as the MSNBC Town Hall on Thursday night, former Moapa Tribal Chairman William Anderson asked Sen. Bernie Sanders about more land that ought to have stronger federal protection.

"My people, the Nuwuvi, the Southern Paiutes here, we're trying to go ahead work towards Gold Butte as a national monument too. There is a lot of recent issues that came up here, and what I want to really ask is that there are those who oppose the American people's ownership of public lands, and would see those lands sold to private interest. As president, how would you ensure that our public lands remain in public hands, and preserve our heritage and lives by stopping corporations from destroying Mother Earth?"

Sanders answered the question broadly.

"I don't have to explain to you, or I hope anybody in this room, or anybody watching the outrageous way, unfair way, that governments have treated Native Americans from day one. It is a disgrace.

"Number two, I will — you know, you're raising issues in terms of extraction of fossil fuels, for example. I believe that climate change is one of the great challenges facing this planet, and what I have introduced legislation to do, by the way, is to say that we will not extract fossil fuels in the future from any public lands.

"Number three, I understand that it is absolutely important that the federal government do much more than it is now doing to work with the Native American community in preserving their heritage, and their way of life. And, I will do everything I can to bring that about."

What is the Gold Butte issue about? It's already federally-controlled land but a number of tribes, environmentalists, and Nevada cities have called for either presidential or congressional action to give permanent protection to the area's wildlife, including desert tortoise, desert bighorn sheep, the banded Gila monster, great horned owls and a great variety of reptiles, birds and mammals, as well as protecting archaeological resources, including rock art, caves, agave roasting pits and camp sites that date back some 3,000 years.

Generally Republicans say the land should not have additional protection from the federal government and Democrats want legislation to make the monument status permanent. Nevada Sen. Dean Heller said last year that any federal action would be an escalation "in a region of our state where tensions are already presently high."

But that's also the point of Cruz' new ad. He says Donald Trump is not sufficiently a rebel. Trump told Field and Stream magazine that he didn't like the idea of the federal government turning over land to the states. "I want to keep the lands great, and you don't know what the state is going to do. I mean, are they going to sell if they get into a little bit of trouble? And I don't think it's something that should be sold. We have to be great stewards of this land. This is magnificent land."

Stewards? Magnificent land? For sage brush rebels those are fighting words. And Gold Butte just happens to be where one Cliven Bundy and his militia supporters forced the Bureau of Land Management to back off in 2014 after threats of violence. Except the federal government was patient. Now it's Bundy who's awaiting trial. Perhaps that's why Cruz tried to capture the spirit of the movement without mentioning any names.

http://indiancountrytodaymedianetwork.com/2016/02/24/battle-over-federal-land-surfaces-presidential-debate-163527

Indian Country
TODAY MEDIA NETWORK.com

Bernie Asked at Town Hall If He Will Protect Native Lands

Writer: Jaqueline Keeler
Published: February 22, 2016

During MSNBC's Town Hall last Thursday featuring Democratic candidates Hillary Clinton and Bernie Sanders, a tall Paiute man, William Anderson addressed Sanders from the audience: "There are those who oppose the American people's ownership of public lands, and would see those lands sold to private interest. As president, how would you ensure that our public lands remain in public hands, and preserve our heritage and lives by stopping corporations from destroying Mother Earth?"

Anderson, a former Moapa Paiute tribal chairman, told ICTMN that his question had been carefully vetted by the NBC producers, but he did for a moment consider asking whatever he wanted. "This is live TV and they can't edit what I say. I'll say what I have to say regarding Gold Butte."

Sanders replied by calling Native American treatment by the U.S. government a "disgrace" and reminding the audience of his "Keep It In the Ground" act he co-sponsored to "not extract fossil fuels in the future from any public lands" and promising to "do everything I can" to "work with the Native American community in preserving their heritage, and their way of life."

Sanders has also formed a Native American policy committee and promised to convene a climate change summit in the first 100 days of his presidency that will include Native representation. He is also the co-sponsor of the 2013 Violence Against Women Act which expanded Native American jurisdiction over non-Indians in cases involving domestic violence on Native lands for the first time in over four decades. Sanders has promised to further increase tribal jurisdiction in the next authorization of the bill.

Mah'ha-gah-doo (Gold Butte) in Clark County, Nevada, the traditional homeland of the southern Paiute people, encompasses some 360,000 acres of mountains and Joshua tree and Mojave yucca forests. The highest peaks contain ponderosa pine and white fir and at lower elevations, forests of pinyon and juniper. Ancient petroglyphs and archaeological sites abound.

Gold Butte located east of Lake Mead on the Arizona border has been designated an Area of Critical Environmental Concern (ACEC) by the Bureau of Land Management to protect critical habitat for desert tortoise and 77 plant and animal species. However, there is very little enforcement of protections offered by this designation.

A well-known opponent of protection of Gold Butte is Cliven Bundy, the infamous "welfare rancher" who led an armed standoff against the BLM in 2014. He had grazed his cattle on these public lands but refuses to pay copy million in grazing fees in protest of federal land management practices claiming measures to protect the environment and the cultural heritage of tribes is illegal under the constitution.

http://indiancountrytodaymedianetwork.com/2016/02/22/bernie-asked-town-hall-if-he-will-protect-native-lands-163497

President Obama's Preservation Plans: What Monument Should He Save Next?

Writer: Patrick Sisson
Published: February 15, 2016

President Obama has placed more land and water under federal conservation protection than any of his predecessors, and he apparently is far from finished. The *Washington Post* reports that Obama designated more than 1.8 million acres of California desert for protection on Friday. The creation of three new national monuments—Castle Mountains, Mojave Trails and Sand to Snow—will create a contiguous preservation area in the state, bridging together Death Valley and Joshua Tree national parks and the Mojave National Preserve to form the second-largest desert preserve in the world. This comes on the heels of his actions last summer, which preserved land in Nevada, Texas, and California, including the Basin and Range National Monument, which includes artist Michael Heizer's massive "City" installation. And, according to the story, he has additional under consideration for federal protection.

Here are some of the sites or structures supposedly under consideration:

Bears Ears
Last July, leaders of five Native American tribes united to press for the preservation of this 1.9 million acre site in southern Utah on the Colorado Plateau. A diverse landscape containing myriad rivers and canyons, Bears Ears has been a traditional site of religious rituals and healing ceremonies.

Stonewall Inn
Considered the birthplace of LGBT rights, this bar on 51 Christopher Street in New York's Greenwich Village neighborhood was the site of the Stonewall Riots of 1969. A year later, the city's first Gay Pride March was held to commemorate the community's response to a police raid. The building was granted landmark status by the city's Landmarks Preservation Commission last summer.

The New England Coral Canyons and Seamounts
Roughly 150 miles off the coast of Cape Cod, this unique underwater habitat, formed around a series of five large canyons and undersea mountains (or seamounts) that can rise 7,000 feet off the ocean floor, contain a diverse underwater ecosystem as well as coral "forests," some of which grow to lengths of seven feet or more. Conservationists have pushed for a National Monument designation for this area, the first such designation in the Atlantic, to protect it from fishing and other commercial activity.

Sewall-Belmont House
An historic home in the nation's capital, located near the Supreme Court and Senate office buildings, this residence was purchased by the National Woman's Party and used as the organization's headquarters beginning in 1929. It was designated a National Historic Landmark in 1974.

Gold Butte
Named after a local mining town, this 360,000-acre tract of desert land in Nevada consists of rugged mountains, sandstone outcroppings and canyons.

In addition, a group of Hawaiians have been pressing the president to expand the Papahanaumokuakea Marine National Monument, created by George W. Bush, to 520,000 acres, nine times its current size.
Obama has been designating these sites using the power granted to him by the Antiquities Act of 1906, and has focused on areas that "help foster resilience to climate change" or are "connected to

people and communities that have not been historically represented in national parks and other federal sites." These designations are not without controversy; some Republicans lawmakers and conservative critics have said these actions are examples of executive overreach, while protests at the Malheur National Wildlife Refuge in Oregon have brought to light tensions over federal control of large tracts of land out west.

http://curbed.com/archives/2016/02/15/obama-national-monuments-california-desert.php

The Washington Post

Obama designates new national monuments in the California desert

Writer: Juliet Eilperin
Published: February 12, 2016

President Obama has set aside more of America's lands and waters for conservation protection than any of his predecessors, and he is preparing to do even more before he leaves office next year. The result may be one of the most expansive environmental and historic-preservation legacies in presidential history.

On Friday, Obama designated more than 1.8 million acres of California desert for protection with the creation of three national monuments: Castle Mountains, Mojave Trails and Sand to Snow. The new monuments will connect three existing sites — Death Valley and Joshua Tree national parks and the Mojave National Preserve — to create the second-largest desert preserve in the world.

Obama has unilaterally protected more than 260 million acres of America's lands and waters under the Antiquities Act of 1906, which gives the president wide latitude to safeguard at-risk federal lands that have cultural, historic or scientific value.

The act is among the most powerful tools at any president's disposal. Franklin D. Roosevelt invoked the law more than any president in history; Harold L. Ickes, his interior secretary, kept a pile of potential national-monument declarations in a desk and pulled them out whenever Roosevelt was in a good mood.

Obama's aides do not have a similar system, but they share those earlier aspirations.

"We have big, big ambitions this year, so let's see what happens," said Christy Goldfuss, managing director of the White House Council on Environmental Quality, adding that the administration is focused on "local requests for action. It's really been driven by activities on the ground."

The big question: What next?

Other possible future designations include Bears Ears, a sacred site for several Native American tribes in southeastern Utah; Stonewall, the site of a 1969 inn riot by members of New York City's gay community; the New England Coral Canyons and Seamounts; the historic headquarters of the National Woman's Party, Sewall-Belmont House in Washington, D.C.; and Nevada's Gold Butte, an area where rancher Cliven Bundy and his supporters have defied federal authorities.

Officials are weighing these proposals amid protests out West, such as the armed occupation of Oregon's Malheur National Wildlife Refuge, which aimed to wrest control of federal lands from officials in Washington. The standoff may have hurt the prospects for increased protections around the state's Owyhee Canyonlands, though the idea is not off the table entirely.

But Jim Messina, a close Obama adviser who worked on conservation issues when he served as White House deputy chief of staff in his first term, said the president is personally committed to the issue and is convinced that most Americans back the idea.

"Protecting public access is a huge political winner across the West. A bunch of extremists in Oregon can't change it," he said. "There's no thought, or no reason, to back off on our agenda."

Senate Minority Leader Harry M. Reid (D-Nev.), who convinced Obama to declare a sizeable monument in Nevada's Basin and Range Province

last year, is still pressing for getting another one at Gold Butte, which is an hour's drive from Las Vegas but has been degraded and largely unpoliced since Bundy and his armed followers confronted Bureau of Land Management officials there in 2014.

Republicans have been trying to curtail Obama's powers to act, but in a year when several senators are up for reelection in swing states, they have fallen short. Last week, the Senate considered an amendment by Sen. Mike Lee (R-Utah) that would have reversed national-monument designations if Congress and lawmakers in the affected states did not explicitly approve them within three years of designation. Four Republicans — including Kelly Ayotte (N.H.) and Mark Kirk (Ill.) — broke ranks and voted against it, and it was defeated 48 to 47.

House Natural Resources Committee Chairman Rob Bishop (R-Utah) said in an interview Wednesday that he was not surprised at the vote's outcome. " Most people do not understand what Antiquities does, or can do," he said. "At some point, we have to realize this is a process that is out of control. Whether that actually occurs before Obama leaves is irrelevant."

The Obama administration and Bishop have starkly different readings of the law, which runs just four paragraphs. It dictates that any monument designation "shall be confined to the smallest area compatible with proper care and management of the objects to be protected," but presidents have interpreted that broadly over the past century.

The White House has identified two main criteria for naming monuments this year, Goldfuss said: areas that help foster resilience to climate change or are "connected to people and communities that have not been historically represented" in national parks and other federal sites.

That explains new California desert designations, for which Sen. Dianne Feinstein (D-Calif.) has been seeking protection for seven years. David Lamfrom, who directs the National Parks Conservation Association's California desert and national wildlife programs, said connecting the ecosystem across nearly 10 million acres will help species with large ranges, such as bighorn sheep and mountain lions, as well as imperiled desert tortoises and ones that are taking refuge at higher altitudes where there is more moisture.

The idea is "to link together these large landscapes in perpetuity," Lamfrom said, so species can migrate and have the best chance of survival in the face of human pressures.

Five members — the Navajo Nation, the Hopi Tribe, the Ute Indian Tribe, the Ute Mountain Ute Tribe and the Pueblo of Zuni — have created the Bears Ears Inter-Tribal Coalition to press for a monument on roughly 1.9 million acres in of Utah that were once inhabited by the Anasazi and, later, the Navajo.

Eric Descheenie, who co-chairs the coalition and serves as executive staff assistant to the Navajo Nation president, said: "We've had the looting and grave robbing and destruction of sacred sites," even as several tribes have continued to gather medicinal herbs and berries, haul wood, hunt and conduct religious ceremonies there.

In some instances, Republican lawmakers have offered their own vision of how to protect these areas, but bipartisan agreements have proven elusive. Rep. Paul Cook (R-Calif.) has introduced a California desert bill that would put more than 1.2 million acres in the region off limits to development, but it would bar the use of the Antiquities Act, open up 100,000 acres of new mining in Mojave Trails and sanction off-road vehicle use in some areas.

It is less clear what Obama will do in federal waters, where nearly all of the strict protections are in the central Pacific. There are a group of Hawaiians lobbying the president to expand Papahanaumokuakea — a monument George W. Bush created a decade ago, whose islands and atolls are home to 1,750 marine species found nowhere else on Earth — to the full extent under the law. That would make it 520,000 square miles, or nine times its current size.

"Some people here are working here to provide the president with a legacy opportunity," said William Aila Jr., looking down from a rocky outcropping in Oahu as two endangered Hawaiian monk seals nestled below. "It would be the largest marine protected area for a long, long time. It would be almost impossible to top it."

https://www.washingtonpost.com/politics/obama-to-designate-new-national-monuments-in-the-california-desert/2016/02/11/5b77db4e-c6be-11e5-a4aa-f25866ba0dc6_story.html

The Spectrum
A GANNETT COMPANY

Protect Gold Butte

Guest Writer: Steve Kiggins
Published: February 7, 2016

As a Mesquite resident, I enjoy getting outdoors to hike and enjoy the lands in my backyard. I have been to Gold Butte, and agree with Jud Burkett's article, "Gold Butte Worthy of Protection." Gold Butte is our piece of the Grand Canyon, and we should be proud of that. It was a special day when I finally saw Falling Man. Climbing around the petroglyph panels in this spectacular area, I realized how unique this place was, and how more people needed to see it.

I have hiked down to the Doodlebug Arch and back up Amber Cat Canyon, looked down into Devil's Throat, visited the old Gold Butte town site, climbed around Little Finland and hiked through Keyhole Canyon. Being a part of the Mesquite community has made me realize that Gold Butte would help our city, and bring more people in to stay at our hotels, eat at our restaurants and shop at our stores.

If Gold Butte were permanently protected, it would of course ensure that the wildlife and geology will be preserved, but it will also bring people in to see this majestic new place. We would see a new type of tourist -- the Gold Butte tourist. I hope to see protection soon, because we need it, for the land and for Mesquite. And because "Thousands of over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity."

MESQUITE
LOCAL NEWS

Can We Live Up to Our Responsibility for Gold Butte's Treasures?

Guest Writer: Terry Rylander
Published: February 4, 2016

I was reading Tom Garrison's article, Little Finland: Isolated and Awesome published on January 28, and it was one of the best descriptions of one of the most special places in Gold Butte. As a long-time board member of Friends of Gold Butte, I often get to take folks out there for their first time. I get to see the looks of amazement and wonder as they explore the mysterious sandstone fins trying to name the different shapes they might represent.

Mesquite is a pretty small town and I feel like I know a lot of people here. It still surprises me when I ask if they have ever been to Gold Butte. Most don't even know where or what it is. "Isn't that just more barren desert?" they ask. "What could possibly be so special about Gold Butte?" If my only experience was driving between Mesquite and Las Vegas, I might very well feel the same way.

So, thank you for publishing Tom's article on Little Finland. I hope it inspires more folks to take a Sunday drive out to Gold Butte and go exploring. We in the Mesquite area are fortunate to have Gold Butte in our own backyard. It has a long history, scribed as much as 2000 years ago by the Native Americans, who knew even then that Gold Butte is a magical, spiritual place. From fascinating geology, to the many species of plants and animals, to the snow-capped mountains and desert bajadas, Gold Butte has it all.

Having Gold Butte in our own backyard also comes with responsibilities to ensure its future. Yes, most people are good visitors. However, it only takes a few to quickly undo what has been around for generations. Friends of Gold Butte is working diligently to gain federal designation for Gold Butte. This will move the land into a higher-level funding pool that could provide better road signage, education, and perhaps facilities! And to quickly squash any rumors, we are advocating that all 500 miles of roads stay open – it's written into the bill.

I urge everyone to go learn about Gold Butte and the special treasure you may not have even known about!

The Spectrum
A GANNETT COMPANY

Protect Gold Butte

Guest Writer: Sandy Johnson
Published: February 3, 2016

As a Mesquite resident, I enjoy getting outdoors to hike and enjoy the lands in my backyard. I have been to Gold Butte, and agree with Jud Burkett's recent article, "Gold Butte Worthy of Protection."

Gold Butte is our piece of the Grand Canyon, and we should be proud of that. It was a special day when I finally saw Falling Man. Climbing around the petroglyph panels in this spectacular area, I realized how unique this place was, and how more people needed to see it.

Being a part of the Mesquite community has made me realize that Gold Butte would help our city, and bring more people in to stay at our hotels, eat at our restaurants, and shop at our stores. If Gold Butte were permanently protected, it would of course ensure that the wildlife and geology will be preserved, but it will also bring people in to see this majestic new place.

We would see a new type of tourist -- the Gold Butte tourist. I hope to see protection soon, because we need it, for the land and for Mesquite.

http://www.thespectrum.com/story/opinion/2016/02/03/protect-gold-butte/79787436/

MESQUITE
LOCAL NEWS

Little Finland: Isolated and Awesome

Writer: Tom Garrison
Published: January 28, 2016

In the hiking world, the first and most important factor is finding the trailhead. Some are well marked, well-traveled, and easy to find. Others off the beaten path and require some effort. And then there are trailheads way out in the middle of nowhere demanding real effort from the hiker to even find the trail. My wife Deb and I have done all three, but prefer the latter two. The harder to reach trails tend to be more pristine and almost by definition have fewer visitors—hence solitude.

Our latest adventure entails the third type—a long drive on back county roads to a seldom visited area. The destination is Little Finland (aka Devil's Fire or Hobgoblin's Playground) in the Gold Butte region of southeast Nevada. If you enjoy water and wind-sculpted orange sandstone, easy hiking, some rock scrambling, and incredible vistas in a desert wilderness try this exploration.

The Gold Butte region comprises 360,000 mostly wilderness (not a legal designation) acres administered by the Bureau of Land Management. Some is designated an Area of Critical Environmental Concern for its tortoise habitat; cultural and historical resources; and natural, scenic, and botanical qualities. It is located west of the Arizona border, south and east of the Virgin River, and north of the Colorado River. This territory is where the Great Basin, Mojave Desert, and the Colorado Plateau meet, each contributing a colorful piece to the region. People in Mesquite, and other nearby areas, are working hard to upgrade the legal status to National Conservation Area that affords more protection for this fragile environment. The terrain is rugged and high clearance vehicles (and sometimes four-wheel drive) are required for many of the back roads. I highly recommend a high clearance vehicle for this adventure. You might be able to make it in a standard vehicle, but do you want to take the chance?

There are no restroom facilities or water available in the Gold Butte territory, although the Whitney Pocket locale has primitive camping spaces. Humans have a long history in the Gold Butte region as witnessed by what they left—Native American rock art (petroglyphs), the Gold Butte ghost town (established in 1908), and structures at Whitney Pocket built by Civilian Conservation Corps (CCC) in the 1930s.

We left St. George on a crisp January morning. The first leg of the journey was simple—go south on Interstate 15 and drive approximately nine miles past Mesquite to Exit 112 (Riverside/Bunkerville exit). Take the exit and continue south three miles crossing the Virgin River. Once across, the first intersection is Gold Butte Road. Turn right (west) at the intersection and set your trip odometer to 0. Gold Butte Road is paved, although not well maintained. The first five miles roughly parallel the Virgin River and take you past some horse ranches. Stop along this stretch for nice photos of the meandering river. Later on you'll see an oasis at ten miles and around 13.8 miles in catch a glimpse of Lake Mead to the west. At 21 miles, near Whitey Pocket, the paved road ends.

We continued south on the now unpaved Gold Butte Road for 3.9 miles and turned right (southwest) onto Mud Wash North Road at the sign for Gold Butte, Mud Wash, and Red Bluff Spring.

We traveled Mud Wash North Road for 3.1 miles and turned right (west) onto Mud Wash Road. The intersection is not signed, Mud Wash North simply merges into Mud Wash Road and winds northwest. We stayed on the main road and passed a wooden corral at 1.8 miles from the intersection.

After four miles we came to the intersection with Little Finland Road and turned right (east). It is 1.8 miles, in a southeasterly direction, from the intersection to the Little Finland trailhead.

The trailhead elevation is 1,740 feet and the temperature during our exploration was in the low 60s under a gray sky. It did clear up a bit toward the end of our time at Little Finland, but photos suffered from the overcast.
We began by following the trail, mostly in a wash. The exciting part of Little Finland is located on top of a relatively flat bench, about 50 feet above the sandy wash through which runs a small seasonal creek. In spots, the surrounding area is stained white by salt deposits. We found a not too step route and scampered up to the mesa.

A big surprise is the size of the strange rock formations. Most are only three or four feet tall. Squatting down to take photos makes them appear larger. Little Finland is an odd place. Rocks are supposed to be solid, stable. Maybe a little bit boring. Not here. Here the bright orange sandstone reaches and bends, folding into impossible shapes. How many millennia did it take for the forces of erosion to carve these marvels? Eventually they will crumble back into sand.

The Little Finland mesa runs generally north-south and extends about ½ mile. Along with great views, the eroded sandstone presented incredible formations—small arches and windows, cavities and deep fissures, competing with rock fingers for our attention. All of this rising above the flat desert plain.

We wandered around Little Finland for about 1 ½ hours and hiked about 1.8 miles.

I recommend this adventure combining strange natural beauty with solitude—we did not encounter any other humans. After exploring the wilderness, we stopped in Mesquite for a late lunch. What could be better?

http://mesquitelocalnews.com/2016/01/little-finland-isolated-and-awesome/

Dispute Over Cattle Grazing Disrupts Patrols Of Federal Land

Writer: Kirk Siegler
Published: January 27, 2016

Ever since a tense, armed standoff near Cliven Bundy's Nevada ranch in 2014, a vast and sensitive piece of federal public land adjacent to the Grand Canyon has gone unmanaged and unpatrolled.

It's safe to travel into the area called Gold Butte so long as you're not in a federal vehicle, according to Jaina Moan of Friends of Gold Butte, which wants to see the area federally protected.

The last time there was any known federal presence was last summer, when scientists under contract with the Bureau of Land Management were camped here, gathering field research.

"Unfortunately that also was canceled after shots were fired at one of the contract crews," Moan says.

Gold Butte, roughly the size of Los Angeles County, is basically lawless right now. Trash is dumped here and there. Some of the BLM's route markers are torn down. Illegal off-road tracks from ATVs lead into the desert. Some pioneer gravesites were even dug up, bones scattered everywhere.

If no one is patrolling it, who's going to deter vandals? That's a question Moan and William Anderson, the former chairman of the local Moapa Band of Paiutes, who consider this desert sacred, are asking more and more as the dispute between Bundy and the government drags on.

The occupation of a federal wildlife refuge in Oregon has renewed attention to the federal government's case against Bundy in Nevada. The government's inaction against him is often cited as emboldening his sons to storm the refuge this month.

In southern Nevada, meanwhile, scores of the family's cattle continue to graze illegally in and around Gold Butte.

William Anderson watches with frustration as a mangy-looking group of them crosses a four-wheel-drive road in the heart of Gold Butte. He considers the cattle a threat to desert grasses and plants that his people have gathered and used out here for generations.

"[The cattle are] out here just roaming the area and they are stepping on areas that are culturally sensitive to our people," he says.

No one knows for sure how many cows are roaming here since federal agencies pulled out of the area shortly after the standoff.

The Nevada state director of the BLM, John Ruhs, defends the agency's decision to keep field staff away. He says there are still threats and intimidation tactics directed toward his employees there.

"When it comes to having employees on the ground doing things like monitoring or restoration work, it's just not getting done because of the safety concerns we have for our employees," Ruhs told NPR.

Ruhs would not discuss the government's case against Bundy, and neither would the Department of Justice. But Ruhs did say that he now requires his staff doing fieldwork elsewhere in Nevada to go out in teams, never alone. It's a frustrating climate, he says. The BLM's mission is to manage public lands for all sorts of uses by everyone, not just cattle ranchers.

"We don't do anything on our own as personal individuals," Ruhs says. "We do things that are

mandated from Congress, and we follow the laws that are given to us, and we try to enforce them appropriately."

Nevada has a long and troubled history with these sorts of domestic insurgencies. In the 1990s, bombs were placed on U.S. Forest Service property and the BLM's state headquarters in Reno. The case against Bundy and his unpaid grazing fees goes back some 20 years, too.

Land managers in the late 1990s also planned to round up some of his cows that crossed into the Lake Mead National Recreation Area. Alan O'Neill, who was superintendent there at the time and is now retired, recalls that at the last minute, the federal prosecutor stopped it, worrying of a Waco-type situation.

"When people break the law and there's no penalty, it just emboldens them to continue to do that," O'Neill says.

Bundy and his supporters have told NPR in recent interviews that their fight is about a lot more than cows. Like a lot of the mountain west, rural Nevada's economy has struggled and Bundy is one of the last ranchers in this corner of the state. Many were forced out or bought out over the years as Las Vegas expanded and federal environmental laws got tougher.

Still, the current movement to take back federal land that the Bundys and others have led is infuriating to people like William Anderson of the local tribe.

"They can get in line — we're saying the same thing about our people, too," Anderson says.

Back in Gold Butte, Anderson points out a petroglyph panel on a red rock slope. Two of the ancient drawings have recent bullet holes.

"It's really hard to even believe that somebody would come in and try to destroy it, or remove it," he says. "It's something that's been here forever."

Anderson says Gold Butte should be protected and managed by the local tribes.

http://www.npr.org/sections/thetwo-way/2016/01/27/464490320/dispute-over-cattle-grazing-blocks-patrols-of-federal-land

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Gold Butte worthy of protection

Writer: Jud Burkett
Published: January 21, 2016

I've wanted to find the time to get out to Gold Butte for quite some time now. My friend and former colleague, Desert Valley Times editor Dave Bly, brought back some amazingly beautiful photographs from out there that he shared with me once upon a time, and since then, it's been on my "to do" list.

Considering that Bly left the DVT in 2012, I'm almost ashamed it has taken me this long to make the trip.

Last week, the Friends of Gold Butte, an organization whose mission statement says they exist to "achieve the permanent protection of Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy," invited me and Steve Kiggins, executive editor of The Spectrum & Daily News, to join them for a hike through Gold Butte to introduce us to the lands they are trying to protect.

To get there, you take the Bunkerville exit, just south of Mesquite on Interstate 15. Just after you pass over Virgin River turn right. There's a small parking area and a kiosk with a map at the turnoff, and drive out on Gold Butte Road.

After passing the Bundy Ranch and a few other homesteads along the banks of the river, you'll soon find yourself surrounded by creosote, sage and the occasional Joshua tree with jagged mountain peeks to one side and a gentle slope leading down to the shores of Lake Mead on the other. Gold Butte is surrounded by the Grand Canyon-Parashant National Monument to the west and the Lake Mead National Recreation Area to the south and east.

The area is classified as a National Area of Critical Environmental Concern and is supposed to be managed by the Bureau of Land Management. However, Cliven Bundy's cattle still roam freely over much of the land that encompasses Gold Butte, and following the stand-off in Bunkerville two years ago, the BLM ceased actively managing Gold Butte for fear of violence, officials said.

It really is a shame the land is the subject of so much contention that it's being left unmanaged. We only had time to visit a couple of spots in Gold Butte, but what we saw was well and truly deserving of protection.
Byron George, the president of the board of directors for the Friends of Gold Butte, described why he fell in love with the area while we drove out through the desert.

"Gold Butte is an absolutely peaceful wilderness area that brings serenity," he said. "It's a place of solitude. Out here, when you're out in the wilderness, you're totally alone, especially after dark. You're blown away by the awesome expanse of the space and it's just incredibly quiet. It's hard to find that in today's world."

Our first extended stop was at the Falling Man Petroglyph site. After about 12 to 13 miles of riding on the rather rough but paved Gold Butte Road, we turned west onto a side road and after a short ride arrived at the trailhead. There is a small parking corral surrounded by sandstone rising up from the desert floor, but not much more to mark the trail. There is a sign asking visitors to take care and to respect the cultural sites, but none of the usual interpretive signs you'll find at BLM-managed sites like the Red Cliffs Desert Reserve. In any case, most of the larger signs we passed bore multiple

bullet holes and were a perfect illustration of why this land needs to be better protected.

After a short hike along clearly defined trail through the sandstone, you begin to spot them. First, just a few here and there, but as you hike through the rocks the petroglyphs become more and more numerous.

As you walk over solid sandstone, the trail becomes less clearly defined and you begin to wander through the small canyons, but at every turn there are more figures carved into the rock. Some are hidden under ledges, some look like the carver had to do a good bit of rock climbing to reach the spot where they would leave their mark and there are multiple huge slabs of sandstone etched with dozens of petroglyphs.

I've been out to some of the most spectacular petroglyph sites in the area from Little Black Mountain to the Tempi'po'op Trail in the Santa Clara River Reserve and I've never seen a greater concentration of rock art in one place than there is to be found at the Falling Man site.

The site takes its name from a lone etching carved at the base of a cliff that looks just like a man falling through space, but that one carving is just one among hundreds, if not thousands of carvings. It is, quite literally, an outdoor art museum built by the ancient occupants of these lands.

It helped that we had guides; when you have George along with Tom Cluff, the vice-president of the Friends of Gold Butte, and Jaina Moan, the organization's executive director, leading you through the maze of rocks, it's much easier to find the more spectacular rock art locations. Had I gone without them, I would've been lucky to have found a fraction of the number of petroglyphs we saw.

We also saw the marks from gunfire on top of the petroglyphs on at least one of the same panels where rock art was located.

It really is a shame that these lands aren't being cared for better. The beauty of the landscape, combined with the cultural resources, really should be more accessible and open to the public.

As it is, not too many people even know it's there, and there are no sings, no rangers, not even any restrooms available for the few visitors who do manage to find Gold Butte.

After wandering among the rock art, we took the Gold Butte Road all the way to where the paved portion of the road ends at Whitney Pockets. The scenery is beautiful, and while the weather on this particular day started out cold and a bit rainy, by the time we stopped at Whitney Pockets for lunch it had turned into a beautiful day.

We spotted a couple of Bundy's emaciated cows on the side of the road and numerous piles of manure around the campsites at Whitney Pocket, giving me a whole new perspective on the issue. While I can understand the frustration that comes with dealing with large bureaucracies, the alleged crimes still being perpetrated in Gold Butte aren't an appropriate response. Gold Butte doesn't belong to Cliven Bundy, it belongs to everyone.

Gold Butte is a resource that we should all be able to share.

The Friends of Gold Butte hope to see the passage of legislation currently making its way through Congress that would designate Gold Butte as a national conservation area. Such a designation would afford the area greater protections for Gold Butte.

It would provide education and help to preserve the cultural resources in the area, prevent the few signs from becoming bullet-riddled and stop the creation of illegal roads crisscrossing the landscape. It would provide funding for things like a visitors center, trail maintenance, interpretive sings, rangers and restrooms.

While I feel like I've just barely scratched the surface of what there is to see in Gold Butte, I truly hope the area can be protected and preserved for future generations.

While it may be fashionable in some local circles to bash the BLM and cry for greater local control of public lands, this is one area that definitely deserves the protections that come with a national conservation area designation.
I'm glad I finally got out there to begin exploring it.

http://www.thespectrum.com/story/life/2016/01/20/gold-butte-worthy-protection/79066662/

The Spectrum

Gold Butte speaker series opens this week

Writer: Staff Writer
Published: January 18, 2016

The Friends of Gold Butte Speaker Series in Mesquite will open a new year on Wednesday night.
What better place to start than at the beginning?

Dr. Steve Rowland, a professor of geology at UNLV, will speak about the geologic evolution of the Gold Butte region during a presentation that will describe the forces and processes that have helped shape one of the most dynamic landscapes of southern Nevada over the last 500 million years.

"From a geologic perspective, Gold Butte is a complex and intriguing place," said Jaina Moan, executive director for the Friends of Gold Butte, a non-profit organization with about 500 members that is working to achieve permanent protection for what they affectionately describe as Nevada's piece of the Grand Canyon. "Understanding the forces that have shaped this landscape over time is important because it helps us appreciate the region we live in."

Rowland's 45-minute presentation will also provide a glimpse into a past world when dinosaurs, protomammals and other animals left their footprints in the rocks at Gold Butte. A question-and-answer session and group discussion will follow.

All monthly speaker series events are held inside the Mesquite Community Theatre, 150 N. Yucca St. Doors open at 6:30 p.m. Presentations begin at 7 p.m. All events are free and open to the public.

Located south of Mesquite, between the Grand Canyon-Parashant National Monument and the Lake Mead National Recreation Area, Gold Butte covers some 350,000 acres. The Friends of Gold Butte is actively lobbying to gain permanent protection for the area.

http://www.thespectrum.com/story/news/local/mesquite/2016/01/18/gold-butte-speaker-series-opens-week/78979914/

Poll: Nevada voters support solar power, fear for the Colorado River

Writer: Scott Lucas
Published: January 11, 2016

Ninety-one percent of Nevada voters said low levels of water in the state was a problem, and 70 percent believed that the Colorado River was at risk, according to the 2016 Conservation in the West poll released today by Colorado College's State of the Rockies program.

It's the first time Nevada has been included in the survey, which has gauged voter attitudes on water and conservation issues in Western states since 2011. It found that Nevada voters were broadly supportive of more efficient use of water, the spread of solar power and federal conservation programs.

Water issues were among the most pressing concerns in Nevada. Some 86 percent of voters named the drought as a concern, while 67 percent named poorly planned growth and development and 58 percent named climate change.

By a 68 percent to 18 percent margin, Nevada voters preferred to address the state's water shortages through more efficient use rather than by diverting water from less to more populated regions.

Despite a recent Public Utilities Commission ruling that has severely impacted the industry in Nevada, voters here were broadly in favor of solar power compared to conventional sources. A total of 75 percent of voters said they favored continued tax incentives for solar and wind energy.

Solar power was the most popular choice of voters, with 53 percent saying they would encourage its use, compared to 10 percent in favor of natural gas and 2 percent for coal. With the exception of Arizona, Nevada voters were the most supportive of solar power among the states surveyed.

In addition, Nevada voters were mostly in favor of conservation efforts. A slight majority of Nevada voters — 52 percent — said that they opposed turning over federal lands to the state, while 78 percent supported presidential authority to designate national monuments, like the recently protected Basin and Range National Monument. Fifty percent of Nevada voters said they opposed rancher Cliven Bundy, while 30 percent described themselves as supporters.

The poll, conducted in December, contacted 400 voters each in Arizona, Colorado, Montana, New Mexico, Utah and Wyoming, in addition to the Silver State. Voter attitudes were similar across the region to those found in Nevada. For statewide results, the poll had a margin of error of plus or minus 4.9 percent.

http://lasvegassun.com/news/2016/jan/11/poll-nevada-voters-support-solar-power-fear-for-th/

LAS VEGAS WEEKLY

Talking tradition and presence with Paiute artist and activist Fawn Douglas

Writer: Kristen Peterson
Published: January 6, 2016

Sipping an avocado smoothie at Tiabi Coffee & Waffle on Maryland Parkway, Fawn Douglas discusses ongoing damage to the petroglyphs in unprotected Gold Butte. Wearing a T-shirt that reads "Made in Native America," the 30-something artist and activist says she is disgusted that people are using the ancient art for target practice, and makes it a point to take Native youth to the area to expose them to the importance of preservation.

Douglas lives and celebrates her heritage in her daily life and art. Now living in the retro-hip Paradise Palms neighborhood, she grew up in the Downtown colony of the Las Vegas Paiute Tribe, and stays connected by mentoring Native youth in activism and culture, whether it's starting a tribal arts and recreation program or advocating to change Columbus Day.

Having just earned her B.A. from UNLV, Douglas heads this summer to the international artist residency Arquetopia in Mexico, where she'll learn pigment making from natural materials. Her art is Native American contemporary, but the pigments will help in her quest to revive the tribal tradition of basket making. She recently visited her family's heirlooms at Overton's Lost City Museum.
The two-time Little Miss Paiute and tribal council alum has been doing Native dance since childhood and helped organize the Native American Student Association's powwow coming up at UNLV on January 9. We spoke with Douglas, who in addition to connecting past with present, strives to make Natives more visible in contemporary society.

What motivated you to visit your family's artifacts at the Lost City Museum?Personal research. I'd been wanting to learn how to make baskets. My people are known for it. There are no members of the Las Vegas Paiute Tribe that currently do it, and this is something I will not be able to learn in school. I viewed my great-grandmother Topsy Swains' collection and her mother's baskets.

How did the artifacts arrive at the museum? Various ways. One of the smaller baskets made by Topsy Swain was purchased by Dr. William S. Park in 1935. It was acquired by Iola and R.F. Perkins after his death in 1946. It was then acquired by the State of Nevada from R.F. Perkins in 1973.

What was it like to see them? It took me back to a simple time. I loved [Topsy]; she was the sweetest lady. I guess there is a part of my culture I long for. I don't want that to go away. I want to bring it back to the youth. It's important to be reminded what makes you special, different. We are a small tribe. Our culture is special and we are significant to this region.

Why did the basket-making tradition disappear among Las Vegas Paiutes? I have relatives that still do it from Moapa Paiute Tribe. Willows for making the baskets grow along the river there. The willows don't grow here. Maybe that has something to do with it. My uncle Estes lives in Arizona. I asked him last year about making baskets, and he told me his wife Hopper makes them. I can learn from her. I am hoping to visit soon. There's a certain time when the willows are grown.

How would you describe Downtown's Paiute colony? Chill. I haven't lived there since I was a kid. I go back frequently, though, to visit family and do events at our multi-purpose [center]. It looks the same, feels the same. I like how it's all families that live in three cul-de-sacs that make up the colony. You can walk up or down the hill and everyone is connected. That togetherness is something I can

appreciate now, but took for granted growing up there.

What are common misconceptions about Native people? That we are a thing of the past, don't exist anymore. A lot of people don't know we're here. In the schools, Native American people are talked about in a past tense.

What have you learned from mentoring youth about celebrating their heritage? Supporting youth and pushing for them to be proud of their heritage is important. It's what makes them special. That identity is so important to them. They are the strongest voices against being called "redskins," among other racist terms. They are supportive over environmental protection and are actually the strength behind me. I wouldn't have stepped up without the strength of their voices.

What will you be learning at Arquetopia? I want to learn about the techniques for creating natural pigments from Oaxaca and apply it. There are Paiute techniques for making different colors from desert flowers and roots. I am so fascinated how other cultures produce their colors. We might have many similarities as indigenous peoples'. I look forward to learning what that is.

http://lasvegasweekly.com/as-we-see-it/weekly-qa/2016/jan/06/talking-tradition-and-presence-with-paiute-artist/

Senator Reid's "To Do" List

Guest Writer: Geoff Rhodes
Submitted: January 5, 2016

I was glad to read Senator Reid's goals for 2016 published last Saturday January 2nd. I applaud him for continuing to stand behind Gold Butte and for his dedication to seeing Gold Butte protected permanently. The "old indian writings" as the Senator referred to them, are only some of many treasures to discover in Gold Butte. The area is rich with natural resources and recreation opportunities. An official designation for Gold Butte is in the best interest of all Nevadans. 2016 is the year to get Gold Butte off the "To Do" list and I am sure Senator Reid will get it done.

Reid talks about his goals for final year in U.S. Senate

Writer: Peter Urban
Published: January 2, 2016

Reid has introduced a handful of Nevada-centric bills — most looking to preserve public lands. The bills aren't likely to become law — few do given the modern-day gridlock in Congress — but that doesn't mean they will go unanswered. Reid has shown in the past that he can secure action on his proposals by inserting them into must-pass legislation or turning to the administration for help.

He pointed to preserving Gold Butte as a potential beneficiary of White House intervention and noted that Democrats had succeeded this year in stymieing Republican attempts to limit Obama's ability to name new federal preserves.

"As far as the president doing anything administratively, the only place he might do something is Gold Butte," Reid said. "That is something I'm sure he is looking at."

The environmentally sensitive Southern Nevada region has become more vulnerable to intruders and vandals since the Bureau of Land Management largely withdrew from Gold Butte after armed confrontation with supporters of rancher Cliven Bundy.

Friends of Gold Butte have documented disturbances to the desert landscape. Off-road vehicle tracks now mar an area adjacent to one of the area's signature petroglyph panels, the group said.

The organization said the evidence of lawlessness underscores a need for the federal government to step in and increase protections for the scenic region, 350,000 acres between Lake Mead and the Arizona border that has been called Nevada's piece of the Grand Canyon.

"That is a beautiful area," Reid said. "I've been there, and it is stunning. It shouldn't be ruined by people who desecrate those old Indian writings."

http://www.reviewjournal.com/politics/reid-talks-about-his-goals-final-year-us-senate

The Spectrum

A boost for Mesquite

Guest writer: Charles Loomis
Published: December 26, 2015

A study was recently released that examined the economic benefits of designating Gold Butte as a National Conservation Area. This study showed that more visitors would be attracted to our area and this would result in significant economic benefits for Mesquite.

Specifically, the analysis found that an additional $2.7 million would be generated by visitors staying in Mesquite each year. That money could help our businesses grow, create new jobs and generate more tax revenue.

I moved to Mesquite because it is surrounded by beautiful, natural places, but let's be honest, this city could use an economic boost. A Gold Butte NCA would create long-lasting benefits for our community and at the same time, would ensure that our beautiful places remain pristine.

If you own or operate a business in Mesquite, I encourage you to support permanent protection for Gold Butte.

Mesquite

http://www.thespectrum.com/story/opinion/2015/12/26/boost-mesquite/77779464/?from=global&sessionKey=&autologin=

Desert Valley Times

Economic Benefits of Designating Gold Butte

Guest Writer: Charles Loomis
Submitted: December 17, 2015

A study was recently released that examined the economic benefits of designating Gold Butte as a National Conservation Area. This study showed that more visitors would be attracted to our area and this would result in significant economic benefits for Mesquite. Specifically, the analysis found that an additional $2.7 million would be generated by visitors staying in Mesquite each year.

That money could help our businesses grow, create new jobs and generate more tax revenue. I moved to Mesquite because it is surrounded by beautiful, natural places, but let's be honest, this city could use an economic boost. A Gold Butte NCA would create long-lasting benefits for our community and at the same time, would ensure that our beautiful places remain pristine. If you own or operate a business in Mesquite, I encourage you to support permanent protection for Gold Butte.

Stop dumping at Gold Butte

Guest Writer: Rafael Lopez
Published: December 15, 2015

Anyone who's ever set foot or tire in Gold Butte should relate to the letter about the importance of protecting it ("Gold Butte's beauty deserves protection," Las Vegas Sun, Nov. 12). The sculpted red sandstone and rock spires mentioned are a painting come to life. It's amazing what Mother Nature can create, but it's even more amazing how quickly people can destroy it.

We've all seen the illegal dumping on much-needed habitat or the graffiti on priceless rock art that can never truly be restored. It's on all of us to ensure these terrible acts become less frequent. It starts by making a statement to our elected representatives that Gold Butte is valuable and should be permanently protected, but it also requires us to continue being good stewards and educate others about doing the same.

http://lasvegassun.com/news/2015/dec/15/stop-dumping-at-gold-butte/

The Beauty of Gold Butte Needs Protection

Guest Writer: Carolina Chacon
Submitted: December 15, 2015

Less than two hours outside of Las Vegas lays a beautiful stretch of the Mojave Desert called Gold Butte. Here you'll find forests of Joshua and Yucca, slot canyons and sandstone valleys, dozens of ancient petroglyphs and a host of wildlife. You can hike, hunt, camp, bike, ride and explore 360,000 acres of rugged, untouched terrain.

I was lucky enough to climb through these natural monuments recently and to witness firsthand the beauty of a Nevada sunset descending upon red, jagged cliffs. I also saw the damage inflicted on this vulnerable landscape by bullets, glass, graffiti, tire tracks and other unregulated activities.

It became clear that Gold Butte, Nevada's slice of the Grand Canyon, deserves protection.

Others see it, too. Applied Analysis just conducted an economic analysis of the value of preserving Gold Butte as a National Conservation Area, and found that such a designation would attract more than 35,000 visitors each year. The region as a whole would benefit from visitors who need lodging, food and entertainment, especially those who set out to enjoy the myriad additional wonders, natural or otherwise, that Southern Nevada offers. Mesquite alone could see a boon of $2.7 million in extra revenue annually, as well as 28 new full-time jobs.

It makes sense economically and environmentally to preserve this land for today's tourists and future generations. Congress and the White House can ensure that this terrain remains wild and free of tampering but available to visitors. As Republican presidential candidates arrive in Las Vegas to debate their plans for the nation, now is the time to remind them of the importance of growing our economy and preserving public lands. Nevadans should take this opportunity to shine a light on the beauty of Gold Butte – and the need to protect it.

Federal protection is needed for Gold Butte

Guest Writer: Dana Higgins
Submitted: December 8, 2015

I was happy to read that protection for Gold Butte will bring economic benefits to the City of Mesquite (*Federal protection is needed for Gold Butte*, 12/5/15). Mesquite has been my winter home for the last four years, since I retired. We selected this place because of the surrounding areas and outdoor recreational opportunities.

I love hiking in Gold Butte. It is a magical place, and I have always supported conservation efforts to protect its amazing natural and cultural resources. I believe that protecting Gold Butte will bring sustainability to Mesquite's economy. Mesquite is a great community, full of hardworking people.

We are often overlooked by visitors who are headed to attractions like Zion, Lake Mead and the Grand Canyon, but now we have a chance to see an increase in visitation to our wonderful town. Mesquite is the Gateway to Gold Butte, Nevada's piece of the Grand Canyon, and I am excited for the opportunity that awaits.

RGJ Reno Gazette-Journal
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Preserving Our Lands

Guest Writer: Frankie Perez
Submitted: December 1, 2015

As a student at the University of Nevada, I learn about how America came to be a great nation, and the key role lands have played in our rise to the top, especially here in Nevada.

Most things I read or learn about in my classes, I wonder if future generations will get to experience them in their lifetime. Public lands on the other hand provide future generations with the opportunity to step where our ancestors might have once stepped and see in the petroglyphs that decorate many rocks throughout our great state what they saw, heard or experienced. There is no deeper connection to our history then being able to appreciate the same pristine places those before us once inhabited.

Preserving our lands is preserving a piece of American history. We must do more to preserve this piece of us, so that others may also enjoy our history in person and not just in textbooks. That is why I agree with Ron from Patagonia in his recent letter to the Reno Gazette-Journal that we must act to protect Gold Butte in Southern Nevada. It's time that we all step up and take action to preserve our history.

RGJ Reno Gazette-Journal
A GANNETT COMPANY

Protect our public lands

Guest Writer: Laura Martinez
Submitted: November 30, 2015

Latinos are the fastest growing demographic in the United States, but we are also among the most underrepresented groups in outdoor recreation and conservation. I love hiking, but until now have not been an active participant in protecting the places I enjoy exploring.

It's a sad reality that special places in Nevada, like Gold Butte, are being irreversibly damaged. As Mr. Hunter mentioned in his view to the RGJ, damage is being inflicted upon historic and cultural sites and we need to do more to protect them. Part of the experience of being outdoors in places like Gold Butte, is being able to connect with our culture and history. I would hate to see my community miss out on these experiences because we failed to do the right thing.

As we grow as community and learn about the beautiful lands that surround us, Latinos will no longer be underrepresented in conservation and outdoor activity. Instead we will lead in protection for our public lands, and will be loyal visitors to Gold Butte and many other special places throughout Nevada

LAS VEGAS SUN

Federal protection is needed for Gold Butte

Guest Writers: Mauricia Baca and Linda Balfour
Published: December 5, 2015

The Nevada Governor's Global Tourism Summit was convened in Las Vegas last month with a primary goal of preparing local businesses for the "wave of international visitors that Nevada will welcome as its travel appeal expands into new markets."

Most often we associate international travel to Nevada with the Las Vegas Strip. The summit highlighted an even wilder draw to the Silver State: a journey through the great outdoors of the American West. Southern Nevada is the heart of world-renowned outdoor playgrounds such as Red Rock National Conservation Area and the new Basin and Range National Monument, and is within a day's trip of regional destinations such as Grand Canyon National Park in Arizona and Zion and Bryce Canyon national parks in Utah. It's time to add Gold Butte to this list, for Nevadans and tourists alike.

Located between the Grand Canyon-Parashant National Monument and the Lake Mead National Recreation Area, Gold Butte is Nevada's piece of the Grand Canyon. It is a treasure trove of cultural, historic and natural wonders including thousands of petroglyphs, historic mining and pioneer-era artifacts, dramatic geologic features such as sculpted red sandstone and rock spires, and fossil track sites dating back 170 million to 180 million years. If all of that wasn't enough, Gold Butte is an amazing place to recreate — offering the opportunity to experience this magical place through hiking, hunting, birding, camping, OHV riding on designated trails and more.

Support for Gold Butte's permanent protection spans nationwide. The locally based Outside Las Vegas Foundation (OLVF) has supported permanent protection for Gold Butte for years. Most recently, the group released an economic study showing that protection of Gold Butte is good for Nevada's economy. Footwear company Keen launched a nationwide campaign to create lasting change and permanently protect more than 3 million acres of places where we all play in five areas around the United States — Gold Butte being one. Keen has provided financial support and technical resources to Friends of Nevada Wilderness in the effort to protect Gold Butte.

According to OLVF's study, conducted by Applied Analysis, protecting public lands unquestionably results in economic benefits for surrounding communities. It concludes that Mesquite — Gold Butte's gateway city — would realize a $2.7 million benefit and the creation of 28 full-time jobs in the first year of Gold Butte's designation. For a community such as Mesquite with fewer than 20,000 residents, these kinds of economic numbers are not a drop in the bucket.

Mesquite also would see an increase in unquantifiable economic benefits such as increased quality of life for residents. The recreational tourism market is expanding in Southern Nevada; permanently protecting Gold Butte is good for business.

The opportunity for a strong recreation economy, a wealth of ways to play outside, and abundant, unmatched antiquities are just some reasons Keen

chose to advocate for Gold Butte in its Live Monumental campaign.

"Live Monumental is a rallying cry to protect some of our nation's most special places for their recreational, ecological, and historical values," said Kirk Richardson, executive director of the company's outdoors campaign, Keen Effects.

Despite being one of Nevada's most valuable outdoor recreation resources, Gold Butte is also one of the most endangered. In the past 18 months Gold Butte has suffered from vandalism, illegal development, damage to cultural sites, grave robbing and more. Due to additional threatening circumstances, now is the time for Nevada's piece of the Grand Canyon to receive the protection it deserves. If passing Sen. Harry Reid and Congresswoman Dina Titus' bills calling for a national conservation area is not in the cards, we seek action by President Barack Obama, and we urge him to exercise the Antiquities Act and protect Gold Butte as a national monument. Action is needed now, before it's too late.

Mauricia Baca is executive director of the Outside Las Vegas Foundation, which was formed in August 2000 to increase quantity, quality and access to trails and open-space systems. Linda Balfour is Keen's communications director.

http://lasvegassun.com/news/2015/dec/05/federal-protection-is-needed-for-gold-butte/

RGJ Reno Gazette-Journal
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One view: Gold Butte deserves federal protection

Guest Writer: Ron Hunter
Published: November 25, 2015

In 1906, the destruction of Native American cultural sites in New Mexico's Chaco Canyon and what is now Colorado's Mesa Verde National Park prompted Congress to pass the Antiquities Act. President Teddy Roosevelt signed the bill into law in order to protect "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" on these and other of our nation's public lands. TR had a strong vision for protecting our country's most special and sacred places.

More than 100 years later, damage inflicted upon historic and cultural sites in southern Nevada's Gold Butte region underscores the continuing need for this law and why it should be used to safeguard this unique and spectacular place today. Gold Butte is Nevada's piece of the Grand Canyon. It is an area rich in natural wonders, including expansive petroglyph panels, historic mining and pioneer sites, threatened wildlife species, and astonishing red sandstone formations. In recent years we've witnessed an increase in the degradation of this landscape — from graverobbing, to trespassing, to illegal development and petroglyph destruction. Gold Butte is in dire need of protection, whether through swift passage of the Gold Butte National Conservation Area Act sponsored by Senator Harry Reid and Representative Dina Titus, or through national monument designation under the Antiquities Act.

When Patagonia, a global outdoor clothing and gear brand, moved its Global Service Center to Reno in 1996, I had the opportunity to explore Nevada's deserts, basins and ranges. I first visited the Gold Butte area in 2002 and have been back many times since. Whether it is walking along a trail and raising my eyes to see the Falling Man petroglyph off in the distance, or hiking the ridges to the summit of Billy Goat Peak for spectacular views of some of the wildest country in southern Nevada, I never tire of the experience.

Protecting a remarkable landscape like Gold Butte offers other tangible rewards. Research suggests preservation of Gold Butte would also benefit the local economy. A study released recently by the Outside Las Vegas Foundation found that a protective designation for Nevada's piece of the Grand Canyon would increase visitation to the region by an additional 35,000 trips per year. This would mean nearly $3 million for local communities in lodging, entertainment, food, and beverage expenditures. These findings echo the results of numerous studies of western communities namely, that protected lands attract new residents, tourists, and locals resulting in a boon to businesses, jobs, and incomes.

At Patagonia, environmental and social responsibility are core values. We recognize the fundamental connection between protecting our great outdoors and our business, and we work hard to preserve wild lands and waters in Nevada because these places are close to our hearts. With Patagonia's Global Service Center based in Reno, we understand the value of access to local public lands, as do so many of our 500 employees who hike, hunt, camp, bike, fish, ski, kayak, and climb in our unique and remarkable Nevada public lands. To those of us here at Patagonia who recreate in Nevada, it is important to act responsibly and leave behind a place we would want to live in.

We have an opportunity to keep some of our local wildlands just as they are, so that future generations have places to play, to explore, and to experience Nevada as we do today, and as so many generations did before us. That is why to us it makes sense for

the environment and for local economies to protect Gold Butte now and we hope Congress and the president hear our call.

Ron Hunter started with Patagonia 28 years ago and has worked at their Reno Service Center for the past 19 years. He is responsible for Patagonia's employee activism and oversees a number of the company's grant programs.

http://www.rgj.com/story/opinion/voices/2015/11/25/one-view-gold-butte-deserves-federal-protection/76388976/

The Spectrum
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Protect Gold Butte

Guest Writer: Michele Burkett
Published: November 21, 2015

I note the recently released economic study showing overwhelming benefits for Mesquite's economy. In the more than 10 years that I have lived in Mesquite, I have witnessed the economic ups and downs affecting our town -- a national measure for Gold Butte would provide a sustaining source of revenue for our local economy.

Additional tourism dollars in the form of outdoor adventure is at our doorstep. As Nevada's piece of the Grand Canyon, Gold Butte deserves permanent protection.

http://www.thespectrum.com/story/opinion/2015/11/21/protect-gold-butte/76050876/

Reporter: John Ralston
Published: November 18, 2015

TV Interview starting at 9:30: http://video.vegaspbs.org/video/2365610925/

Let's Talk Mesquite
Where Communities Communicate

Election 2016 Live Thread: T-355 Days

Writer: Andrew Davey
Published: November 18, 2015

Yes, hennies, the famed Jeremy Aguero studied the potential impact of heightened federal protection of Gold Butte... And found that Southern Nevada stands to benefit immensely.

"We take great pride in the data we put together for our partners and we were pleased to work with Outside Las Vegas on this study. The findings in our report are clear: there are economic benefits to protecting public lands. As a company, we are committed on many levels to see Southern Nevada's economy grow and diversify and this study now becomes part of the tools we can look to when we think of the overall economic picture here," said Aguero.

Applied Analysis' research shows the economic benefits to Southern Nevada when an area like Gold Butte (located 75 mile northeast of Las Vegas) is permanently protected. The memo and full study are attached. Key points of the research found that:

Visitation to the Gold Butte area is likely to increase as a result of the designation. The analysis found that Gold Butte's proximity to nearby cities, including both Mesquite and Las Vegas, as well as various other nearby national parks, monuments, and recreation areas provide a reasonable expectation that designation and preservation of the area would draw an additional 35,000 visitor trips per year.

If just 10 percent of these new visitors to Gold Butte decided to spend the night in Mesquite, the total economic impact for the community would be $2.7 million per year, creating 28 full-time jobs throughout the community.

There are also unquantifiable economic benefits including an increase in the quality of life for local residents.

Congresswoman Dina Titus spoke not just about the quantifiable data, but the qualitative aspects important to permanently protecting the Gold Butte area. "Gold Butte is Nevada's piece of the Grand Canyon. Protecting it isn't just about conservation; it is about unleashing the economic potential all around Southern Nevada," said Congresswoman Titus of Nevada's First Congressional District. "Today, Gold Butte attracts thousands to see the natural and cultural wonders this special place offers. I am proud to sponsor legislation that would permanently protect this unique environment and ensure more visitors and future generations can share this experience," said Congresswoman Dina Titus

http://letstalknevada.com/election-2016-live-thread-t-355-days/

Gold Butte's beauty deserves protection

Guest Writer: Ace Acosta
Published: November 12, 2015

On a crisp Sunday morning the Sierra Club, Friends of Gold Butte and several members of the Moapa Band of Paiutes gathered near the entrance of Gold Butte, with one of the Paiute members leading a blessing before the hike.

Driving down the trail we caught sight of a hawk elegantly soaring in the distance. It was a sign of the awesome day ahead. Midway through the drive we stopped to take in the remote vastness of Gold Butte — 350,000 acres of rugged mountains, Joshua and Mojave yucca trees, and vibrant-colored sandstone, equally worthy of protecting as Red Rock.

The Old Spanish trail runs through Gold Butte, a historic trade route traversed by Spanish explorers as early as the late 16th century connecting New Mexican settlements to Los Angeles. Exploring Gold Butte, I was able to learn more about my Mexican-American roots, an experience I think everyone in Las Vegas should have.

Finally, we arrived at the destination of our hike and prepared to set off. On the trail we passed large, beautiful Joshua trees the likes of which I'd never seen before. The first stop up the trail we observed petroglyphs. A plethora of ancient knowledge covered the scattered boulders, telling stories left to be interpreted. The Moapa Band of Paiutes chairman was awestruck, as this was his first time seeing these magnificent "rock stories."

Gold Butte offers such alluring geological features, majestic wildlife, meaningful and intriguing history, and timeless solitude. All worth protecting for future generations to explore and enjoy.

http://lasvegassun.com/news/2015/nov/12/gold-buttes-beauty-deserves-protection/

RGJ Reno Gazette-Journal
A GANNETT COMPANY

Amodei off the mark on public land issues

Guest Writer: Kevan Burton
Published: October 30, 2015

Congressman Amodei's recent comments on the Outdoor Industry Alliance's findings that the majority of Nevadans oppose public land transfers to the state ("Outdoors Industry muscles into politics of public land," Oct. 23) prove just how far off the mark he is on public land issues. Nevada State Legislature's Senate Joint Resolution 1 met strong opposition. The majority of Nevadans know that the state cannot afford the management of public lands yet this is conveniently glossed over.

The American Lands Council, which leads the movement in the West to transfer federal lands to the states, is funded by taxpayer money (yes, they are using yourmoney to rob you of your public lands) and Americans for Prosperity, the right-wing group heavily bolstered by the Koch Brothers. Why is ALC is going to such great lengths to transfer public lands to the state?

The answer is clear — once Western states can't afford managing public lands, they'll sell them off and open them up for private interests. There goes our public access, our outdoor recreation — auctioned off to the highest bidder. Instead, we should be working towards protecting more of our public lands — let's make Gold Butte the first.

http://www.rgj.com/story/opinion/2015/10/30/letter-amodei-off-mark-public-land-issues/74890202/

The Spectrum

Protect the wilderness around you

Writer: Brandon Mullens
Published: September 17, 2015

"The pioneers thought it was a place where the devil roamed," Jose Witt of Friends of Nevada Wilderness said Wednesday. "It's transitioned into now more of a place as a sanctuary for wildlife and humans to go out and kind of free their spirit."

That's how he described historic Gold Butte, a place with numerous wilderness areas, at the Friends of Gold Butte speaker series held at the Mesquite Community Theatre.

Witt and Dr. Geoffrey Frasz, a professor of environmental ethics at the College of Southern Nevada, both provided the audience an informative presentation that included the philosophy of wilderness in areas like Gold Butte, Jumbo Springs andMuddy Mountains, and how a "land ethic" has shaped differing attitudes toward wilderness in our society why wilderness areas are important.

Frasz referenced Aldo Leopold, an American author, scientist, forecaster, ecologist, conservationist and environmentalist, who influenced the shaping of the wilderness conservation movement with a focus in ecological or holistic ethics.

Leopold was assigned to manage forest areas in New Mexico and deal with predatory eradication, Frasz said. However, he saw wildlife management as a technique for restoring and maintaining diversity, not just for producing a surplus of animals for sport hunting.

"Wilderness for him meant a healthy biotic community that included wolves and mountain lions and helped form the Wilderness Society," Frasz said. "The land has a value for its own sake, not just for human use."

In 1949, Leopold developed the idea of a "land ethic" in his work A Sand County Almanac.

"Conservation is a state of harmony between men and land," Frasz said. ""The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land."

Frasz said obviously not all people are moved by the arguments of why wilderness areas should be preserved. He gave the audience "instrumental" arguments for wilderness.

Wilderness areas are stockpiled with genetic materials we may need such as medicine, he said, adding that Madagascar periwinkle is used to treat childhood leukemia and Hodgkin's disease. He continued by saying wilderness areas act as preserve for scientific studies; give humans places to practice travel and camping skills; provide spiritual inspiration like cathedrals; and allow humans to experience the presence of wild animals to fully develop as human.

"A 'self' needs to identify with 'others' to mature," Frasz said. "This means not only other persons, but many other species. Wilderness areas provide extensive opportunity to encounter wildlife and grow as a human being."

"You look at the Mojave Desert and people think it's a bearing wasteland because it's so brown, but there's so much life and the life out there is precious because it can survive in harsh weather conditions," Witt said.
Witt also argued that the wilderness provides clean air and perfect night skies for future generations,

saying the Great Basin Desert has some of the cleanest air in the nation, as do other wilderness areas due to the Clean Air Act. When the land managers see their air quality is degrading, they're mandated by congress to work with local, state and county officials to improve air quality.

"In Vegas, we get the classic smog where it just looks brown in the valley and weather guys are saying 'oh, we can't wait for that wind storm to come in and blow out all that pollution,'" Witt said.

"So the clean air is coming from our wilderness areas."

However, Frasz said wild areas such as Gold Butte, Jumbo Springs, Muddy Mountain and Jarbridge are "constantly under pressure to yield to economic development."

"Wilderness is a resource that can only shrink," Frasz said. "It will never grow. We're never going to be able to make more wilderness areas, the most we can do is keep the existing ones from shrinking."

http://www.thespectrum.com/story/news/local/mesquite/2015/09/17/protect-wilderness-around/72361098/

Chukar hunters should set sights on Utah
Writer: C. Douglas Nielsen
Published: September 16, 2015

Hunters looking to bag a few chukars this fall may want to turn at least part of their hunting attention north and east to the Beehive State. Utah's chukar numbers are the highest they have been in 17 years.

According to the Utah Division of Wildlife Resources, population surveys put chukar numbers at 101 birds per square mile in Toole County, a milestone that only has been reached once in the past 20 years. In 1998, biologists observed the previous high of 117 birds per square mile in survey areas.

Elsewhere in Utah, hunters can expect to find higher than average chukar numbers even if they don't quite reach that 100-bird-per-square-mile mark.

Jason Robinson, upland game coordinator for the DWR, said such peaks in chukar populations are a rare event. "I encourage hunters to get into the field and take advantage of it," he said.

Two primary factors play important roles in population spikes such as Utah is experiencing this year. The first is weather, and the second is a population cycle.

"The winter was warm and mild," Robinson said, "and most of the adult birds made it through. The birds were in good condition as they entered the breeding season. That allowed the females to lay plenty of eggs."

Those conditions were followed by a wet May, which produced bumper crops of green vegetation and insects, both a primary food sources for new chicks. In Nevada, biologist are crediting May rain storms with saving the Silver State's chukar season.

"Without moisture received during (May) and into June, the upcoming chukar season would likely have been a complete "bust," said Shawn Espinosa, upland game biologist for the Nevada Department of Wildlife. "They just needed that extra moisture to have a good hatch this year, and it looks like that's what happened."

Though biologists are unsure why it occurs, Utah's chukar population tends to cycle high, or spike, about every eight years. The last peak was in 2006 when bird numbers nudged the 100-birds-per-square-mile mark. Before that, it occurred in 1998.

Nevada's chukar population hasn't hit the record numbers found in Utah, but Espinosa said hunters should expect to find hunting conditions similar to those of the 2014-15 hunting season. He anticipates some of the best success to come early in the season.

The most productive hunting is generally found in the northern counties, but there are populations of chukar scattered throughout Southern Nevada. Places to look include Gold Butte, the mountains between Interstate 15 and Caliente and east of Highway 93, the mountains near Beatty and those north of the Tonopah Test Range.

In Utah, hunters will find the highest concentration of birds in Toole, Juab and Millard counties in areas located west of Interstate 15. Robinson said other places hunters might consider looking for chukars are the rocky river corridors of Southern Utah and the Book Cliffs east of Price. Even the foothills of the Wasatch Front hold chukars.

In Arizona, chukars can be found in the northwest corner of the state north of the Colorado River. According to the Arizona Game & Fish Department, "Mild winters combined with expanding cheat grass on the Arizona Strip are both benefiting chukar range expansion. Chukar populations should again be in good numbers for this year."

Arizona's chukar season is already underway. It started Sept. 4 and runs through Feb. 7. The daily bag limit is five birds, and the possession limit is 15. In Utah, the general chukar season opens Sept. 26 and continues through Feb. 15. The bag and possession limits are five and 15.

In Nevada, the season dates are Oct. 10 through Feb. 7, but the bag and possession limits are a little more generous. The daily bag limit is six chukar, and the possession limit is 18.

http://www.reviewjournal.com/opinion/columns-blogs/the-outdoors/chukar-hunters-should-set-sights-utah

Protect Gold Butte, before visitors overrun it

Guest Writers: Darren Daboda and Anthony Barron
Published: August 30, 2015

When U.S. Bureau of Land Management officials arrived at the dedication site of the Gold Butte Backcountry Byway in June 1989, they were met by a line of peaceful protesters from the Moapa Band of Paiutes. The Paiutes were deeply concerned about the road. An official byway meant increased access, more motorized vehicles and the potential for disrespect and destruction of sites that are part of the Moapa Paiutes' cultural heritage.

Sadly, the foresight of the Moapa Paiutes was accurate. Gold Butte has experienced unremitting destruction, and the need to permanently protect it grows more urgent every day.

The Southern Paiutes have been in this region since time immemorial. They looked to the land for their livelihood and found food, shelter and water to sustain a traditional lifestyle. They left behind their stories on the rock walls of Gold Butte — stories that are not replaceable if lost. We need to act now to preserve Gold Butte before its treasures disappear.

Equally significant is Gold Butte's natural environment. With elevations that range between 1,500 and 8,000 feet, this land hosts a variety of ecosystems that provide habitat for threatened and rare species. The threatened desert tortoise thrives in the lower desert regions. Desert bighorn sheep grace the higher, remote elevations in the southern half of Gold Butte. Endangered plant species, such as the Las Vegas bearpaw poppy, grow in undisturbed soils. The relict leopard frog, once thought extinct, has been found in the rare but healthy springs tucked away in small oases. The area has so many unique biological and cultural qualities that the BLM has designated the entire region, approximately 348,000 acres, as an Area of Critical Environmental Concern — an administrative title that requires a specialized management plan.

Today, there are many more visitors to Gold Butte. Most of them travel respectfully along Gold Butte Road, observing signs that direct them to stay on the road. But there are many others who don't respect the land or its significance. They tear across landscapes that contain clues to the people who once lived here — through ancient agave roasting pits and sacred springs, and into archaeological and historical sites. They shoot bullets into the petroglyphs and scratch out the images that were carved long ago. They destroy and remove signs. They dig up ancient graves. They cut fences and drive where they are not supposed to go. They use the land and leave their waste and trash behind. The desert is trampled, habitat is lost. The threatened species, having lived here for tens of thousands of years, are steadily losing ground in the face of this intrusion.

A record of the past is written in Gold Butte, but its history and its natural environment are being erased — degraded by irresponsible, disrespectful and sometimes intentionally malicious behavior.

The problems of vandalism, trash and intrusions are getting worse. The recent damage report released by Friends of Gold Butte provides evidence that a new, more intrusive human threat has hit. It's a threat that is illegally defacing the fragile desert landscape, using heavy equipment to dig an unauthorized trench, miles long, to bury a pipe for water delivery, destroying prime desert habitat and threatening plants and animals. It's a threat that blatantly

disregards the rules of this Area of Critical Environmental Concern and the ethic of conservation. A threat that, left unchecked, will destroy the last continuous piece of undeveloped Mojave Desert land in Nevada. Even worse, this threat is a challenge to the idea of public land, that this land is ours and belongs to all Americans.

We need to ensure permanent protection for Gold Butte now, either through congressional or administrative action, so that future generations can experience Nevada's piece of the Grand Canyon and see this majestic landscape as our Paiute ancestors saw it.

Darren Daboda is chairman of the Moapa Band of Paiutes. Anthony Barron is former president of Friends of Gold Butte.

http://www.reviewjournal.com/opinion/protect-gold-butte-visitors-overrun-it

Now it's time to protect Gold Butte, too

Guest Writer: Steve Rowland
Published: August 21, 2015

In future decades and centuries, our two recently created national monuments Tule Springs Fossil Beds and Basin and Range will join Red Rock Canyon, Valley of Fire and Lake Mead as cherished elements within Southern Nevada's natural landscape. Such outdoor recreation opportunities attract a growing population of visitors who shun the bright lights of Las Vegas in favor of natural features.

These folks, who often pick up their rental cars at McCarran International Airport and scurry off to the national parks of Arizona, California and Utah, are finding increasingly compelling incentives to linger for a few days in the natural wonderlands of Southern Nevada, helping to diversify our tourism base. But there is one additional natural treasure Gold Butte that is also deserving of high-profile protective status. Stationed between the Overton Arm of Lake Mead and the Nevada-Arizona state line, Gold Butte is a fantastic medley of jagged-ridge geology, petroglyph-panel archaeology, fossil-footprint paleontology and glorious Mojave Desert scenery.

The times are changing, and our population is expanding. Graze-your-cattle-wherever-you-like libertarianism may have worked OK in the sparsely populated 19th and early 20th centuries, but it is not a viable strategy for Southern Nevada in the 21st century. Now is the time to protect Gold Butte. It will preserve this spectacular region for the enjoyment of all of us in the near term, and for future generations in perpetuity. And it will significantly contribute to Southern Nevada's growing reputation as a mecca for outdoor recreation.

http://www.reviewjournal.com/opinion/letters/letters-now-its-time-protect-gold-butte-too

Damage at Gold Butte

Reporter: Paul Joncich
Aired: August 20, 2015

https://iqmediacorp.com/ClipPlayer/?ClipID=75807f7e-8cf1-4d52-becf-9b0d9bfa4a6f

Gold Butte backers work to protect southern Nevada landscape

Writer: Tony Garcia
Published: August 20, 2015

There is an effort to preserve part of the Southern Nevada desert/mountain landscape. The 350,000 acres in Gold Butte are rich in historic value and scenic beauty. But some of this land is being damaged. "So Whitney Pockets that has these Aztec sandstone outcroppings," says Jaina Moan, executive director of Friends of Gold Butte, who shows off photographs of Gold Butte. She loves the land and all it offers. "It's part of this big swath of beautiful land. It's part of the Grand Canyon ecosystem, and so that's why we call it Nevada's piece of the Grand Canyon," Moan says. This beauty near the Arizona border draws in visitors to absorb its rich rewards, reminiscent of the Grand Canyon.

"There's a lot of people who have come here and said, 'Well, we don't see anything.' Well, it's the side roads, as you know, where you see everything. And there's thousands of petroglyphs here. There's photo ops that are incredible. It's just a great place ... wildlife ... great place," says former Mesquite Councilman Karl Gustaveson. Friends of Gold Butte says there are people, perhaps unknowingly, ruining precious historic and cultural sites. "It's heartwrenching.

For a place when you love that place, you know that that place is important for the animals live there, and it's a place that's important to be preserved," Moan says. Friends of Gold Butte have released a report showing damage to the land and its petroglyphs that tell the stories of the lands' inhabitants from thousands of years ago. Bullet holes ruin one site. The report reveals ATV and vehicle traffic on the land, and unauthorized trenches for water. "When a person trenches, makes a deep trench across the landscape like that, they are damaging habitat," Moan says.

The organization would like the land to be designated a national conservation area; and more presence from the Bureau of Land Management to maintain and protect the area. Both Sen. Harry Reid and U.S. Rep. Dina Titus have introduced bills to help protect Gold Butte. Friends of Gold Butte is circulating an online petition.

http://www.news3lv.com/content/news/local/story/Gold-Butte-protection-supporters-reid-titus-nevada/Et-MswtW6ESAxI34CSXOgw.cspx

Nothing like the night sky at Gold Butte

Guest Writer: Christian Gerlach
Published: August 19, 2015

The Perseid meteor shower blazed across our dark desert skies this past week, and I was fortunate enough to share the experience with a group of youths who had never even witnessed a meteor streak across the sky. Our natural world put on for us an awesome show displaying the wonder and beauty of the universe in all of its glory.

Every star in the sky was visible as we passed the light pollution barrier of Las Vegas. The best place to see such a sight is just out of town, behind Mesquite in Gold Butte. The youngsters who have been volunteering in the effort to protect Gold Butte loved the views. These young champions of our public lands got to see something I was fortunate enough to enjoy growing up.

My parents had these experiences themselves growing up and they imparted that wonder of our natural world and a dark night's sky. Unfortunately, many young Nevadans never get to experience dark skies and the Milky Way in its entire splendor. The lights of the city drown out the stars. The fact is most people now live in cities, and that trend will continue to grow. It is rare now that youths even get to see dark skies.

That is why we have to protect public lands like Gold Butte, so everyone will have the opportunity to gaze upon the stars and be inspired the same way our species has throughout the ages.

http://www.reviewjournal.com/opinion/letters/letters-nothing-the-night-sky-gold-butte

Gold Butte called more vulnerable to vandals

Writer: Steve Tetreault
Published: August 19, 2015

WASHINGTON — In the aftermath of armed confrontation with supporters of rancher Cliven Bundy, the Bureau of Land Management largely has withdrawn from Gold Butte, leaving the environmentally sensitive Southern Nevada region more vulnerable to intruders and vandals, a preservation group said Wednesday.

Friends of Gold Butte in a 34-page report documented disturbances to the desert landscape since November. It said previously closed illegal roads have been reopened, and are "quite well traveled now."

Off-road vehicle tracks now mar an area adjacent to one of the area's signature petroglyph panels, the group said. Signs at a popular campground designated a "no vehicles" zone have been ignored judging from tire markings entering and leaving the area.

One series of photos details an unauthorized water delivery system presumably to support illegal grazing. It is constructed out of an old gas storage tank, trenches of shallowly buried pipes and a makeshift trough of an oversized truck tire cemented to the desert floor. Photos taken in May show a dead roadrunner and another small animal that evidently died trapped in the trough.

The organization said the evidence of lawlessness underscores a need for the federal government to step in and increase protections for the scenic region, 350,000 acres between Lake Mead and the Arizona border that has been called Nevada's piece of the Grand Canyon.

"This documented and ongoing damage highlights the urgent need to permanently protect Gold Butte," said Jaina Moan, executive director for Friends of Gold Butte.

BLM had no immediate comment on the report.

The Cliven Bundy connection

The area is designated by the BLM as an Area of Critical Environment Concern, and has been managed to protect habitat for the desert tortoise and Bighorn sheep and to shield petroglyphs and historic mining-era artifacts from destruction.

But the group said the BLM and other federal land agencies have halted activities in the region since April 2014, "due to adverse circumstances."

It does not say so directly but that is when armed government agents faced off with similarly armed supporters of Bundy over the rancher's cattle trespassing on federal land.

The potentially deadly showdown was defused but the episode served to further ratchet tensions surrounding land uses in the West. Workers for the BLM and the National Forest Service have been cautioned for their safety and have been under fire, at times literally.

"In the absence of a land management presence, Friends of Gold Butte has witnessed an increasing level of intrusion near historic and cultural sites as well as impacts to sensitive desert areas that are habitat for threatened and endangered species," the group said.

Moan in an interview expressed sympathy for the BLM.

"We really feel the BLM is doing the best they can under very tenuous circumstances," she said. "Really, the fact is they need more resources."

In June, the BLM told employees and contractors to stay out of Gold Butte after shots were fired near a survey crew campsite along the western slope of the Virgin Mountains.

The three-person crew reported three shots were fired from a nearby road, and three more shots were fired an hour later. Nobody was injured but the crew packed up and quickly left.

In April 2014, the Review-Journal documented a gravesite that had been dug up at the long-abandoned Gold Butte town site where mining flourished for a brief period a century ago.

Protection sought from Washington

The Friends of Gold Butte report was issued a month after President Barack Obama signed a proclamation creating the Basin and Range National Monument withdrawing for conservation 704,000 acres of land in Lincoln and Nye counties.

Some environmentalists believe Gold Butte is as deserving of preservation, and have stepped up calls for Sen. Harry Reid, D-Nev., to use his influence in the final year of the Obama administration to arrange for a similar designation even as residents of northeastern Clark County are deeply split on the idea.

Asked during an Aug. 12 meeting with Review-Journal reporters whether he plans to seek executive action again, Reid said, "Well, I think I've asked the president for enough for a little while, so I'm just going to let that work its way through the system."

But he left the door open, saying, "Sometime I might do it, but I'm not right now."

http://www.reviewjournal.com/news/water-environment/gold-butte-called-more-vulnerable-vandals

EL TIEMPO

Buscan preservar zona de Gold Butte

Writer: Anthony Avellaneda
Published: August 14, 2015

Decenas de personas se reunieron en las instalaciones del edificio Zappos Campus para solicitar la protección permanente del área Gold Butte, una zona natural e histórica ubicada en el Condado de Clark.

El área de 'Gold Butte' se encuentra a menos de dos horas de Las Vegas y cuenta con una extensión territorial de 350,000 hectáreas, este lugar fue habitado hace más de 3,000 años por nativos americanos, motivos por los cuáles es importante preservar dicha área para distintas empresas y organizaciones como 'Battle Born Progress'.

La subdirectora de Battle Born Progress, Jocelyn Torres argumentó que, "Este evento es parte de una excursión que está haciendo está compañía de zapatos para tratar de convencer al departamento de interior y al presidente Obama de que protejan permanentemente el área de Gold Butte. Este lugar tiene muchos elementos que deben ser protegidos como la tierra, naturaleza, los animales que habitan en esa área, también hay partes culturales e históricas de los indios nativos como pinturas en las piedras".

Durante el evento, se explicó que se deben tomar acciones para preservar este lugar como un monumento nacional, se busca que haya vigilancia constante en la zona, limpieza, personal de atención y señales para instruir a los visitantes.

"El proceso es un poco confuso, se puede proteger mediante un acto del presidente, él puede decir que esa área debe ser protegida como monumento nacional y firmar dicha proclamación. Otro conducto es por el congreso, el cual tendría el proceso igual que cualquier otra ley", acotó Torres.

Al evento asistieron distintos representantes gubernamentales como Isaac Barrón, concejal del Distrito I de North Las Vegas, quién explicó que la preservación de esta zona podría traer cuantiosos beneficios para los habitantes de Nevada.

"Estos lugares repercuten a la comunidad en temas económicos, estamos hablando de millones de dólares que se pueden explotar cuando la gente sale a disfrutar de nuestra riqueza natural. Al mismo tiempo debemos usarlo con mucha responsabilidad en estos terrenos que tenemos se ve un desierto imponente pero a su vez es un medio ambiente muy frágil que no tiene ninguna manera de repararse", dijo el concejal.

"Lo que hacemos ahora para proteger y preservar es algo que es de mucha importancia, no solo para nosotros, hijos y nietos, sino también para las generaciones que aún no han nacido y nosotros tenemos el deber de proteger nuestros terrenos para que ellos también lo puedan disfrutar", mencionó Isaac Barrón.

En el evento se expuso que en el área de Gold Butte se han encontrado distintos objetos que según especialistas fueron propiedad de los primeros nativos americanos, tales como abrigos rocosos, escrituras y pinturas rupestres, atractivos que podrían ser utilizados como un importante impacto turístico.
El integrante de la organización Sierra Club, Christian Gerlach compartió con El Tiempo otro motivo más por el cual se debe proteger dicho lugar.

"Esa área es muy importante para el mismo Lago Mead ya que ayuda a llenar el Río Colorado, se abastecen mediante otros sistemas de cuencas hidráulicas para formar los dos ríos, debajo de Gold Butte hay mucha agua y se tiene que preservar esa

área para asegurarnos de que los ciclos naturales hidráulicos sigan como van ahora", detalló Gerlach. El representante y organizador de Sierra Club también señaló que hacer construcciones de desarrollo urbano o destrucción en esa zona del desierto tendría severas repercusiones, además destacó la importancia de preservar la historia del lugar.

"Tiene mucha historia para los latinos, desde los años 1700's hay campamentos de españoles que estuvieron ahí. Hay que unirnos en estos temas para proteger la tierra, solo tenemos un planeta, un lugar para nuestra especie, si lo desperdiciamos no vamos a tener otro método para sobrevivir por eso debemos tener un balance del desarrollo, civilización y la naturaleza", concretó Gerlach.

http://eltiempolv.com/noticias/buscan-preservar-zona-gold-butte

NEWS 88.9 knpr
NEVADA PUBLIC RADIO HD Radio

Group Steps Up Efforts To Preserve Gold Butte

Writer: Casey Morell
Published: August 03, 2015

A new push to make the Gold Butte region a preservation site is taking place.

The Live Monumental campaign is part of a nationwide effort from non-profits and private industry to federally protect five different areas in the country, including Gold Butte.

Jaina Moan, the executive director of Friends of Gold Butte, told KNPR's State of Nevada that the area is a beautiful example of Nevada's Mojave Desert. "Gold butte is a treasure trove of cultural and natural wonders," she said "It is a very special place for many Southern Nevadans."

The area is about 350,000 acres between the Arizona border and Lake Mead National Recreation Area about two hours northeast of Las Vegas. It is currently managed by the Bureau of Land Management. Moan said it is home to ancient petroglyphs, sandstone features, desert mountainscapes and sensitive plant and animal species.

Both Sen. Harry Reid, D-NV., and Rep. Dina Titus, D-NV., have introduced bills aimed at protecting the area but so far it hasn't happened. However, Sen. Dean Heller, R-NV., sent a letter to President Barack Obamaasking for it not to be designated as a national monument because of concerns it "would escalate anger and frustrations with the Department of the Interior government in a region of our state where tensions are already presently high."

Gold Butte is close to Bunkerville where rancher Cliven Bundy and supporters faced off with BLM agents in April 2014. The standoff was sparked by a dispute over Bundy's cattle and whether he had to pay grazing fees to the federal government. For many, the dispute centered on whether the federal government could manage lands in the state.

Moan said the added attention the area has received as meant more people are going there and some visitors are doing more damage.

"It's clear now that we must call on our congressional leaders and the administration to take whatever steps necessary to ensure that this area is permanently protected," she said.

However, Moan said protection would not mean an end to people using Gold Butte for recreational purposes, like ATV's. She said the bills introduced by Reid and Titus still allow people to use 500 miles of roads for ATV's and other vehicles.

The efforts of Moan's group have received national attention thanks to the Live Monumental campaign sponsored by Keen Footwear.

The maker of sports-focused footwear is on a two-month tour of the country, looking to collect 100,000 signatures on a petition asking lawmakers to designate Gold Butte and five other areas as national monuments.

Hundreds of people showed up for the tour stop last week at the Zappos.com headquarters in downtown Las Vegas. To Moan, those numbers show just how supportive the community is of the designation.

"I think that southern Nevadans want their public lands protected," Moan said.

http://knpr.org/knpr/2015-08/group-steps-efforts-preserve-gold-butte

#LiveMonumental Update: Las Vegas and Gold Butte

Writer: Staff Blogger
Published: July 31, 2015

#LiveMonumental Update: Las Vegas and Gold Butte

What happens in Vegas...will hopefully not stay in Vegas!

We had such a great turnout for our event over at Zappos HQ with Friends of Nevada Wilderness joining us...and we hope to keep that momentum going! Over 500 people showed up to enjoy an ice cream cone, get a t-shirt designed by KEEN ambassador Jeremy Collins, get some pint glasses and other swag courtesy of Klean Kanteen and the Conservation Alliance, take a spin on the climbing wall provided by Zappos, and of course, sign their names to the Live Monumental petition to enact five new national monuments! From Las Vegas, we headed out to Gold Butte with Zappos to get some hiking in, but we ran into a few bus troubles on our way.

The RV broke down on the way to Mt. Charleston, but luckily our friends at Zappos were there to help us out and we were back on the road in no time! We trekked on toward a blue moon (two moons in a month) hike at Newspaper Rock. The next one isn't going to happen for another three years, so the team decided to capitalize on the opportunity! On the way to that, we got caught in a flash flood that sidetracked us for a little while, but we finally made it! All the hiccups along the way made this hike even more worth it.

Getting to see all these amazing areas across the U.S. is just one of the reasons why #LiveMonumental is so important to us. With this campaign, we want to share those experiences and preserve the areas that make them possible. Please visitLiveMonumental.com to sign, spread the word, and help us reach 100,000 signatures to let Washington, D.C. know that public lands are important to us.

http://blog.keenfootwear.com/blog/2015/07/31/livemonumental-update-las-vegas/

Conservationists, company rally to protect Gold Butte

Writer: By Henry Brean
Published: July 30, 2015

Two monuments down, one to go.

That was the message from conservationists Thursday during a rally at the downtown headquarters of Zappos meant to spur momentum for the protection of Gold Butte in northeastern Clark County.

The roughly 350,000-acre area two hours northeast of Las Vegas is home to ancient rock art galleries, sweeping desert vistas and twisted fields of pastel-colored sandstone hemmed in by Lake Mead and the Grand Canyon.

Longtime local environmental advocate John Hiatt said it's the sort of place that would already be a national park if it existed in almost any other state. "The petroglyphs in that area outshine anywhere else in Southern Nevada," he said.

The conservation community has been pushing for national recognition of Gold Butte for more than a decade. What they got instead was a pair of new monuments elsewhere in Nevada.

In December, bipartisan legislation led to the creation of Tule Springs Fossil Beds National Monument at the northern edge of Las Vegas. Then on July 10, President Barack Obama used his authority under the Antiquities Act of 1906 to designate Basin and Range National Monument on 704,000 acres of remote Lincoln and Nye counties over the objections of rural officials and Nevada Republicans in Congress.

Now conservationists want to shift attention back to Gold Butte, and this time their push has some corporate oomph behind it.

Thursday's event was part of a new campaign called "Live Monumental" by Oregon-based KEEN Footwear. It was the first stop on a cross-country road trip the shoe company is sponsoring to drum up support and gather petition signatures for Gold Butte and four other places it considers monument-caliber: Boulder-White Clouds, Idaho; Owyhee Canyonlands, Ore.; Mojave Trails, Calif.; and Birthplace of Rivers, W.Va.

Kirsten Blackburn from KEEN said the company picked Gold Butte for its campaign after consulting with the Conservation Lands Foundation and other national preservation groups.

But the effort faces opposition from Republican lawmakers and one other major obstacle: The area is also home to several hundred cattle left to roam on federal land by a certain well-known Clark County rancher.
"Gold Butte is an incredibly complicated situation now. It's always been difficult, but with the Cliven Bundy situation, it's even more difficult," Hiatt said.

In 2014, the Bureau of Land Management moved to round up Bundy's livestock, but the operation was hastily canceled and the cattle released after an armed standoff between federal authorities and Bundy supporters.

Since then, BLM scarcely patrols the area, which has opened the door for an increase in litter, fence cutting and damage from off-road vehicles, said Jaina Moan, executive director of the nonprofit group Friends of Gold Butte.

"I think the need for protection is increasing and enhanced," she said.

In January, U.S. Sen. Harry Reid, D-Nev., introduced a bill to create Gold Butte National Conservation Area on almost 350,000 acres. The area would be administered, as it is now, by the BLM, and roughly a third of it would be designated as wilderness.

Rep. Dina Titus, D-Nev., introduced a House version in February. Neither bill has advanced out of committee.
Nevada's congressional delegation remains deeply divided over the idea.

Republican U.S. Sen. Dean Heller has publicly warned Obama against unilateral action on Gold Butte, "a region of our state where tensions are already presently high."

And Rep. Cresent Hardy, R-Nev., has promised to "fight tooth and nail" against the proposed wilderness designations or any other new restrictions in an area he thinks is just fine the way it is.

With opposition like that, Hiatt said, "there's no possible way" Gold Butte will win congressional approval, so it's likely to take more cajoling from Reid and another executive action by Obama to make it a national monument.

"He just did a big one in Nevada. Will he be willing to do another? I don't think anybody knows," Hiatt said. "Senator Reid has been able to pull a rabbit out of the hat on more than one occasion."

But outdoor activist Terri Robertson, a founding member of the Friends of Gold Butte, hasn't given up on Congress just yet.

She said a lot of time and effort went into crafting the current bills, which would not only designate Gold Butte as a national conservation area but also preserve some 500 miles of existing roads and many of the current uses in the area.

Roberston said opponents like Hardy and Heller should consider getting behind the legislation or risk ending up with a presidential decree they might find even more disagreeable.

http://www.reviewjournal.com/news/conservationists-company-rally-protect-gold-butte

Reid's conservation award

Guest Writer: Jose Witt
Published: July 13, 2015

To the Editor:

Sen. Harry Reid deservedly received the League of Conservation Voter's 2015 Lifetime Achievement Award. No matter how you feel about the senator, you can't deny the work he's done for the environment, not just for the country, but right here in Nevada.

Sen. Reid tirelessly and successfully fought against Yucca Mountain, created Great Basin National Park — thereby protecting some of the world's most ancient bristlecone pines — and established the Las Vegas favorite Red Rock Canyon National Conservation Area. Red Rock not only provides an outdoor playground for us city dwellers, but generates additional tourism. Sen. Reid has spearheaded protection for all 70 designated wilderness areas throughout Nevada, so that future generations can enjoy clean air, clean water and outdoor recreation for years to come.

Sen. Reid is still working to conserve wild places and wildlife habitat. President Barack Obama announced last week the designation of Basin and Range as a national monument. Earlier this year, Sen. Reid introduced legislation to protect Gold Butte. This award has been a long time coming.

http://m.reviewjournal.com/opinion/letters-california-won-t-go-desalination

E&E PUBLISHING, LLC

'The wheels of justice move at their own pace,' Jewell says of Bundy

Writers: Annie Snider and Phil Taylor
Published: June 25, 2015

INCLINE VILLAGE, Nev. -- Interior Secretary Sally Jewell said Nevada cattle rancher Cliven Bundy, whose ranch was the site of an armed confrontation with federal officials last year over unpaid grazing fees, will be brought to justice.

Speaking yesterday with reporters ahead of this week's Western Governors' Association meeting, Jewell said the federal government will continue pursuing Bundy in the courts.

"Cliven Bundy has had multiple court orders to remove his cattle from federal public lands, and he has not paid his grazing fees, and he has not abided by the law, and so we will continue to pursue that," Jewell said.

The Bureau of Land Management and Justice Department have faced criticism from conservation groups for failing to take action against Bundy and his supporters since BLM backed down from the near-violent standoff in April 2014.

Critics say the government's retreat emboldened others to challenge BLM's domain over federal lands in the West and has impeded BLM's ability to protect the environment and cultural sites.

Jewell defended BLM's decision yesterday, saying the safety of law enforcement officers and land managers "is of paramount importance" to her.

But she also said that's not the end of the story for Bundy.

"The wheels of justice move at their own pace, and we will continue to be very, very supportive," she said. "I'm confident that this issue's going to be resolved, and we will continue to cooperate at every level to make sure that that's the case."

Threats and assaults against BLM fell in 2014

But while the standoff at Bundy ranch highlighted the dangers of managing public lands in restive pockets of the conservative West, BLM in 2014 recorded the lowest number of threats and assaults against its employees since 1996, according to a report today from watchdog group Public Employees for Environmental Responsibility.

BLM recorded 15 threats and assaults against employees last year, one-fourth below the previous year. It logged an average of 21 incidents annually over the previous five years.

The incidents include the relatively benign: On May 7, 2014, someone squirted water on a BLM officer at the Santa Rosa and San Jacinto Mountains National Monument in Southern California. But they also include an "attempted murder" of an officer with a pistol a month later at Edwards Crossing in California.

Notably absent from BLM's list was the standoff at Bundy's ranch, an incident in which armed protesters were videotaped verbally attacking BLM officers and pointing guns at them. BLM rangers had to deploy police dogs and a Taser on some protesters on a road near Bundy's ranch.

"BLM apparently wants to pretend that the whole Bundy fiasco never happened," said a statement this morning by PEER Executive Director Jeff Ruch. "We are concerned that BLM may be discouraging employees from reporting threats in order to convey a false impression that there is proverbial peace in the valley."

The data PEER obtained through a Freedom of Information Act request were released just weeks

after a survey crew under contract with BLM to study springs, seeps and cattle troughs on public lands near Bundy's ranch heard two series of gunshots at night near their campsite (Greenwire, June 12). The incident prompted a BLM directive telling "all personnel and contractors" to stay out of the Gold Butte area until further notice, according to Jerry Keir, co-founder and executive director of the Great Basin Institute, which was doing the survey work for BLM.

BLM last year did record two incidents of harassment related to the Bundy standoff: an April 5 "Threatening Phone Call in Connection with Gold Butte Operation" and an April 18 "Intimidation And Frisking" of a non-law enforcement employee at a southern Utah campground.

"Given that there are now large swaths of federal lands where BLM staff and law enforcement do not feel safe even to operate, this decline in reported incidents provides scant comfort," Ruch said.

BLM said in a statement today that the information it provided to PEER is accurate. But the Bundy standoff was omitted from the incidents report because the Justice Department is leading the government's investigation into threats made against BLM employees.

"The BLM remains resolute in addressing this issue, and we are continuing to cooperate with the Department of Justice in pursuing the matter through the legal system," BLM said

The Spectrum

BLM takes steps after shots fired near camp, cattle

Writer: Martin Griffith
Published: June 13, 2015

The Federal Bureau of Land Management is taking safety precautions and Las Vegas police are investigating after gunshots were fired near a group of contract employees on public land in southern Nevada where rancher and states' rights advocate Cliven Bundy's cattle continue to roam.

Three researchers from the Reno-based nonprofit Great Basin Institute were monitoring water seeps and springs in the remote Gold Butte area, about 100 miles northeast of Las Vegas, on June 5 when they were approached by two men who asked what they were doing, BLM officials said.

The employees, who were working under a bureau contract, left after six shots were fired later that night near their camp in the same area that's being considered for federal protection as a national conservation area.

No injuries were reported.

"The situation is under investigation and the BLM is taking appropriate safety precautions to ensure the safety of its employees and contractors," the agency said in a statement.

Las Vegas police spokesman Larry Hadfield confirmed Friday the "incident remains under investigation" by his department's detectives but said he "can provide no other details."

BLM spokesman Rudy Evenson declined to elaborate or comment on whether the agency has told its employees and contractors to stay out of the area.

The agency would not comment beyond the statement "given the sensitivity in southern Nevada" over public lands in the Gold Butte area, he added.

In April 2014, a tense standoff between Bundy and the BLM occurred after a federal judge authorized the agency to remove his cattle from public rangeland.

Bundy, who said he does not recognize the authority of the federal government, stopped paying grazing fees over 20 years ago and owes more than $1 million.

The confrontation pitted federal officers against heavily armed states' rights advocates who had converged on the Bundy ranch to halt the roundup of his cattle.

The BLM backed off, citing safety concerns.

It allowed Bundy supporters to release 380 cattle from pens that had been collected.

Jerry Keir, executive director of the Great Basin Institute, said the researchers were scheduled to spend a week in the area but were told by the BLM not to return after the incident occurred on their first day there.

The two men told the trio that they were there to fix a leak in a water trough.

But the researchers were unable to see the shooter because the shots were fired at night from roughly 1,600 feet away, he added.

Asked whether he thinks the shots were meant to intimidate them, Keir replied, "That's total

speculation. It could have been three kids out shooting cans. There's no way to assign specific individuals to the incident."

The FBI on Friday would neither confirm nor deny it's investigating the case. The FBI also declined comment on its investigation into last year's standoff involving Bundy.

Earlier this year, the BLM issued a statement saying it "remains resolute" in its goal to resolve the Bundy dispute through the legal system.

http://www.thespectrum.com/story/news/local/2015/06/13/us-agency-takes-steps-shots-fired-near-researchers/71197488/

The Spectrum

Cliven Bundy denies involvement in shooting near BLM camp

Writer: Mike Donahue
Published: June 12, 2015

Bunkerville, Nevada, rancher Cliven Bundy on Friday denied he was involved in an incident in the Gold Butte area southwest of Mesquite on June 5 in which three Bureau of Land Management contractors claim shots were fired near their camp on two occasions one night.

A story published in a Las Vegas newspaper Friday morning said the FBI and Metro Police were investigating the alleged incident.

The three contractors, one man and two women working for the Great Basin Institute, were in Gold Butte surveying springs, seeps and cattle troughs for the BLM, according to the newspaper story.

The three told authorities they had pitched a camp their first night in the area and sometime in the dark someone shined lights on the camp, fired three shots, left the area and then returned an hour later and fired three more shots, the newspaper reported.

The trio told authorities they were monitoring water sources on June 5 when they were approached by two men who asked what they were doing.

The researchers left after six shots were fired later that night near their camp in an area that's being considered for federal protection as a national conservation area.

The contractors were working in an area where Bundy maintains a corral and watering trough and their report to the BLM reportedly said they had met two ranchers they believed might be related to Bundy's cattle operation before pitching camp.

Bundy told the Desert Valley Times he and his eldest son Ryan did meet the three contractors while delivering hay to his cattle.

"We did greet those people, but we didn't have anything to do with any shooting," Bundy said. "We just told them we hoped they'd enjoy their stay."

The contractors, Bundy said, were in a pickup with Nevada license plates but no other markings.

"I asked them what they were doing in the area, and they just said they were looking for a place to camp," Bundy said.

The rancher said he told them he was going to unload his hay at his corral and head house near a mountain spring and "then we'll get out of your way."

The survey crew said they pitched camp and went to bed about 9 p.m., according to the newspaper report. A short time later, they reportedly heard a vehicle and then the first shots.

"I'm going to go out on a limb here and stick my neck out and make a statement," Bundy said.

"I'm sticking my neck out because it indicates I have a prejudice against them but here it is: We ran the BLM and U.S. Park Service and their contract cowboys along with their armed army off this Clark County Nevada land," Bundy said, reading from a prepared statement. "We are not going to ever let American people have these guns pointed down our throats again. The bureaucrats always gets someone to do their dirty work, referring to the contract cowboys and referring to the others in the RJ (Las Vegas Review Journal) story. We ran BLM and

their contractors off this land and they need to remember that. Basically those guys who were out there shouldn't be there."

Bundy said he read the newspaper story Friday morning and then called the MetroPolice substation in Overton.

"Sgt. (Bret) Empy and I went out there and if those people were telling the truth, that a vehicle shined their lights on the camp, shot a gun off, drove away and then came back and did it again, there was no sign of it," Bundy said. "They were on a dead-end road. There should have been tracks or something. They've tried to make me out the bad guy and make me a criminal over the last 20, 25 years. We risked our lives the last time, and we don't ever want that mess coming back."

http://www.thespectrum.com/story/news/local/2015/06/12/cliven-bundy-denies-involvement-shooting-near-blm-camp/71161998/

MESQUITE
LOCAL NEWS

BLM pulls workers from Gold Butte after shots fired near surveyors

Writer: Henry Brean
Published: June 12, 2015

Cattle owned by rancher Cliven Bundy roam a range in the Gold Butte area near Bunkerville, Nev., Nov. 26, 2010. (F. Andrew Taylor/View newspapers)

Bureau of Land Management rangers block a road 80 miles northeast of Las Vegas Tuesday, April 1, 2014. (John Locher/Las Vegas Review-Journal)

Little Finland, also known as Hobgoblin's Playground and Devil's Fire, as seen Thursday, May 22, 2014. The Gold Butte Region, administered by the BLM and the U.S. National Park Service, is located about 2-1/2 hours east of Las Vegas between the Overton Arm of Lake Mead. The area is popular for off road enthusiasts and near the Cliven Bundy ranch. (Jeff Scheid/Las Vegas Review-Journal)

A sign posted in the Gold Butte area as seen Thursday, May 22, 2014. The Gold Butte Region, administered by the BLM and the U.S. National Park Service, is located about 2-1/2 hours east of Las Vegas between the Overton Arm of Lake Mead. The area is popular for off road enthusiasts and near the Cliven Bundy ranch. (Jeff Scheid/Las Vegas Review-Journal)

Cattle belonging to Cliven Bundy are rounded up with a helicopter near Bunkerville Nev. Monday, April 7, 2014. (John Locher/Las Vegas Review-Journal)

Contractors for the Bureau of Land Management round up cattle belonging to Cliven Bundy with a helicopter near Bunkerville Nev. Monday, April 7, 2014. (John Locher/Las Vegas Review-Journal)

Gold Butte area as seen at sundown Thursday, May 22, 2014. The Gold Butte Region, administered by the BLM and the U.S. National Park Service, is about 2 1/2 hours east of Las Vegas. The area is popular with off-road enthusiasts. (Jeff Scheid/Las Vegas Review-Journal).

The Bureau of Land Management has told its employees and contractors to stay out of a disputed swath of public land in northeastern Clark County after shots were fired near a survey crew's camp last week.
The FBI and Metro police are said to be investigating the June 5 incident, which unfolded in a remote area at the northern tip of Lake Mead where Bunkerville rancher Cliven Bundy continues to graze cattle in defiance of federal authorities.

No one was injured, but the three surveyors from the Nevada-based Great Basin Institute packed their gear in the dark and quickly left the area after they said someone fired three shots from a nearby road and then returned an hour later to fire three more.

The agency later directed that "all personnel and contractors are not to work in the Gold Butte area at this time," said Great Basin Institute co-founder and executive director Jerry Keir, reading from the incident report submitted by his survey team.

A three-person crew was collecting data on springs, seeps and cattle troughs for a BLM inventory of the Gold Butte area. They were scheduled to spend a week in the area about 100 miles northeast of Las Vegas, but at the end of their first day along the western slope of the Virgin Mountains they were

approached by two men in a vehicle who asked them what they were doing.

The surveyors said the men identified themselves as ranchers and were "very cordial."

A few hours later, shortly after the surveyors climbed into their tents for the night at about 9 p.m., they heard a vehicle on the road and saw its headlights shining on their camp. That's when the first shots were fired.

They told Metro and the FBI those shots and the second series an hour later came from roughly a third of a mile away from their campsite.

"To my knowledge they weren't shot at, but there was gunfire in the vicinity so they decided they should leave," said Terry Christopher, the environmental research institute's associate director in Southern Nevada.

Keir called the incident "highly unusual" for Nevada and "unprecedented" for the Gold Butte area, where hundreds of people from the institute have spent more than a decade monitoring desert tortoise populations and restoring riparian habitat.

He said the institute is now working to strengthen its emergency protocols and review its communication plan with dispatchers and the BLM.

The bureau had little to say about last week's incident beyond a prepared statement describing what happened.

"The situation is under investigation and the BLM is taking appropriate safety precautions to ensure the safety of its employees and contractors," the statement read.

Rudy Evenson, spokesman for the agency in Nevada, said he couldn't offer any additional information.

The survey crew was working in a 600,000-acre area that federal authorities temporarily closed early last year so contract cowboys could round up several hundred cows Bundy left to roam without a permit on federal land. The impound operation lasted a week before being called off on April 12, 2014, after the rancher's supporters, including armed militia members, shut down Interstate 15 and marched on the corral holding the cattle.

Bundy stopped paying fees to graze his cattle on public land more than 20 years ago amid a dispute over restrictions placed on his operation by federal range managers. The BLM responded by cancelling the rancher's grazing permit in 1994 and closing the land to livestock in 1999. Bundy ignored those decisions, just as he has two federal court orders directing him to remove his animals or have them confiscated.

It's unclear if the two men who spoke to the surveyors were from Bundy's ranch or if one of them was Bundy himself. Messages left for the rancher Thursday were not immediately returned.

Keir said the simmering conflict continues to hamper efforts to study, manage and protect Gold Butte, which has been proposed as a National Conservation Area for its rugged mountains, sandstone ridges, native American petroglyphs and historic mine sites between Lake Mead's Overton Arm and the Arizona border.

Along the Virgin and Muddy rivers near Lake Mead, for example, security concerns have kept workers away from restoration sites where invasive salt cedar plants are being replaced with native willows. When they do get to the sites, the workers sometimes find the ground trampled and the saplings eaten by rogue cattle.

"There have been complications," Keir said. "It's unfortunate."

http://mesquitelocalnews.com/2015/06/blm-pulls-workers-from-gold-butte-after-shots-fired-near-surveyors/

MESQUITE
LOCAL NEWS

An Offended Mayor

Guest Writer: Mike McGeer
Published: June 11, 2015

Mesquite, Nevada Mayor Al Litman in his Splash Pad article seems concerned about criticism he and the city council receive from citizens.

It is untrue that the "blog site" he refers to are a "few in the community that will never be happy." Hundreds of people write and comment on that site every day. Articles range from veteran stories, legislative activities, water concerns, health and social issues, student loan issues, educational reform, etc. Stories and comments are local, statewide and national in scope.

Mayor Litman suggests that those writers and commentators are overly concerned with Mormons and Bundy. The Mayor is concerned since he and the City Council spent taxpayer dollars sending a lobbyist to the state legislature to testify in behalf of the Bundy land grab effort. Certainly, he is trying to defend the recent council decision to cut Gold Butte in half (privatize), end wilderness protection and allow unlimited motor vehicle traffic damaging sensitive land.

The blog site, a member of the Nevada Press Association, published The Book of Bundy, The chronicles of a Welfare Cowboy. That product represents a reasonable sample of references to the Mayor, council, Mormons and Bundy. Twelve authors wrote 59 stories over one year. They received 3,645 comments from 200 individuals totaling 236,861 words in the 487 pages book. The term "Mormon" was used 53 times (.02 %). Mayor Litman received five mentions (.002%). City Councilman Kraig Hafen received 18 mentions (.08%). Being mentioned less than 1 % of the time does not constitute an obsession to find fault with Mormons, the Mayor or members of the city council. Remember, Bundy is a statewide and national story as well as a local one.

The Mayor wants the public to believe that the 1931 Prevailing wage Davis-Bacon act contributed to the excessive splash pad price tag. Yet, his own survey of splash pad costs (also following Davis-Bacon) were considerably less than the Mesquite adventure.

The Mayor fails to mention that the Splash Pad project included a local taxpayer match, and future local operating expense from the local budget. Remember federal CDBG dollars are also taxpayer dollars.
Competent elected officials know that giving away taxpayer money and creating debt does not stimulate the economy. Unfortunately, the local group keeps accelerating the debt, with the splash pad, and by gifting some $400,000 + to a start-up business to do "economic development."

The whole point of this article is to bring to light the fact that no matter what the citizens are concerned about the Mayor gets offended.

http://mesquitelocalnews.com/2015/06/an-offended-mayor/

Start acting like real conservatives

Guest Writer: Tony Barron
Published: June 2, 2015

Kudos for the excellent guest column on public land ("Conservation a conservative value; Hardy's kneejerk opposition is not," Las Vegas Sun, May 20). It did a great job of pointing out the hypocrisy of claiming to be a conservative but being opposed to conservation. While the piece dealt mainly with Basin and Range, the same arguments apply to Gold Butte.

Gold Butte has been the subject of bills introduced in Congress to designate it as a National Conservation Area with wilderness. Gold Butte richly deserves and badly needs permanent protection, preferably as an NCA. But if the anti-conservationists prevail in Congress and the bills do not see the light of day, then its designation as a national monument would achieve that protection and be much preferred to no action at all.

It is past time to protect these special areas so all Americans, now and in the future, can enjoy their wonders and so Nevada can begin to enjoy the economic benefits protected lands have proved to bring. It's time for "conservatives" to live up to their name and start conserving our precious public lands.

http://lasvegassun.com/news/2015/jun/02/start-acting-real-conservatives/

Nevada's proposed national monument full of artwork, undisturbed land

Writer: Henry Brean
Published: May 23, 2015

HIKO -- Nevada's new National Monument-in-waiting isn't really on the way to anywhere.

From Las Vegas, you head north along 120 miles of rural highway, then hang a left into one of the emptiest spaces in a state famous for its emptiness.

There is no pavement here. No services, cellular or otherwise. The only city is "City," a massive earthen sculpture by Michael Heizer that's said to be one of the world's largest pieces of art, still unfinished after more than 40 years.

The ranch and small farm where Heizer lives alongside his masterwork contains some of the only occupied buildings in the entire 704,000-acre expanse now proposed as Basin and Range National Monument. Save for a few other ranch houses tucked away in the canyons, the only structures you're likely to find are the empty husks of ghost towns.

That's reason enough to preserve it, says Jim Boone, our guide on this overcast Wednesday: "Just the fact that it's a really big piece of undisturbed land. It's a huge undeveloped area."

Boone is a Las Vegas ecologist and outdoorsman who runs an ever-expanding online encyclopedia of adventures called birdandhike.com. He's traveled across the proposed monument at least a dozen times since his first visit there more than a decade ago. Most of those trips have come since February, when he agreed to lead tours set up by the nonprofit Conservation Lands Foundation and other backers of the monument.

A few months ago, he shepherded Deputy Interior Secretary Mike Connor, Bureau of Land Management Director Neil Kornze and others on a two-day outing that included a campout and a rare audience with Heizer in his "City."

Today's tour is cozier — just a reporter, a photographer, Boone and his wife, Liz.

We begin at the southeastern corner of Basin and Range, in the only portion of the monument with a paved road running through it. From state Route 318 north of Hiko, we turn east and then north into the White River Narrows Archaeological District on a dirt road that traces portions of the old highway right of way. Here, early people scratched symbols onto stone, turning outcrops of pale rhyolite into art galleries that would outlast even the ice age river that once flowed there.

In a few places, the ancient drawings have since been scratched over with graffiti or blasted with guns.
The richest concentration is at a place called the Amphitheater, just down an embankment from state Route 318, where a thick band of petroglyphs march in a line across the flat expanse of rock. As we puzzle over their meaning, a semi rumbles past on the highway behind us, the word "Navajo" printed in bright orange letters across its trailer.

A MONUMENTAL IDEA
The White House is said to be considering executive action under the 1906 Antiquities Act to make this part of a national monument, a move that would ban oil and gas exploration, wind and solar farms, water exportation and other development,

including a potential rail corridor for nuclear waste shipments to Yucca Mountain.

"We're hopeful, so we say 'when,' not 'if,' " Boone says of the possible presidential action.

The idea has divided Nevada's congressional delegation, with Democrats encouraging the president to act and Republicans opposing the creation of new monuments without legislative approval — something this Congress is unlikely to give.

The area now being considered is about 100,000 acres smaller than what U.S. Sen. Harry Reid, D-Nev., proposed in his original monument bill, but it's still plenty big. It takes in a portion of Lincoln and Nye counties that's larger than Rhode Island yet home to fewer people than you might see at a busy Starbucks. At its heart are Coal and Garden valleys, two shallow bowls of scrub brush covering at least 300 square miles each.
Boone directs us there on a dirt road that angles northwest from the highway and through a low pass in the Seaman Mountains.

Coal Valley is vast and empty and dotted with cattle. A few muddy ponds hint at recent rain.

The cows near the road stare at us intently, then bolt when someone gets out of the Jeep to take their picture.
A pair of golden eagles circle overhead, harassed by ravens.

We train our binoculars on a black speck and a plume of dust at the far side of the valley that turns out to be a person on an all-terrain vehicle riding along behind a group of running cows. Boone says the ranchers he's talked to in the area seem to back the monument, so long as it doesn't keep them from doing what they've always done.

The monument's advocates insist the move will protect two of the last unspoiled basins in the entire Great Basin without disrupting the lives of those who cherish and depend on them. Ranchers would still get to ranch. The military would still get to train. Tourists would still get to tour.

Opponents argue the land is already well protected, both by its own geography and by existing federal management. Permanently locking away all 700,000 acres from any future development will make things worse for a pair of rural counties where all but a fraction of the land is already under federal control, they say.

LONESOME IN THE CITY
We cross from Coal to Garden Valley through Water Gap, a break in the Golden Gate Range where a small wash the color of chocolate milk rushes under the road through three oversized pipes. Despite the gap's name, Boone says this is the first time he has seen water moving through it.

A nearby hill offers an elevated view of Heizer's home and the "City" behind it. But even through binoculars, it's hard to make much sense of what we see. We get only a hint of Heizer's meticulously engineered concrete sculptures — think Mayan by way of Mars — which he has arrayed at each end of a long plaza lined with trenches and carefully groomed mounds of gravel.

The famously reclusive artist, now 70, is often described as difficult, even cruel, but Heizer was nothing but cordial and accommodating during the tour he granted earlier this year, Boone says.

He thinks Heizer's creation could be finished and ready to welcome its first visitors within the next few years. But for now, this "City" is not open to tourists. A sign near the metal gate at the edge of Heizer's property warns that trespassers will be "immediately reported to the Lincoln County Sheriff's Department for arrest and prosecution."

We head south, away from "City," on a network of dirt roads that traverse the valley. As big as it is, Heizer's work vanished quickly in the distance, swallowed whole by the far bigger bigness of land and sky.

Boone says Garden Valley is generally greener than Coal and grazed mostly by sheep, though we don't see any on this day. Instead, a lone pronghorn antelope bounds across the road in front of us.

Dark clouds drape gray curtains of rain over the Quinn Canyon Range to the west and the taller, snowcapped Grant Range to the north.

This landscape is typical of what geologists know as the Basin and Range province: narrow mountain blocks bracketed by long north-south valleys formed as the Earth's crust was stretched and broken by extensional faults. The province extends north into Idaho and Oregon and south into Mexico, but nowhere is it more pronounced and uniform than from Utah's Wasatch Front to the Sierra Nevada.

Boone says parks have already been established for most of the major habitat types found in North America, particularly those considered iconic in one state or another. The one that's missing is ours.

"The basin and range ecosystem is Nevada, and yet nowhere do we have basin and range protected within the National Conservation System," he says. "This sort of fills in a gap."

nevada-s-proposed-national-monument-full-artwork-undisturbed-land

But is that reason enough to carve out a massive new monument? Even some conservationists candidly acknowledge that there are other places in the region more deserving of designation, chief among them the Gold Butte area in northeastern Clark County.

Boone doesn't consider it a choice of one over the other. He remains hopeful that Basin and Range will win President Barack Obama's signature, and Gold Butte will, too.

EARLIER ARTISTS

Our tour ends with a trip over Mount Irish on a narrow, rocky path through pinyon and juniper.

From there, the road descends past the abandoned town of Logan into the Mount Irish Archaeological District, a 640-acre collection of cliffs and boulders used for centuries by hunter-gatherers who marked their passage with thousands of petroglyphs.

Boone says no one alive today really knows what the symbols mean. All we know is they've been there a long time, and they're out there still

Nevada: Road-trip from Las Vegas to Death Valley an eclectic blend of experiences

Writer: Ian Robertson
Published: May 17, 2015

There was plenty of sand, sun and sagebrush along the endless ribbon of Nevada highways as our mini-bus headed from Las Vegas towards the Mojave Desert and into Death Valley.
Beyond the city limits, there was also an amazing array of colours, endless blue skies, mountains, plus several unexpected lakes and rivers.

The state is famous for old west history, ghosts and ghost towns, but this traveller's tale focuses on very-much-alive places and people along the way, including:

GOLD BUTTE
Covering 145,686 hectares between the Colorado and the Virgin rivers, near the Lake Mead National Recreation Area and popular Valley of Fire State Park, Gold Butte was named after an early 1900s Clark County mining town.

The hot, dry area spotted with cattle ranches and farms was once occupied by Moapa and Piute Indians, whose ancestors left thousands of rock-art figures on dark reddish-brown sandstone crags that jut off the desert floor.
On one tall crag beside Gold Butte Rd., reached from Hwy. 115, swirling winds over uncountable millennia had carved doorways and myriad shapes in outcroppings.

Also a must for photographers are coconut-size buds on Joshua trees, plus white, pale yellow and deep orange wild flowers on grass or cactus, which provide shade for tortoises, lizards and roadrunners.

A Friends of Gold Butte staffer told us the environmental preservation group conducts hikes and photo sessions, while lobbying for the region to become a National Conservation Area.

MESQUITE
This farm community (pop. 15,276 or so) settled by Mormon pioneers between 1878 and 1882 along the Mesquite River, has a small museum.

Among the local artifacts are a rare arc lamp movie projector from the now closed Elwood Theatre, a foot-treadle sewing machine, military uniforms worn by locals and numerous typewriters -- including one that children of the Internet age can try out.

A travellers' stopping point along Hwy. I-15 between Salt Lake City, Utah, and Las Vegas and Los Angeles, Calif., Mesquite has several casino resorts, many public golf courses, plus an airport that offers skydiving.

NEED TO KNOW

The annual Gold Butte Days in Mesquite offers a street fair, outdoor activities, live entertainment and a street race. See facebook.com/GoldButteDays.

http://www.shorelinebeacon.com/2015/05/14/nevada-road-trip-from-las-vegas-to-death-valley-an-eclectic-blend-of-experiences

Let's Talk Mesquite
Where Communities Communicate

Let's Talk Gold Butte

Guest Writer: Mayor Al Litman
Published: May 7, 2015

The issue of Gold Butte is in the hands of the U. S. Government. In fact, it always has been regardless of what has been said by Mr. Bundy or anyone else. Mesquite's contribution has been a series of resolutions offering support in some fashion for a Federal designation of an NCA with Wilderness. I'll explain later what this means.

Gold Butte for those not totally familiar with it is a large, mostly unexplored piece of desert with mountains, around the size of Rhode Island, or somewhere near 350,000 acres depending on whom you listen to.

Gold Butte was actually a town in Clark County established in 1908 with mining pre-dating it by several years. Little remains today. By the way, no significant amount of gold was ever found there. The area does have interesting geology, history, prehistory, and wildlife typical of the area and climate.

Currently a part of Gold Butte is designated an Area of Critical Environmental Concern which means there are areas where special management attention is needed to protect and prevent irreparable damage to important historical, cultural, and scenic values, fish or wildlife resources, or other natural systems or processes. An ACEC designation is an administrative one made by the B.L.M. To go into detail about this designation with take another full article, so we will leave it at that for now.

Lets define an NCA or National Conservation Area. This designation is different from ACEC's in that Congress, not the B.L.M., designates them however, they are administrated by B.L.M. There are sixteen of them in the nine western states and Alaska. They go from eighteen acres to 1.2 million acres in size. You are probably familiar with Red Rock Canyon in Las Vegas and Sloan Canyon in Henderson.

To add further to the ACEC's, and the NCA, is the Wilderness designation. The Wilderness Act of 1964 is a general legal authority for congress to designate and agencies to manage wilderness. It is designed to provide long-term protection and conservation of Federal Public Lands. It covers land largely inaccessible with no permanent improvements and only altered by the forces of nature. To summarize, it must be designated by Congress only, but can also be undesignated or changed as to boundaries by Congress. This is a key point in understanding the ramifications of Wilderness designations.

Wilderness is managed by four Federal agencies, B.L.M., Fish and Wildlife Service, Forest Service, and the national parks Service. Within the Wilderness designation are numerous rules and regulations to define what can and cannot be done. It covers water rights, search and rescue, hunting and fishing, roads, mineral exploration, vehicles, livestock grazing and much more.

This article is the first in a series that I hope will lay the groundwork for a discussion of where our Federal Government may be going and what options may be in our future. I wrote this, not to take a stand or position on Gold Butte, but to hopefully better bring about an understanding of our area and what might lie ahead.

Preserving public land is profitable

Guest Writer: Christian Francisco Gerlach
Published: May 6, 2015

The recent editorial "This land is our land, but Republicans see it differently" (lasvegassun.com, April 27) accurately depicts the real motivations behind the effort to take back public lands. The Sun deserves recognition for this truthful, no-holds-barred piece.

The fact is there are elected officials who are "on board with dumping federal lands off our ledger sheet" to balance the federal budget in the short term. The problem with this line of thinking is one negates the realization that in the long term there are far more profits to be made from preserving the land rather than pillaging it.

The editorial puts it best in pointing out the states will be more apt to sell the land they get from the federal government both for the short-term economic gain and as a land-management tactic. The states lack the resources to properly manage the land. The states will jump at the chance to help fill in budgetary shortfalls, and with the new asset of land in hand, they will see dollar signs before they see the long-term benefits that come with conservation.

The figures that prove there is true value to shared and protected public lands can be found in many studies. One of the larger studies by the Outdoor Industry Association found that Nevada's economy enjoys about $14.9 billion in annual economic activity from which the state can draw revenues. Thank you again!

http://lasvegassun.com/news/2015/may/06/preserving-public-land-profitable/

Moapa Valley PROGRESS

Mesquite City Resolution Scales Back Support For Gold Butte NCA Legislation

Writer: Vernon Robison
Published: May 6, 2015

The Mesquite City Council made key alterations to its position on proposed federal protection of the Gold Butte complex in a new resolution passed on Tuesday, April 28 by a split 3-2 vote.

In this action, the Council struck down two previous resolutions, passed in 2009 and 2010, replacing them with new language which, Council members said, aimed to more accurately reflected the current views of the general public in the community.

The new resolution retained the Council's earlier support for a National Conservation Area (NCA) designation on the vast area to the south of the city limits. But rather than falling in line with past federal legislation proposed by Nevada delegation members in Congress, as the previous resolutions had done, the new resolution suggested several conditions on any NCA legislation being passed.

First, the new resolution stated that no additional areas should be designated as federal wilderness. Currently the Gold Butte complex contains two wilderness areas totaling 27,863 acres. But proposed legislation for the NCA would add more than 200,000 additional wilderness acres to the area.

Another condition in the resolution was made to ensure that traditional access to the area be retained. It states that existing roads should not be closed at any time for any reason, "excepting only acts of God." In that case the roads could only be closed for emergency purposes for brief periods of time.

The resolution also states that "no restriction shall be made relating to the access or use of mechanical or motorized vehicles."

In addition it preserved the rights for the Virgin Valley Water District (VVWD) to access and develop its water rights in the area in the future as needed.

The resolution further requests that any advisory council established to govern a new NCA should allow for various seats to be appointed by City Council of Mesquite. It also requests that any visitor's center for a Gold Butte NCA be located within the city limits of Mesquite.

Finally, the new resolution proposed to trim the size of the NCA so that it's northern boundary would run east and west through the Whitney Pockets area. This cuts the proposed NCA acreage by about a quarter of the total proposed. It would leave out areas closest to Mesquite including Bitter Ridge, Black Ridge and the Virgin Peaks, The Virgin Mountain range is where the VVWD water rights are located.

This last condition was, perhaps, the most contentious at the meeting. During nearly two hours of public comment, several residents questioned when and how this addition had made it into the final draft of the resolution at all. Some even alleged that violations of open meeting law had taken place with the item being added out of the view of the public.

But during his comments, Councilman Kraig Hafen explained that he had requested the condition to be added during a technical review meeting that had been held in public on April 21. He asked deputy city clerk Tracy Beck to read the minutes of a segment of that meeting where he had made that request.

"Just to put it on the record right now, there has been absolutely no open meeting violations," Hafen said.

Councilwoman Cindi Delaney said that she had difficulty supporting the change in proposed NCA boundaries. "I think it needs further study as to where exactly the line should be drawn," Delaney said. "So I am not in favor of that one."

Councilman Rich Green said that he was taken by surprise by the boundary change because he had not remembered it being a part of the discussion at the earlier tech review meeting. "I don't recall that discussion, but even so, it is still subject to change and revision here at this meeting," Green said. "I am not in a position to support the changing of boundaries."

Another hot topic of discussion was the restrictions which the resolution placed upon any new wilderness designations.

During public comment, many expressed fear that establishing these vast areas as wilderness would restrict access to their favorite areas.

Jay Tobler, a Mesquite resident for 66 years, talked about how he and his family used to visit a remote scenic point on the Virgin Mountain range where they could look out over the Virgin Valley communities from a distance and even watch the July 4th fireworks below. He said that this is impossible now as the area is now in a federally-designated Wilderness Instant Study Area and has restricted access.

"I think that folks are getting kind of greedy about wilderness," Tobler said. "We don't need more federal control in these areas than we already have."

But others stressed the collective value of establishing wilderness areas."Wilderness is a basic human right for our citizens," said Michelle Burkett of Mesquite. "We don't need to have the noise of engines and motors on every part of the countryside."Some also disputed the idea that the proposed new wilderness designations at Gold Butte would close any existing roads.

"New wilderness has only been proposed in already roadless areas," said Jesy Simons of Las Vegas. "The existing roads through them will remain open, meaning that you can still take vehicles on them. None of the proposed wilderness areas have roads into them anyway so it makes no difference in accessing them."

Later on, during his comments, Councilman George Rapson disputed the logic of this argument.

"I have been reassured again and again that these proposed wilderness designations have no roads, they don't affect access, so it doesn't matter," Rapson said. "Well, if it doesn't matter, it doesn't matter.

You can't have it both ways. As it is, there are no roads in there. No one is suggesting any new roads be added. So whether it is officially designated wilderness or not, there is no motorized access. It will be, for all intents and purposes, wilderness; nothing changes and everyone is happy."
Rapson emphasized that things should remain the same: no more wilderness, nor more road closures, no more restrictions on motorized vehicles. He said he stood firm on that position.

If all that was understood, he would favor an NCA designation for Gold Butte, Rapson said. But he noted that even this would not be an instant fix to all of the problems.

"There are 300,000 acres out there," he said. "There is not going to be a cop on every corner just by making it an NCA. It won't prevent people from popping off their .45s out there. It won't prevent people from drinking beer and throwing the bottles on the ground. Those things will still happen."

During his comments, Mayor Al Litman expressed misgivings about the wording of the resolution. He said that there was a lot of language that needed "cleaning up." He didn't believe that it could be completed in that agenda.

"I'd ask that we table this and bring it back after it is complete," Litman said. "To vote on it tonight would be skimming it over very quickly."

Rapson asked Litman what ambiguities in the resolution were specifically troubling to him. Litman responded that the resolution needed more definition of what exactly constitutes motorized vehicles. He said that he could also not agree with the Whitney Pockets boundary change. In addition, the portion of the resolution dealing with the acceptable timeframe for emergency road closures was not realistic, he said.

The initial draft of the resolution stated that emergency road closures could not last for more than 24 hours. "Frankly, these are not monumental issues," Rapson said.

In reference to the road closures, Rapson allowed that the wording could be changed to permit for seven calendar days closure to repair the road and get it open again.

"The important thing is that there needs to be some definition of the word temporary," Rapson said. "Temporary could be closing the road for 100 years if you are comparing it to a millennium or two or three or five. So, in my mind, there has to be some definition of that term."

"I think that we have worn this thing out," Rapson concluded. "I want to see it end tonight; no more postponing or research. I'd like to make a motion and if it passes it passes; and if not, I guess we will go from there."
Rapson made a motion to accept the resolution with the small changes that had been introduced at the meeting. The motion was approved with Rapson, Hafen and Withhelder voting in favor, Delaney and Green were opposed.

Several people spoke at the final public comment period of the meeting expressing disapproval of the Council's action. Many of these urged the mayor to veto the resolution. But in a conversation with the PROGRESS on Friday morning, the mayor stated he had no plans to veto the action.

http://mvprogress.com/2015/05/06/mesquite-city-resolution-scales-back-support-for-gold-butte-nca-legislation/

Preservation is worth the effort

Guest Writer: Valerie McNay
Published: May 4, 2015

With the recent observance of Earth Day (April 22) it seems fitting to recognize many of the incredible places we have in Nevada that help to make our state home.

The Red Rock Canyon National Conservation Area, Mount Charleston Wilderness Area, Sloan Canyon National Conservation Area, Tule Springs Fossil Beds National Monument, Great Basin National Park and so many other places are protected for us and for future generations.

One common thread to all these places, as Amber Phillips pointed out in a recent article, is Sen. Harry Reid ("A Monumental Push: Reid plans to designate two more areas for protection," Las Vegas Sun April 19). He had a hand in protecting all of these areas and continues to build on this legacy by working most recently to protect Gold Butte and Basin and Range. I have followed his effort to protect Gold Butte starting with the passage of the Clark County Conservation of Public Land and Natural Resources Act of 2002. Since then, local advocates have been working hard to protect the cultural, natural and historic treasures in Gold Butte and have built a long and diverse list of supporters calling for protection of this area.

Another place activists have been rallying behind is Basin and Range, working to protect the landscape and the art found within its boundaries. Knowing what all the existing protected public lands do for our quality of life and our economy, imagine what protecting two more incredible landscapes will do to for us, our state and our future

http://lasvegassun.com/news/2015/may/04/preservation-worth-effort/

Lands are worth preservation

Guest Writer: Christopher Ryan
Published: May 1, 2015

I fully support and applaud Sen. Harry Reid's efforts to instill permanent protection of some of Southern Nevada's most treasured lands. I am hopeful that Congress and the White House will see the benefits of keeping these lands open to the public rather than viewing them as a commodity better suited for corporate consumption or to appease a rancher-turned-sensationalized-cult-hero.

I consider myself an outdoor and off-road enthusiast. Therefore, I am especially fond of Gold Butte for its wide variety of natural beauty. The rock formations are unique in that they cannot be found anywhere within driving distance of the Southern Nevada area. There is a wide array of wildlife representative of the Silver State, such as the bighorn sheep, the desert tortoise, the banded Gila monster and many other indigenous species. I also must mention the ancient campsites, caves and rock art that serve historical as well as educational purposes.

To the north are Basin and Range, which have their own cultural and recreational value and are also included within Rep. Dina Titus' and Reid's proposals.

In my opinion, these lands fit the criteria of the Sun's definition of a "national monument" and therefore should be permanently protected and preserved for future generations to enjoy. Hopefully common sense prevails and Nevada will be kept in its natural grace rather than a skin of concrete.

http://lasvegassun.com/news/2015/may/01/lands-are-worth-preservation/

The Spectrum

Counter point

Guest Writer: Michael M. McGreer
Published: April 30, 2015

Ammon Bundy is misleading the public (Opinion "Bundy objects to legislative testimony," *Desert Valley Times* Tuesday April, 28, 2015) when he claims that his father (Cliven) "owns" 11 water rights. Bundy applied and received permits to use water from 11 streams feeding into the Mesquite community wells. These "permits" were never adjudicated.

The state water engineer gives anyone claiming a water right a non-adjudicated permit. In order for the permit to be adjudicated (verified) a request must be filed with the state water engineer. To date, neither the water board nor the city council has request such an adjudication.

Each of Bundy' cows typically eats 26 pounds of public owned feed each day. Therefore, Bundy is stealing 9,490 pounds per year or 949,000 pounds of feed from the public.

Each cow consumes approximately 50 gallons of water each day. That is 18,250 gallons of water per year or 1,825,000 gallons per year for 100 head. That is about 5.6 acre-feet of water. An acre-foot is equal to 325,851 gallons. One-acre foot is approximately enough water to support a family of five for a year.

Therefore, Bundy is taking enough water to support five families of five to water his illegally grazing cattle, which are consuming about 949,000 pounds of feed from the public domain each year. And neither the city council nor the water board cares.

http://www.thespectrum.com/story/opinion/mesquite/2015/04/30/letters-editor/26660011/

The Spectrum

Terrible Idea?

Guest Writer: Tony Barron
Published: April 30, 2015

Sawing people in half usually ends well on the stages in Las Vegas.

But city Councilman Kraig Hafen's new idea of cutting the proposed Gold Butte NCA in half, eliminating all of the north portion, is a terrible idea.

He would exclude all of the Virgin Mountains and all of the mountains north bajada with its rich history of hundreds of CCC check dams. He would also eliminate all of the Arrowhead Trail highway which was the highway from Salt Lake to Los Angeles about 100 years ago.

His proposal would exclude Little Virgin Peak and the Gold Butte Twin Peaks. All of the easiest to reach recreational destinations would be purged from the proposed NCA.

Adding, in this case, injury to injury, Kraig and some other council members want to forbid any further wilderness designation in Gold Butte, despite the fact that the proposed wilderness areas are already de facto wilderness and would not close a single mile of legal roads.

The truly ironic and annoying thing is that Mesquite certainly, with the influx of retirees in the last five years, has become even more supportive of public lands than ever before. It's time for the City Council to stop "advancing to the rear" and simply reaffirm the original Gold Butte proposal, Resolution 649, designating all of Gold Butte as a National Conservation Area with wilderness.

http://www.thespectrum.com/story/opinion/mesquite/2015/04/30/letters-editor/26660011/

The Spectrum

Opinion: City Council comments get out of hand

Writer: Jesselyn Bickley
Published: April 30, 2015

I just want to remind everyone that the resolution the Mesquite City Council passed Tuesday holds no legal weight in the eyes of anyone, anywhere.

Congress isn't going to look at it and immediately make changes. It is just a written statement of support, or in this case "sort of" support, of designating a National Conservation Area in Gold Butte.

I know it's still a very important issue to several residents and Gold Butte lovers. I understand that this resolution basically reflects how the town feels. But if you really stop to think about it, the way it is written mostly reflects how the community feels about the issue.

About half of the comments at City Council reflect those who want federal protection for Gold Butte. The other half want nothing to do with it and think the feds should just stay out of it.

Well, Council drew the NCA line at Whitney Pockets and That should make everyone a little irritated. They still supported a NCA designation but not all the way. So really, no one is getting what they want.

I once heard a true compromise occurs when neither sides are really happy with the agreement. I think that's what we have here.

I think what really matters is that everyone loves Gold Butte and can help protect it, whether that be by picking up trash or supporting (or opposing) federal legislation.

But the way the last two City Council meetings ran it felt like Mesquite was going to have the final say so on the matter. I had to keep reminding myself just because Council wrote down in a resolution what it wanted to see didn't mean it would happen. Like I said before, this is just a statement of support, or lack thereof.
When people stormed Council about medical marijuana facilities in the city I understood. Council was the final stop, it would give the ultimate ruling.

In the last month though, I felt like very few people's comments evolved.

Those who didn't want federal protection still didn't want federal protection. They said almost the exact things at the second meeting that they did at the first. Federal protection, as far as the council was concerned, was expected. Maybe it would have been better and more constructive to give tips, like Councilman Kraig Hafen did, about what to do with the disagreement. He said to push it back. There you go, an idea.

The other side kept repeating the same things as well. Gold Butte needs protection, Gold Butte needs protection. I would have liked to have heard why the area north of Whitney Pockets needed protection because that's what had changed since the last meeting.

I'm not saying I agree with Hafen or Councilman George Rapson for that matter. I am simply saying they both saw something they didn't like in the bill and made a suggestion to change it. That's what I feel the public should have done as well — offered solutions instead of endless complaints.

Don't even get me started on the petty personal attacks that happened Tuesday night either — on both sides. I was a little bit embarrassed to be sitting

there listening to grown men and women sling mud at each other. If you're going to consume my night with public comment I'm okay with that; I just ask that you make it constructive, intelligent, and stick to the subject at hand.

http://www.thespectrum.com/story/opinion/mesquite/2015/04/30/city-council-comments-get-hand/26660061/

MESQUITE
LOCAL NEWS

Locals Care Too

Guest Writer: Jim Weber
Published: April 30, 2015

So your headline reads "Out-of-towners address issues related to Gold Butte" perhaps misleading some to assume there is little local support for the Gold Butte National Conservation Area. Nothing could be further from the truth.

The fact that our Public Lands and Gold Butte are also of considerable interest and support from citizens outside the Virgin Valley should be noticed by the Council as well as the anonymous "city staff" that determined the issue should be brought to the Council probably in hopes of withdrawing previous City support.

I'm sure those actions didn't disappoint MLN. MLN has a history of gushing at every outburst from a delusional local rancher as though it contained messianic qualities. But more importantly, our reputation as a City is at stake. We can be seen as progressive and welcoming City or as a closed haven for those who can't locate a flux capacitor to experience the nineteenth century.

Last month the Indiana State Government learned a bitter lesson about legislating in an echo chamber. The City Council should take note. They have a choice between what's easy and what's smart and in the best interests of the City. The right choice is clear.

http://mesquitelocalnews.com/2015/04/locals-care-too

MESQUITE
LOCAL NEWS

Council splits votes; passes new resolution for Gold Butte support

Writer: Stephanie Frehner
Published: April 29, 2015

Tuesday night's regular City Council meeting was another long one, as 40 people, both local residents and several out-of-town visitors, spoke against any changes in the existing Resolutions 649 and 669 for more than 90 minutes.

The new Resolution, 867 was motioned by Councilman George Rapson, seconded by Councilman Kraig Hafen, that would support an National Conservation Area designation for the Gold Butte area with no additional Wilderness areas and that temporary closures of roads due to an 'Act of God' are reopened within seven working days. Mayor Al Litman voiced his opposition to the language in the Resolution before a motion was made, stating that the language was too ambiguous, much like Senate Bill 199, and in regards to terms of road closures and access for mechanized vehicles.

"Frankly these are not monumental issues here." stated Rapson. "This is a Resolution, it is not a legal document. It's simply a statement of position (by the City). We could over-engineer this thing and have a 40 page legal document."

The revised resolution also had an exception that would allow the Virgin Valley Water District to have access to existing water rights in the area and be able to build and construct necessary facilities.

Rapson's motion was approved with three votes for it made by Rapson, Hafen and Councilman Geno Withelder. Councilman Rich Green and Councilwoman Cindi Delaney voted against it. Comments in the final public comment portion of the meeting had several people calling for the Mayor to veto the decision. Litman spoke with the MLN Wednesday morning stating that he would let the Resolution stand as council had voted.

Other items covered in the meeting Tuesday night included approval for the week of May 17-23, 2015 as "National Public Works Week", accepting of a presentation from the Colorado River Commission regarding the City receiving power from Hoover Dam and approving the Operation Location Agreement with the Nevada Institute of Autonomous Systems, which would operate drone testing on City property near Exit 112.

Council also voted unanimously to keep the current candidate filing fee of $25 per applicant instead of raising the fee to $100.

http://mesquitelocalnews.com/2015/04/council-splits-votes-passes-new-resolution-for-gold-butte-support/

The Spectrum

Council limits support of NCA area

Writer: Jesselyn Bickley
Published: April 29, 2015

Council limits support of NCA area.

Public comment filled the majority of a contentious, three-hour Mesquite City Council meeting Tuesday about a resolution giving Council's support on trimming the size of the National Conservation Area to end at the Whitney Pockets area.

Comments ranged from the location of the line at Whitney Pockets, to Open Meeting Law violations, to personal attacks, to tortoises eating cow waste.

Two previous resolutions regarding designating Gold Butte as a National Conservation Area (NCA) with wilderness areas were brought before the Council for review during the April 7 Technical Review meeting. During the April 14 Regular City Council meeting, City Hall was flooded with hours of public comment from both sides of the issue.

Some said Gold Butte didn't need any federal protection while others rallied for a NCA designation. At the April 14 meeting Council directed staff to write a new resolution that didn't support wilderness, ensured existing roads stayed open and ensured no potential water rights for Mesquite were restricted.

Once the new resolution was approved, the old resolutions would be rescinded.

A NCA designation would ensure federal protection for the Gold Butte area. A wilderness designation means there is no mechanized or motor vehicles permitted or building of permanent or temporary structures. It is the strictest designation, according to *nps.gov*.

Only Congress can designate wilderness in an area, the site says.

City Attorney Bob Sweetin drafted the resolution and presented it to Council at the April 21 Technical Review meeting. The draft included the three points Council had requested.

At that meeting Mesquite Councilman George Rapson requested additional adjustments to the resolution including no restrictions of mechanized or motorized vehicles.

City Liaison Officer Aaron Baker said that if Gold Butte received a NCA designation, per federal legislation, Mesquite would have a representative on an advisory council that would be established. This language was added to the Mesquite resolution, indicating Mesquite would like to be represented at the advisory council.

Baker also pointed out if Gold Butte is designated an NCA there would be a visitor's center built within Mesquite city limits. Council agreed to have that language drafted into the resolution as well.

The council also agreed to define "temporary" in the resolution.

City Council member Kraig Hafen said during the tech review he had a few suggestions on defining the Gold Butte complex itself and added he would like to see the NCA boundary line at Whitney Pockets.

This means everything north of the Whitney Pockets area that backs up to the Mesquite/Bunkerville areas including Bitter Ridge, Black Ridge and the Virgin River Peaks, would not be inside the NCA boundary. Everything south of Whitney Pockets would.

This change would keep NCA regulations out of the community's "backyard."
Hafen's comment on the Whitney Pockets boundary line was brief and wasn't further discussed by council. Some residents and council members seemed surprised when the item showed up as a new condition on the resolution.

Councilman Rich Green said Tuesday he was surprised to see the NCA designation at Whitney Pockets and did not agree with the idea.

Councilwoman Cindi Delaney said she also had concerns about the Whitney Pocket line.

"I think that needs further study as to where exactly the line should be," she said. "So, I'm not in favor of that one."

Several residents said the same thing, that the bill was drastically different than what was presented at the tech review April 21.

Mesquite resident Bill Hurd questioned who had altered the bill and requested action be taken against whomever it was.

"The differences between what the council desired at those open meetings and the resolutions are so extreme that they were obviously made deliberately and not by error," Hurd said Tuesday.

Hurd said if it was Sweetin who made the changes, without direction, he should be fired; if one or two council members made the changes outside the open meetings they should resign, and lastly if three or more council members requested changes outside the open meeting action should be taken against them for breaking the state's Open Meeting Law (OML).

The OML requires a quorum at a meeting open to the public.

Hafen Tuesday night made a show of having Tracy Beck, deputy city clerk, read the minutes from last week's tech meeting to prove the state's Open Meeting Law was not violated.

"So I would welcome Mr. Hurd, since you brought it up, I'm not gonna resign. I would invite you and your colleagues who have experience writing letters of supposed open meeting violations, I would submit to you to file it tonight," Hafen said. "If you need some help, you can get it to me and I will see it gets to the proper hands. Put it on the record that there has been absolutely no open meeting violations."

Hafen added that Sweetin took his direction from staff, that he did not go off on his own adding changes to the resolution.

Rapson said some of the changes that were made needed clarification.

He said he didn't intend for there to be "no wilderness" but "no additional wilderness," no additional restrictions on mechanized or motorized vehicles and no additional road closures.

Delaney agreed, adding that no wilderness would indicate that the Council wanted to have previously designated wilderness area revoked, which is not the Council's intent.

Mesquite Mayor Al Litman was excused from last week's tech review but said Tuesday he couldn't agree with the resolution as it was written. He said he thought the language was ambiguous and needed clarification.

Delaney said earlier in the meeting that reviewing the resolution was a process and Council could still make changes.

Litman wanted to define motorized/mechanized vehicles; change the time frame of temporary; review the Whitney Pockets, and define what could happen to close the roads temporarily since "Act of God" seemed broad.

Rapson disagreed with the mayor and said Council was "beating a dead horse." He made a motion to change the definition of temporary from 24 hours to seven days for road closures and added there will be no additional wilderness designations.

Currently there are two wilderness areas designated in the Gold Butte area, Lime Canyon and Jumbo Springs, according to Baker.

The motion passed 3-2 with councilmembers Delaney and Green voting against it.

Rapson left out of his motion to add no more additional road closures or additional restrictions on motorized/mechanized vehicles.

Sweetin told the *Desert Valley Times* Thursday although Rapson didn't include the items in his resolution it wasn't necessary.

"The Council was discussing future legislation regarding a National Conservation Area," Sweetin said. "They weren't looking at anything that would impact current the Area of Critical Environmental Concern regulations."

The resolution holds no legal weight, as pointed out by several at Tuesday's meeting. It is simply a statement of support on behalf of Mesquite.

Several people spoke at the second public comment period of the meeting urging the mayor to veto the resolution and bring it back at another time.

Baker said Wednesday the mayor has no plans to veto the resolution.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/29/council-approves-gold-butte-resolution/26579967/

Let's Talk Mesquite
Where Communities Communicate

#NVLeg Live Thread: Day 87

Writer: Andrew Davey
Published: April 29, 2015

Road trip! We hit the road again yesterday. You'll find out even more about where I went and what I saw, but I can tell you right now about a certain something I witnessed last night.
Want to know what I saw?

7:30 AM:

So my LTN Editorial Board colleagues quite graciously gave me a wonderful tour of Mesquite yesterday. Isn't it pretty out there? And why is this so damned hard for the Mesquite City Council to understand?

Elaine has more details on the Mesquite City Council ultimately voting 3-2 to walk back support for protecting Gold Butte. I just find it perplexing that this very council, the council who just rebuked #BundyRanch #Crazytown two weeks ago, caved into pressure by the Bundys and their allies. I also find it perplexing that they ultimately settled for a "split the baby solution" (with a resolution only supporting protection for half of Gold Butte, and a resolution that calls for nearly unlimited vehicle access everywhere) that pleases no one.

Council Members Kraig Hafen & George Rapson stated this resolution is only as valuable as the paper it's printed on, as they believe the federal government will somehow go ahead and take action to protect Gold Butte with or without them. With that kind of attitude, they essentially risk creating that very reality. As US Senator Harry Reid (D) & President Obama consider next steps on Gold Butte, they & US Rep. Dina Titus (D-Paradise) are actively seeking local input. If the Mesquite Council majority continue to thumb their noses at the feds like this, they only risk forfeiting their own seats at the table.

And then, there's their odd attitude about the future of Gold Butte. Of course, they remind me of State Senate Majority Leader Michael Roberson (R-Henderson) pushing SJR 1 in his attempt to "split the baby" on public lands policy in Carson City. He & his allies have tried to sell it to "TEA" drinkers in the Building as "real action", yet they've assured more level-headed folks in there that it's only ceremonial.

So why waste time on it? SJR 1 certainly doesn't change federal policy, but it does endorse #BundyRanch insurrectionist lawlessness. Yet because it doesn't really change any real policy, the #BundyRanch crew are not satisfied with it. They wanted the original AB 408, and no ceremonial BS will satisfy them or Assembly Member Michele Fiore (R-Las Vegas).

You know what happens when one splits the baby? The baby dies, and one is then charged with murder. Both the Mesquite City Council and the Nevada Legislature should keep this in mind.

http://letstalknevada.com/nvleg-live-thread-day-87/

Let's Talk Mesquite
Where Communities Communicate

#MesquiteNV City Council Votes To Weaken Support to #ProtectGoldButte

Writer: Elaine Hurd
Published: April 29, 2015

By a vote of 3 to 2, Mesquite City Council voted to weaken the city's commitment to National Conservation with Wilderness at Gold Butte by passing Resolution 867 during a 3-1/2+ hour meeting last night. Councilpersons Kraig Hafen, George Rapson and Geno Withelder voted yes. Councilpersons Rich Green and Cindi Delaney voted no. Mayor Al Litman stated he could not support Resolution 867 in its current form and recommended that council not take a vote last night and continue to improve the document. Councilman Rapson ignored him and made a motion that was seconded by Hafen and Withelder added his vote.

An audience of about 100 people sat through more than 50 public comments before and after Resolution 867 passed with minor changes. I counted 24 people who were opposed to Resolution 867 in its current form and who support NCA with Wilderness at Gold Butte and 17 who are opposed to the federal government's involvement in Gold Butte and who supported Council's subsequent action. Three other speakers sounded neutral on the matter.

Resolution 867 will replace Resolutions 649 that was passed (unanimously) in 2009 and 669 that was passed in 2010 and re-affirmed by city council in 2012. Both resolutions positioned Mesquite in support for Gold Butte as National Conservation with Wilderness, which is higher level of protection than its current status as Area of Critical Environmental Concern (ACEC).

Two language changes to Resolution 867 included changing "no Wilderness" to "no additional Wilderness". Gold Butte currently has two Wilderness areas within its 350,000 acre complex. Wilderness can only be established or eliminated through an Act of Congress and the new wording of Resolution 867 will not contest the status of those two existing Wilderness areas. The other change was language regarding the time frame the City wants for the agreed duration of a temporary road closure from 24 hours to seven days.

Two other controversial statements in the resolution remained. One subject to confusion was the Council changing the boundaries of the NCA area, cutting it in half. At the Technical Review meeting on Tuesday, April 21 when Council reviewed the first draft of the Resolution, there was no discussion on boundary changes for NCA. There was a reference to back up material and maps that would be sent to council members after the meeting, per Kraig Hafen's request, as he stated that he preferred Whitney Pockets as a boundary area. That request for additional materials became a boundary change without any open discussion by council members. I was in the room, as were several other observers, who did not consider that to be a request for a boundary change. But Councilman Hafen insisted this action was proper. City Attorney Bob Sweetin explained the Resolution was drafted according to the instructions of Council at the Technical Review meeting.

The other statement that "no restriction shall be made relating to the access or use of any mechanical or motorized vehicle" indicates that all vehicles can go anywhere within the Gold Butte area. Even the current status of ACEC (Area of Critical Environmental Concern) restricts motorized vehicles to "designated routes" (the government name for the over 500 miles of existing roads).

Several speakers encouraged Mayor Al Litman to veto Resolution 867, thereby keeping the first two resolutions in place, in order to allow for City Council to continue working on Resolution 867 and clear up confusing language as well as fully discuss the impact of the city proposing a boundary change.

Every council member except Kraig Hafen has stated support of Gold Butte being protected as a National Conservation Area. Hafen and Rapson did, however, vote to rescind the original resolution in 2012, so their positions remained consistent. Geno Withelder, however, voted both in 09 and 10 to support the two original resolutions. He flip flopped. Al Litman, Cindi Delaney and Rich Green were consistent in their support for reasonable protections for Gold Butte. Al Litman voted to continue support in 2012. Both Delaney and Green expressed their support during the 2013 campaign.

What does this mean? City council's action has no legal bearing. It is simply a statement of support or no support from a nearby community. Legislation has been proposed in the United States Congress and its language continues to be adjusted. This matter has been adjudicated by multiple agencies, experts and interest groups for more than a decade.

The issue is more about perception than substance. It was clear from the high-fiving and back slapping of the anti-government folks after the vote that they felt they got a "win." It is the opinion of many that it is not helpful for Mesquite to be perceived as supporting anti-government rhetoric. Like it or not, this is the valley where Cliven Bundy led an armed civilian militia showdown with the federal government last April over illegally grazing cows at Gold Butte. A number of speakers warned city council that a vote to weaken its support of federal protection for Gold Butte would poorly position the city in the eyes of the county, state and federal government. It is my opinion that Mayor Al Litman had the right solution — keep working on the resolution so council could come to a consensus and be comfortable with the final result. That opinion was also openly shared by Councilpersons Delaney and Green.

This was a 50-50 split. Three council members vs two council members and mayor. The mayor does not have a vote except in a tie, but Mayor Litman's statement was clear. He does not like much of what's in Senate Bill 199 and he wants the city on record stating where it has preferences, so he asked that the previous resolutions be re-considered. But he didn't think Resolution 867 was written well enough to make a coherent and proper statement.

I think this was a slip-shod process on something that is critically important to the reputation of Mesquite. It deserved more due diligence from council members. Hardly anyone from the county, state or federal governments pays attention to the actions of city council because it mostly tends to local matters. But they are paying attention to this vote because it is also a county, state and federal matter.

Let's Talk Nevada writers will continue to write about this topic. Below are video clips of council's discussion and vote, from my handheld camera. A compilation of comments is being edited together and will be published later, as will a better version of the below comments on our YouTube channel. If you are interested in viewing what precisely was said, you can click on the links below.

http://letstalknevada.com/mesquitenv-city-council-votes-to-weaken-support-to-protectgoldbutte/

Let's Talk Mesquite
Where Communities Communicate

Let's "Bubble Wrap" #MesquiteNV City Council

Writer: Elaine Hurd
Published: April 27, 2015

Councilman Kraig Hafen's brother, Tilman, said "bubble wrap me" at the last city council meeting while opposing the city's resolution to federally protect Gold Butte as a National Conservation Area with Wilderness.

After watching the actions and attitudes of this city council, I've concluded the only way to save our city is to "bubble wrap" and stifle them before it's too late.

Arrogant and ignorant doesn't begin to describe these council members. They may also be operating outside the bounds of the Nevada Open Meeting Law.

I attended this past Tuesday's technical review meeting and recorded the discussion on re-wording of the National Conservation Area Resolution for Gold Butte. It was agreed at the City Council meeting on April 14, 2015 that a new resolution would be drafted to replace 649 and 669 which are statements in line with the Clark County Commission that Mesquite City Council agrees that Gold Butte should be protected as a National Conservation Area with Wilderness.

These original resolutions were passed by Mesquite City Council in '09 and in '10 and re-affirmed in '12. Then suddenly, THIS city council decides to re-visit the resolutions since they aren't in better alignment with Cliven Bundy's views and that of his pioneer family brethren who contend Gold Butte is theirs to use and abuse without restriction. Council even picked the first anniversary of Cliven's armed civilian militia invasion that forced federal officers to stand down to avoid bloodshed as the **perfect time** to re-visit these resolutions — which did not HAVE to be brought up at all.

HERE is the draft resolution that was discussed at the Technical Review meeting on April 21.

Geno Withelder, Cindi Delaney, Kraig Hafen, George Rapson and Rich Green talked about how they do not want any wilderness designated at Gold Butte. Never mind that Gold Butte already has two Wilderness Areas that never were and never will be accessible by any road. This has been explained to them over and over again, but THIS city council appears unable to grasp the concept.

Council agreed that temporary road closures at the discretion of the BLM might be necessary due to natural disasters and public safety; also that water accessibility should not be infringed– which language is already in the bill. These guys like to keep saying the big bad federal government is trying to infringe on our water rights– which it isn't, but it sounds good to the anti-government crowd.

That's about all that was said regarding proposed Resolution 867. They all nodded that it looked pretty good. City Attorney Bob Sweetin stated he would draft new wording based on this discussion.

HERE is the draft resolution that surfaced Thursday to be presented at Mesquite City Council meeting on Tuesday, April 28.

It says *"The Gold Butte area shall not have any area designated as "wilderness."* That's not any MORE area – but ANY at all. Never mind there are already two wilderness areas.

It says *"any National Conservation Area designation north of the area commonly known as Whitney Pockets, more technically known as the southern portion of Township 16 South, Range 70 East would be overbearing and unnecessary, as such area are not comparable in either presentation, historical or cultural value or recreational value, to areas such as Whitney Pockets or Gold Butte;"*

In other words, THIS city council is re-writing the boundary of the established and agreed upon National Conservation Area, essentially cutting it in half. At no time were any boundary issues discussed at the technical review meetings of April 7 or April 21 or the City Council meeting of April 14. This is out of bounds, un-vetted, and has never been discussed within the view of the public.

And … *"The roads throughout the Gold Butte complex shall not close at any time, day or night, even if the area is designated as a National Conservation Area, for any reason, excepting only acts of God, in which case the roads may be closed for bona fide emergency purposes for not longer than 24 hours."*

Dictating road closure timing for "acts of God?" Who made these guys civil engineers?

Or how about this statement *"the citizens and the Council of City of Mesquite do not want restrictions that would prevent accessing any part of the Gold Butte Complex by way of motorized vehicles, a necessary consequence of a wilderness designation."*

THIS city council speaks only for itself – not ALL citizens of Mesquite as regards the federal protection of Gold Butte. Council is ignoring citizens who WANT Gold Butte to get full federal protection … and there never were any roads in "wilderness."

Reality Check — Gold Butte does not belong to Mesquite or Bunkerville. It is federal land, managed by the federal government and it will stay that way …. despite Cliven Bundy's attempts to change it. Mesquite happens to be the Gateway City to an area of historical, ecological and wildlife significance.

Remember … the original agenda item placed by Attorney Sweetin on April 7 was cryptic and non-descriptive as if they were trying to sneak through a vote to vacate these resolutions without anyone noticing. Members of council acted **oh so offended** that we suggested it might be so … like watching a child deny his hand was in the cookie jar with crumbs all over his face.

Why even bring up the existing Gold Butte resolutions? According to Cindi Delaney THIS city council is peeved at the BLM for not extending comments on its Resource Management Plan. At the council meeting she said *"The BLM was up here ….. and like happens a lot of time in Clark County and the state of Nevada, Mesquite got treated like the ugly step child. They didn't want to give us a separate hearing or some time for people to come talk. We all got a little worked about it and we all were talking about it and I think Mr. Sweetin said maybe we should re-look at these things."*

The truth is that the BLM held open its comment period for 150 days including two extensions. THIS city council was too disorganized to pay any attention until the last minute and "got a little worked about" the BLM not accommodating ITS timetable. THEN when the BLM agreed to come and make a presentation, answer questions, and take public and City Council comments the City CANCELLED the meeting, saying it had received unspecified threats. But, of course, council never told us lowly citizens what those threats were or who they came from. Can any of us guess who might have threatened the City if it met with the BLM? Council eventually held the meeting after wasting time.

The citizens of Mesquite have a problem here. Either THIS city council is meeting secretly and illegally outside of the public view and changing things up, or we have one or two self serving bullying council members who dictate their terms to everyone else outside of regular order … or … we have a new city attorney who is off the reservation "doing his own thing" – bringing up these

resolutions that fuel controversy, then wording the new one to reflect his own beliefs and to try to drive his own agenda.

Which is it? We'll let you know when we get answers – principals of *Let's Talk Nevada* didn't get call backs or email responses on Friday, but expect to hear from city officials today.

So .... here we go again. Tuesday at 5 p.m. Mesquite City Hall, 10 East Mesquite Boulevard. Be there to give your public comments on Gold Butte as National Conservation Area with Wilderness.
Phone is 702-346-5295.

Email to Council and Mayor is HERE.

http://letstalknevada.com/lets-bubble-wrap-mesquitenv-city-council/

Social Media Coverage: April 28, 2015 Mesquite City Council

https://storify.com/jackieomdb/nevadans-speak-up-to-protectgoldbutte-in-gomesquit

TWEETREACH SNAPSHOT FOR

#protectgoldbutte

ESTIMATED REACH

18,184

ACCOUNTS REACHED

EXPOSURE

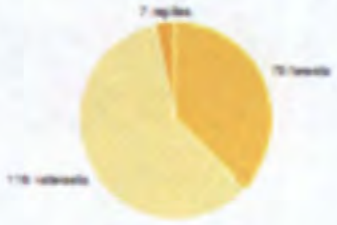
97,395 IMPRESSIONS

ACTIVITY

201 TWEETS

34 CONTRIBUTORS

8 DAYS



TOP CONTRIBUTORS

19.9k

@DianeSnavely

37

@goldbutte

45

@goldbutte

MOST RETWEETED TWEETS

7

6

5

The Spectrum
A GANNETT COMPANY

What's going on?

Guest Writer: Elaine Hurd
Published: April 27, 2015

What's going on with this City Council?

I attended the technical review meeting on Tuesday when members discussed wording of Resolution 867 on federal protection for Gold Butte. What was agreed is different than what is being presented at the City Council meeting on Tuesday night.

In particular, radical boundary changes for the National Conservation Area were added after the meeting. Gold Butte is a magnificent tourist magnet of historical, ecological and wildlife significance that has been and always will be managed by the federal government.

It is time for members of this City Council to quit indulging itself with self-serving games and start acting responsibly on behalf of this city.

http://www.thespectrum.com/story/opinion/mesquite/2015/04/27/letters-editor/26481881/

The Spectrum

Council to cut Gold Butte NCA protection

Writer: Staff Reporter
Published: April 27, 2015

The Mesquite City Council is scheduled to vote on a resolution regarding a National Conservation Area (NCA) designation for Gold Butte Tuesday at its regular meeting at 5 p.m.

Old resolutions that were approved by previous councils supported an NCA designation with possible wilderness areas. The current council, however, disagreed with those resolutions and decided not to support any wilderness areas in Gold Butte.

Council directed staff to draft a new resolution regarding support for an NCA in Gold Butte that will be reviewed at tonight's meeting. If the Council approves the resolution, the old one wills officially be repealed. If not, council can instruct staff to further amend the new resolution.

The new resolution includes language saying "a wilderness designation would be overly burdensome and impractical for the visitors of Gold Butte..." according to city documents found at www.mesquitenv.gov.
According to nps.gov, a wilderness designation is "the highest level of conservation protection for federal lands." It is an area where "the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain," the site says.

It further explains wilderness " as an area of undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions..."

"Only Congress may designate wilderness or change the status of wilderness area," the site says.

A wilderness designation would prohibit permanent roads and generally does not allow motorized equipment, motor vehicles, mechanical transport, temporary roads, permanent structures or installations, according to nps.gov.

The new resolution also includes language regarding the potential road closures; restricting mechanical or motorized vehicles; potential Virgin Valley water rights; an advisory council being established, and a visitor's center being built inside Mesquite city limits.

The resolution also says a NCA designation north of Whitney Pockets would be overbearing and unnecessary.
Local special interest group Friends of Gold Butte (FOGB) disagrees with the proposed resolution according to a call to action posted on their Meetup.com page.

"In this resolution, the council is asserting that the area of the proposed NCA be cut in half," the page says. "This is a dangerous proposal. Drawing the boundary at Whitney Pockets would fail to protect habitat for the desert bighorn sheep and the desert tortoise."

The call to action asks supporters to write City Council members and to attend the meeting tonight to voice concerns.

In other scheduled business, council will hold a public hearing before voting whether to change the candidacy filing fees in Mesquite. Currently the fee is $25, one of the lowest in Clark County. It passed the fee will change to $100. If Council agrees to pass the change any future funds collected from the increase will be placed into the general fund, according to city documents.

The meeting begins at 5 p.m., on the second floor in council chambers in City Hall, 10 E. Mesquite Blvd.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/27/council-cut-gold-butte-nca-protection/26482945/

The Spectrum
A GANNETT COMPANY

Chamber shows new video

Writer: Jesselyn Bickley
Published: April 23, 2015

The Mesquite-Area Chamber of Commerce showed its new video at the Community Forum Thusday. The video is designed to attract new business and tourism to Mesquite, according to Noel Smith, chamber president-elect.

The video was paid for with a 2013 grant from the Nevada Commission on Tourism (NCOT) and a matching grant from the Mesquite Regional Business Inc. (MRB), Smith said.
Outgoing MRB CEO Gaye Stockman said the grant from her agency was $1,000, making the cost of the production about $2,000.

Todd Simon, THS-Visuals Motion Pictures, spent three days in Mesquite last fall filming different areas in the city including casinos, the Mesquite Fine Arts Gallery, Mesquite Sports and Events Complex, Virgin Valley Heritage Museum, local dining, the Mesquite Community Theater and several golf courses.

The finished product shows Long Drive competition at the MSEC, classes at the art gallery, a family touring the museum, people playing and riding at the Awesome Adventures Park, skydiving, kayaking on the Virgin River, hiking in Gold Butte, dining, hotels, the Mesquite Toes-Tap Team practicing, gambling and more.
The production is packed with local people

The video is available on the chamber's new website, www.mesquitechamber.org. It's planned to be on the MRB website; NCOT, travelnevada.com; and Las Vegas Convention and Vistiors Authority's (LVCVA), www.lvcva.com, website as well.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/23/chamber-shows-new-video/26268453/

The Spectrum
A GANNETT COMPANY

Protect Gold Butte

Guest Writer: Richard Cooper
Published April 23, 2015

I am writing to voice my disagreement with the Mesquite City Council's decision to discuss repealing their resolution to support Gold Butte.

Events of the last year have made it obvious that local control and local ownership of our wild lands is not always in the best interest of the public and the taxpayer. Many times local control disrespects our land and our public will for the sake of an individual's profits.

A local rancher has used the public's land and refused to pay rent. Why should we trust this rancher to pay rent to the state or county or respect any other form of law and order. Especially when he can bully and intimidate local officials with his gang.

Please support free access to and protection of our federal, state and local public lands that support tourism and economic development for all Americans.

http://www.thespectrum.com/story/opinion/mesquite/2015/04/23/letters-editor/26268097/

MESQUITE
LOCAL NEWS

Tuesday Council Meeting to revisit Gold Butte Resolution

Writer: Stephanie Frehner
Published: April 23, 2015

According to Tuesday's Technical Review Meeting, the Mesquite City Council will revisit the potential Resolution 867 that would replace Resolutions 649 and 669, which supported designating Gold Butte as a National Conservation Area.

Through discussions, it was clear that there is still some fine-tuning that will need to take place, but the council will be addressing the new verbiage at the April 28 meeting. On the cover sheet for the item, it states that "The proposed resolution resolves that 649 and 669 be repealed and that Gold Butte be designated a National Conservation Area subject to: (1) no wilderness designation; (2) the roads remaining open; and (3) access to water not being restricted."

However, there are other areas in which the council will need to decide if they wish to have it included in the resolution including, but not limited to, a possible advisory council, location of a visitor's center (if one is built for Gold Butte), core values, designated roads and the "expression of a position relative to the Virgin Valley Water District." As per Aaron Baker, the City Liaison, an email received from VVWD Manager Kevin Brown stated that the VVWD was against the designation of Gold Butte as an NCA as the language exists in the current bill. The language that Brown and the VVWD would like in the Federal Bill will be provided in the Regular Agenda on the City's website, www.mesquitenv.gov, on Thursday morning. Council will also discuss specific road issues.

Other items on the agenda include a presentation from the Colorado River Commission (CRC) regarding power from the Hoover Dam and consideration of Resolution 866, supporting their draft establishing allocations from a resource pool for the Boulder Canyon Project (Hoover Dam).

Currently, the City of Mesquite uses two megawatts of power per month at $95 per megawatt hour (MWH). Reaching an agreement with the CRC could drop their fees to $65 per MWH. The CRC could approve the agreement, if reached, for up to 50 years, saving the city a substantial amount of money over time.

In other business for the next meeting, council received sufficient materials and information to move forward with an agreement and establishment related to Nevada Institute for Autonomous Systems (NIAS). The Institute will have access to 1400 acres near the Exit 112 area for testing.

Council will also hold a Public Hearing for the adoption of Bill No. 491 as Ordinance 491 which would amend Chapter 8 Elections application fees. Currently, the applicants for Council and Mayor pay a nominal $25, which is the minimum allowed by the State of Nevada. While there is no requirement to raise the fee, council will be discussing the possibility of doing so, bringing Mesquite up to the levels of other municipalities in the state that charge upwards of $100 per application.

The April 28 Council Meeting will begin at 5 p.m. at City Hall, 10 E. Mesquite Boulevard.

http://mesquitelocalnews.com/2015/04/tuesday-council-meeting-to-revisit-gold-butte-resolution/

The Spectrum

Gold Butte full of treasures

Writer: Brandon Mullens
Published: April 20, 2015

The next time you hike or travel to Gold Butte, Red Rock, Whitney Pocket or any other prehistoric, or historic locations be cautious of its resources and treasures.

During a Friends of Gold Butte education series last week, Rayette Martin, executive director of Nevadans for Cultural Preservations, explained the cultural resources in Southern Nevada and how you can help protect them.

Martin, a cultural anthropologist with more than10 years of experience exploring the Nevada outdoors, said she has 18 years of supervisory and volunteer management experience. She enjoys working with the public.

Some prehistoric cultural resources that can be found throughout the southern end of the Silver State include rock shelters, hunting blinds, pottery, stone tools, rock art and agave roasting pits, Martin said. Historic cultural resources include mines, ghost towns, purple glass and even rusty cans.

"Pretty much anything that's been there for 50 years or more is a cultural resource," Martin said. "There's evidence that people have been here over 12,000 years or longer, (but) it's debatable. Some of the things that tell us this are the rock shelters, roasting pits that are quite common and the petroglyphs and pictographs found in Gold Butte."

There are lots of resources that people don't seem to notice or look interesting to them, such as arrowheads, Martin said. Cans that are scattered throughout desert are also very important to anthropologists.

"They tell us how many people were in the area, how long they stayed and what time frame they were there," she said. "You can also track the can scatters to see where people moved. You can also tell the diets of miners that were there."

Martin also said people like to collect the purple or blue glass they find scattered around but there's lots of new glass being manufactured and people don't know whether the glass is new or old.

"When in doubt, leave the glass there," she said.

A major reason why cultural resources and artifacts are important to Nevadans is because it belongs to all of us, she said. It's where future generations are going to live. It also belongs to the Native Americans.

"I've actually heard from some Native Americans that nature is a museum," Martin said. "That coming across those items and those places is part of the experience. They don't see museums the way we do, by having them in a building. So when you take an item away from its context, from the rock shelter, heat or landscape, it doesn't have the same meaning or significance."

Sadly, some artifacts are stolen; rock shelters are marked with graffiti. Some use rock sculptures for target practice or trash is burned, Martin said. The audience gasped when Martin showed rock art with more than a hundred sketched figures inside of a cave in the Red Rock area near Las Vegas that had been scratched out.

"They took so much time to scratch it out that they lost a finger nail," Martin said. "That's intentional, pre-meditated angry-type destruction."

Martin gave the crowd some tips and advice to protect historic areas and their resources.

- Take pictures not things.
- Stay on trails. Many cultural resources are very close to jeep and hiking trails. Leaving the trails in vehicles can cause damage to sensitive cultural areas.
- Enjoy the rock art without touching it. Oils from your hands can damage the art.
- Use extreme caution when visiting mines and buildings; many of them are unstable.

"The 'trash' is a part of us all, Native Americans and families of the pioneers," Martin said. "If you want to know about the treasure back then, you can tell by the trash."

If you see any suspicious activities in these historic sites, or damages, contact the NVFCP at 702-466-3013, or info@nvfcp.org. For more information, visit www.NVFCP.org.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/20/gold-butte-full-treasures/26096187/

A monumental push: Reid plans to designate two more areas for protection

Wrtier: Amber phillips
Published: April 19, 2015

Until late last year, environmentalists' and tourism officials' dream of Congress bestowing a national monument outside Las Vegas seemed like a long shot.

A bill to protect almost 23,000 acres of prehistoric fossil beds outside North Las Vegas had languished in Congress for several years.

But thanks in part to Sen. Harry Reid's behind-the-scenes jockeying in 2014, Tule Springs National Monument is becoming a reality.

Now Reid is pushing for two more national monuments in Nevada to protect more than 1 million acres of desert outside Las Vegas.

Three national monuments within a four-hour drive from the Strip would be beyond tourism officials' wildest dreams. But such a turn of events would be a nightmare for many Nevada Republicans, and they may not be able to stop it from happening.

What is a national monument?

Designation as a national monument offers one of the highest levels of federal protection for a swath of land in America. Congress or the president create monuments to protect land with historical or cultural significance. Examples include Mount Rushmore in South Dakota and Ford's Theater in Washington, D.C., where Abraham Lincoln was assassinated.

National monuments differ slightly from national parks in that the parks, such as the Grand Canyon, are created to protect educational or scenic land.

What does Reid want to protect?

Reid reintroduced a bill in January that would create a conservation area over 350,000 acres of desert scrub near Gold Butte, the mining ghost town northeast of Lake Mead. The area's colorful rocks, canyons and petroglyphs are popular with hikers, bikers and off-roaders.

Reid also reintroduced a bill that would withdraw 800,000 acres of land in Lincoln and Nye counties from oil and gas drilling. The move would ensure that Nevada artist Michael Heizer could protect "City," a miles-long Earth sculpture he has carved and built in the desert over decades.

Democratic Rep. Dina Titus recently introduced two similar bills in the House of Representatives. But the bills have almost no chance of advancing in Congress during Reid's remaining 21 months in office. His next-best option is to convince President Barack Obama to protect the land by designating it part of two new national monuments.

Why is this controversial?

The Republican-controlled Congress is reluctant to hand the federal government control of so much land and close it off to development, particularly energy development in rural Clark, Lincoln and Nye counties.

The Gold Butte proposal is particularly contentious because it covers the land where Bunkerville rancher Cliven Bundy led an armed standoff with federal officials last year.

Republican Sen. Dean Heller introduced legislation with Nevada's three House Republicans to take away the president's power to create national monuments.

"If it's something the state government wants, the local government wants, the federal government wants, that's fine," Heller said. "I just want things to go through the process."

But Reid appears to be forging ahead, making his case in public meetings and letters to administration officials. In February, he and Titus invited a high-ranking official from the Department of the Interior to a public meeting in Southern Nevada filled with supporters in favor of protecting the land.

"Legislation has always been Reid's priority, but he's not opposed to designations," Reid spokeswoman Kristen Orthman said.

What will happen?

There's a very real chance Reid could get his wish and see Obama designate two new national monuments in Southern Nevada before both leave office in January 2017.

Reid has gathered a diverse and powerful group of supporters: the Las Vegas Convention and Visitors Authority, Nevada Resort Association, wilderness activists, MGM Resorts International CEO Jim Murren and Barrick Gold Corp.

The president, whose administration has designated 16 national monuments since 2009, tends to choose projects that have strong local support and a clear public input process, said Matt Keller, of the Wilderness Society.

"It's a challenge to move these things, and lawmakers have to find openings when they have them," Keller said.

Reid already is credited with creating Northern Nevada's Great Basin national park and more than 60 protected wilderness areas. Leaving a 30-year career in the U.S. Senate with three national monuments to his name would be the capstone of Reid's environmental legacy.

"These are our lands," he told KNPR. "They are federal lands. They belong to everybody in America."

http://m.lasvegassun.com/news/2015/apr/19/reid-making-monumental-push/

MESQUITE
LOCAL NEWS

Protecting Gold Butte

Guest Writer: Kathryn McQuade
Published: April 16, 2015

When I first moved to Mesquite from the east, I really did not have an appreciation of the desert environment. I felt it was dry and baron and lacking diversity. Since moving here, I have made an effort to study and explore our area through reading and hiking. I now realize how very fragile our desert ecosystem is, and how difficult it is for the plants, animals and insects to survive and thrive in our harsh conditions. This appreciation for the fragility of our environment is why I am asking you to continue to support the protection of Gold Butte.

I have hiked through many portions of Gold Butte, and have seen first hand some of the destruction of the area through people's irresponsible littering of paper, plastic, home articles, tires, also going off trail with ATVs, shooting holes in ancient artifacts and leaving shotgun and bullet casings on the ground.

The current violations are evidence that Gold Butte will continue to be abused if we don't move to protect it. While the Federal Government is not always seen as the perfect custodian, it has far more resources available than State and Local Governments that are struggling today to balance budgets.

All the various outdoor constituents should be able to enjoy this wonderful area, but each must do it in a responsible and thoughtful manner, to preserve its beauty and health for everyone today and into the future… not just for the benefit of a few special interests. National Parks and federally protected areas receive the publicity and are drawing more and more tourist each year, particularly millenniums who prefer active vacations. This of course would be good for Mesquite, the city that is the gateway to Gold Butte.

So in the words of Theodore Roosevelt, an avid sportsman, a good businessman and exceptional leader:

"We have become great because of the lavish use of our resources. But the time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils have still further impoverished and washed into the streams, polluting the rivers, denuding the fields and obstructing navigation."

"I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

"Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us."

Your vote today is not just for the people in this room, but for future generations and how we as a city will be defined in the future. I ask you to vote to support protecting our area.

http://mesquitelocalnews.com/2015/04/protecting-gold-butte/

The Spectrum

City supports NCA for Gold Butte

Writer: Jesselyn Bickley
Published: April 15, 2015

After being bombarded with comments for nearly 90 minutes Tuesday night on making Gold Butte a National Conservation Area (NCA), the Mesquite City Council voted to support the designation as long as there is no wilderness area connected to it.

City Councils in 2009 and 2010 had previously approved the support for the NCA "with wilderness," but this Council has a problem with the wilderness designation.

"These support virtually any legislation with a NCA designation," Councilman George Rapson said. "My problem is not with NCA, it's with wilderness."

Council passed a motion to draft a new resolution that supports legislation for a NCA designation but with no wilderness, no road closures and no restrictions on Virgin Valley water rights.

The old resolutions will be officially repealed should the new resolution be approved at the next City Council meeting, April 28 at 5 p.m.

Mesquite Mayor Al Litman prefaced the public hearing on Gold Butte by saying it had nothing to do with Bunkerville rancher Cliven Bundy and his battle with the Bureau of Land Management (BLM) over unpaid grazing fees.

Bundy last week held an anniversary celebration in Bunkerville to commemorate the group's alleged "victory" over the BLM.

However, several speakers brought Bundy into the discussion Tuesday night include two members of the Moapa Band of Paiutes.

Vickie Simmons of the Moapa Band disputed Bundy claim that his family has ancestral rights to the land and he shouldn't have to pay grazing fees.

"This is not Bundys' ancestral land; it is my tribe's ancestral land," Simmons said. "I support protection of Gold Butte. This will be no place to be should you turn these resolutions backward."

Former Mesquite City Councilman Karl Gustaveson said it's unfortunate that Gold Butte and the Bundys can't be separated into separate items because of the situation that attracted national attention last year.

"The Bundy situation was a real step backward for the community," he said. "I voted on both these resolutions as a positive. I'm very disappointed. People are going to look at it and think they (the City Council) agree with what happened a year ago. I don't agree with it and I hope the rest of you don't either."

Resident John Williams questioned why the item was even being considered.
"Who wants to overturn it?" Williams asked. "Today is the wrong day to do it. There is no worse PR move for the city than to be attached to Bundy."

Tony Barron agreed and said Gold Butte is not just the backyard of the city's pioneers. He said Gold Butte deserves protection.

"We can be known as the gateway to Gold Butte, or the gateway to Bunkerville," Barron said.
For more on Tuesday's Mesquite City Council meeting see Friday's edition of the Desert Valley Times online at www.thespectrum.com/Mesquite.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/15/city-supports-nca-gold-butte/25823187/

Let's Talk Mesquite
Where Communities Communicate

#MesquiteNV City Council Speaks on #ProtectGoldButte

Writer: Elaine Hurd
Published: April 15, 2015

More than 100 people packed Mesquite City Council Chambers Tuesday night. The majority of citizens were there to weigh in on whether the city should continue its support for Gold Butte to obtain National Conservation Area with Wilderness federal protection.

Mesquite City Council passed Resolution 649 in 2009 and Resolution 669 in 2010 affirming support. Resolution 669 was voted on again and approved in 2012. The resolutions were brought up for discussion because only one current council member, Geno Withelder, was on council when the resolutions were passed and the Bureau of Land Management is preparing its Lands Management Plan.

Currently Gold Butte is designated as an Area of Critical Environmental Concern (ACEC) but more resources to better manage the land will become available if it obtains the National Conservation Area with Wilderness federal designation.
Gold Butte is at the center of the federal government's conflict with Cliven Bundy over his illegal use of the land to graze about 900 head of cattle. BLM officers began a court ordered roundup of his cattle last spring which led to an influx of armed militia into the area to defend Bundy's claim to grazing rights. BLM officers were forced to withdraw from the area after a standoff closed the I-15 freeway and nearly led to a shoot-out on April 12, 2014. Reportedly, BLM officers no longer enter the area because of threats.

I counted 41 people who spoke on these resolutions, with 31 in favor of keeping them in place and 10 opposed. When someone asked how many people in the room were from Mesquite, more than ¾ of the audience raised their hands. Several others had traveled from Las Vegas and Henderson.

Speakers pointed out that hiking, camping and off road riding along with enjoying the beauty of Gold Butte is what brought them to the area. Several pleaded for the desert ecosystem to be protected and ancient artifacts be safeguarded.

Jaina Moan, Executive Director of Friends of Gold Butte, emphasized the importance of Gold Butte to Mesquite's local economy because communities within close proximity to federal lands see a boost in visitors and new residents.

Opponents to the resolutions largely complained about restrictions that would be imposed if Gold Butte was designated National Conservation Area with Wilderness. Brian Haviland of the Bunkerville Town Council reminded Mesquite City Council that Bunkerville opposes these resolutions. He stated that Gold Butte is part of Bunkerville's township, not Mesquite's.

Vicki Simmons of the Moapa Band of Paiutes told the crowd "it is not (Cliven) Bundy's ancestral land, it is my (family's) ancestral land." The crowd cheered.

Former Mesquite City Councilman Karl Gustavson said he is disappointed these resolutions were being re-visited during the one year anniversary of the Bundy-BLM conflict and he reiterated his support for Gold Butte's federal protection.

Upon completion of comments, each city council member made a statement about Gold Butte's designation as National Conservation with

Wilderness. In 2012, Councilmen Kraig Hafen and George Rapson voted to rescind Resolution 669. Each one explained why they had problems with the Wilderness Area but did not entirely oppose it being a National Conservation Area.

Councilman Rapson made a motion that these resolutions be rescinded and replaced by a new one that supported Gold Butte as a National Conservation Area, however specifying that no additional wilderness be added, all existing roads remain open and ensuring water rights be protected. Councilman Rich Green clarified that the existing resolutions would remain in place unless and until the new resolution passed. The second was made by Councilwoman Cindi Delaney.

Here is a video of each council person's statement. Councilman Geno Withelder participated by phone, so the video is audio. This is a hand-held camera from the audience.

During Closing Public Comments, Jaina Moan clarified what was in the NCA proposal and offered to work with City Council so the process of establishing Gold Butte as a National Conservation Area with Wilderness could move forward. She expressed confidence that everyone's concerns can be met.

http://letstalknevada.com/mesquitenv-city-council-speaks-on-protectgoldbutte/

MESQUITE
LOCAL NEWS

Long meeting agenda draws out-of-towners

Writer: Stephanie Frehner
Published: April 15, 2015

Tuesday's City Council meeting brought a completely packed house, with over 130 in attendance. But it wasn't filled with locals concerned about the new library proposal or sale of land around Exit 118. No, it was out of town residents who claim to visit Mesquite for its location adjacent to Gold Butte.

The item on the agenda was to discuss the council's position on existing resolutions that showed support for turning Gold Butte into an NCA, or National Conservation Area. The existing Resolutions, #649 and #669 have been in effect since October 2009 when signed by then-Mayor Susan Holecheck. Five and a half years have passed without changes to the area, and with the recent developments with the Bureau of Land Management, city staff determined that it would be good to bring the resolutions back to council to discuss. There was no mention in the materials that any action would be taken, but the possibility was there.

For more than 90 minutes, attendees stood up and spoke for three minutes, sometimes more, of why they want Gold Butte protected and what it means to them. Some even went so far as to threaten that they would never come back to Mesquite if the council were to overturn the resolutions.

But then there was one tall gentleman who stood up and spoke his opposition to making Gold Butte an NCA. Brian Haviland, a member of the Bunkerville Town Board stated that "The BTAB is against wanting to have an NCA dedication in our area. The Gold Butte area is within the Bunkerville Township, it is our town... we do not feel it will help us." He was one of only a few who spoke in opposition of the support.

After the comments were finished each council member stated their position and concerns, most citing that they don't have a problem with the NCA portion on protection, but more with the wilderness aspect. That section allows for some unclear lines and undesirable regulations that would hurt those who want to enjoy the area.

Ultimately, the council voted unanimously to rescind the two resolutions once a new resolution with more specific details was approved, potentially at the next meeting.

Other business of Tuesday's meeting included approving talks with the Library District in how to proceed with building a new library at 105 W Mesquite Boulevard. Dr. Ronald Heezen, the Library District's Executive Director, was in attendance and stated that building the new 16,000 square foot library could be the boost that the city needs to bounce back from the recession. The land, which was purchased for $1.7 million dollars in 2009, is now only worth about $500,000. With it being empty, it's considered one of the 'eye sores' of the town.

If things move along with the city and the Library District, the new $7 million library could be finished in as little as 1 ½ years. Heezen noted that newer libraries usually see a 200% increase in usage and that both the old and new buildings would be staffed by the district through their Outreach Services Division. He also noted that there are many possibilities for the design of the new

building, which the community may have some part of. For now, though, it looks like more talking is in store. With Councilman Rich Green's motion to approve, the rest of the council approved 5 – 0 to move forward with the talks.

The council also approved a new employment agreement with City Manager Andy Barton, which would increase his salary by 6% over a two-year period, or $3450 per year. Cited in the agenda materials, "there are sufficient funds in this year's CMO budget to accommodate this expense. This will be a budgeted expense for fiscal year 2015-2016." This is Barton's first raise since he was hired in April 2012, and there would be no changes to his benefits or duties.

The next regular City Council meeting is scheduled for Tuesday, April 28 at 5 p.m. Among agenda materials, were public notices of a City Council Budget Workshop on May 13 and 14 at 3 p.m. each day at City Hall and public comments will be accepted at those times. A copy of the tentative budget will be on file at the City Clerk and Treasurer's offices as well as the City's website at www.mesquitenv.gov. A formal Public Hearing will be held on Tuesday, May 19 at 3 p.m. at Council Chambers

http://mesquitelocalnews.com/2015/04/long-meeting-agenda-draws-out-of-towners/

Social Media Coverage: April 14, 2015 Mesquite City Council

https://storify.com/jackieomdb/nevadans-speak-up-for-protectgoldbutte-in-gomesqui

Let's Talk Mesquite
Where Communities Communicate

#MesquiteNV – The Gateway to Gold Butte

Writer: Jaina Moan
Published: April 13, 2015

On Tuesday, April 14, the Mesquite City Council will reexamine their support for protecting the Gold Butte region as a National Conservation Area (NCA). There are many reasons why this beautiful place should be protected, but the economic benefit of protecting Gold Butte should resonate with everyone who cares about Mesquite. As the "Gateway to Gold Butte," Mesquite will attract both new visitors and new residents and the economic gains to the community will be sustaining for generations.

The first boost Mesquite will see are the direct benefits from increased numbers of tourists who will travel to the area to visit Gold Butte. These initial, curious visitors will have heard about the recent national recognition and permanent protection for Gold Butte and will be drawn to the excitement of exploring its natural and cultural resources. Most of these visitors will pass though Mesquite. They will buy gas, food, drinks and gear as they prepare for a day of exploration. Some visitors will stay the night or several nights. They will combine a visit to Gold Butte with a round of golf on Mesquite's picturesque courses and enjoy the gaming opportunities in Mesquite casinos. They will buy souvenirs and leave with fond memories of their visit. Some will likely return to explore more areas in Gold Butte.

Over time, as more people hear about Gold Butte and its beauty, more visitors will be attracted to the region, generating additional economic gains for the City of Mesquite. Jobs will be created to support more tourists, new businesses and restaurants will open, and tax revenue will increase.

A permanent protection for Gold Butte will also attract new residents. People like to live in areas that are surrounded by natural beauty. All Mesquite residents appreciate the dramatic landscapes such as Flat Top Mesa and the Virgin Mountains. Permanently protecting Gold Butte will safeguard these dramatic vistas and open spaces, providing one more compelling reason to call Mesquite home. A study released in March 2014 by the Center for Western Priorities reported that retirees are three times more likely to move to counties that have a higher percentage of protected lands. The report further estimated that between 2000 and 2010, over 65,000 jobs have been created in Nevada to support retirees—these jobs were created in a range of industries including health care, housing, construction, banking, and entertainment (http://westernpriorities.org/goldenrush/).

Are you skeptical about the promise of such economic gains? Studies have shown that Americans love to spend time outdoors and our passion for hiking, camping, hunting, OHV riding, and birding contributes significantly to our economy. The Outdoor Industry Association estimates that consumer spending in the U.S. outdoor recreation industry in 2012 totaled 646 billion dollars and supported 6.1 million jobs. In Nevada alone, the outdoor recreation industry contributed 14.9 billion dollars, supported 148,000 jobs, and raised 1 billion dollars in tax revenue (http://outdoorindustry.org/advocacy/recreation/economy.html).

There are many examples of how other gateway communities have benefited by proximity to protected lands. Headwaters Economics, an independent non-profit research group, has been

tracking the economic performance of seventeen western communities that are located adjacent to newly created national monuments (designated between 1982 and 2011). Their analysis looks at four indicators of economic growth: population, employment, personal income, and per-capita income. Their results show that all seventeen communities experienced economic growth in these areas following the designation of the national monument in their region (http://headwaterseconomics.org/land/reports/national-monuments).

Protected lands are also attractive to international tourists. Earlier this year, the *Las Vegas Review Journal* reported that the Nevada Commission of Tourism is focusing its outreach efforts to attract more international visitors to rural Nevada (http://www.reviewjournal.com/business/tourism/rural-nevada-seen-growing-international-tourist-draw). Travelers from other countries appreciate the unique attractions that Nevada offers and protected lands are at the top of the list. It is easy to see why. Open, wild land is becoming increasingly rare in or world. The United States is one of only a few countries that has set aside land for the purpose of preservation. Our decision to protect Gold Butte today will result in a sustainable economic benefit as more people travel to experience land in its pristine state.

Permanent protection of Gold Butte will provide a reliable and sustaining economic benefit for the City of Mesquite and its residents. It is an important resource for our community. We have the opportunity to ensure that it stays that way for our future generations to benefit from and enjoy. Please attend the Mesquite City Council meeting on Tuesday evening to voice your support for permanently protecting Gold Butte.

Jaina Moan is the Executive Director for Friends of Gold Butte, a non-profit organization working to achieve permanent protection for Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy. www.friendsofgoldbutte.org

http://letstalknevada.com/mesquitenv-the-gateway-to-gold-butte/

Desert Valley Times
Virgin Valley's Independent Newspaper

City may flip on Gold Butte designation

Writer: Staff Writer
Published: April, 12, 2015

The Mesquite City Council is scheduled to vote Tuesday on whether to continue supporting Gold Butte as a National Conservation Area or withdraw previously approved backing for the designation. Written as "Discussion and Possible Action on Resolution 649 and Resolution 669," it's easily missed on Tuesday's regular council meeting agenda.

Resolution 649, passed in October 2009, shows support for legislation deeming Gold Butte as a National Conservation Area with wilderness.

"Now, therefore, it is hereby resolved by the mayor and City Council (that) the City of Mesquite, Nevada, supports the designation of the Gold Butte Complex as a National Conservation Area with Wilderness," the resolution says. "The city further urges Congress to enact these designations and mandate that an effective management plan be implemented that secures the interests of neighboring jurisdictions."

Resolution 669, passed in May 2010, also supports the NCA designation but includes a list of inclusions seeking a committee to start drafting legislative language for the NCA designation as well as other things.

The council doesn't have to alter any previously-passed resolution Tuesday night. It can amend them, leave them alone or change the opinion.

In other business, the Council has scheduled a public hearing on a bill that would change the residency requirement to be eligible for the office of mayor or city council from one year to two. The bill is designed to ensure candidates for mayor or City Council are "thoroughly familiar with the City of Mesquite, its issues and its citizens," according to background documents.

The Council has also scheduled a public hearing Tuesday on whether there should be an increase in candidacy filing fees. The fees haven't been reviewed or adjusted since 1999, making them among the lowest in Clark County, said background documents.

City staff recommends raising the filing fee to $100 from its present $25.

This bill also changes the time when candidates must file to run to the first two weeks of March in the election year. The statute now says no more than 70 days, but no less than 60 days before the primary election.

In other agenda matters, the Council will hear from Las Vegas-Clark County Library District representatives on building a new library on the vacant lot in front of the current library and vote for or against supporting a new facility.

The vote will not bind the city in any way.

The new facility would come at no cost to the city.

The meeting begins at 5 p.m., at City Hall, 10 E. Mesquite Blvd.

http://www.thespectrum.com/story/news/local/mesquite/2015/04/13/city-may-flip-gold-butte-designation/25734699/

Let's Talk Mesquite
Where Communities Communicate

Bye, Bye BLM?

Writer: Elaine Hurd
Published: April 10, 2015

The Mesquite City Council will vote on Tuesday to withdraw the city's support for Gold Butte to be federally protected as a National Conservation Area.

This is a big deal.

I'm guessing you missed the discussion on what it means for our community, which you'd think we should have since the Virgin Valley has gained national notoriety for armed civilian militia driving out the federal government from Gold Butte. Not to mention that BLM officers continue to be threatened if they enter the area.

"Yo, Cliven Bundy, we're with you, bro."

It was listed on the City Council's administrative agenda on Tuesday as *"Discussion and Possible Action on Resolution 649 and Resolution 669."* When it came up for a brief discussion, no one whispered the words "Gold Butte" and it seemed a little cryptic. So I stopped City Attorney Bob Sweetin as he was leaving the technical review meeting to confirm that these were the Gold Butte resolutions and asked which city council persons requested it be put on the agenda. He wouldn't name names but explained that only Geno Witthelder was on the council when these resolutions passed and it is part of the record used by the Bureau of Land Management in its recent Land Management Plan. Hence, these initiatives are being re-visited.

Yes, new people get elected each go-around when voters decide who to support based on candidates' positions. Four of six city council persons and mayor were on the ballot in 2013. I'm guessing you missed the candidates debate on whether the city should continue its support for Gold Butte as a National Conservation Area with Wilderness. I did. That's because it was old news, a done deal. But that was before Cousin Cliven led an armed civilian insurrection against the federal government to keep this land all in the family. Now Mesquite City Council will decide – again – on whether to rescind these resolutions.

"We've got your back, buddy Bundy."

On October 27, 2009 Resolution 649 HERE was adopted that says City Council of the City of Mesquite supports federal legislative designation of Gold Butte as a National Conservation Area with Wilderness. Read Minutes HERE. It was a unanimous vote in favor with Councilpersons Donna Fairchild, Geno Witthelder, Karl Gustavson, David Bennett and Randy Ence voting yes.

On May 11, 2010 Resolution 669 HERE was passed which updated the city's preferences on the management of this land. It re-affirms the City of Mesquite's support for Gold Butte to be protected as a National Conservation Area. Read Minutes HERE. City council members who voted in favor of Resolution 669 were Geno Witthelder, Randy Ence, Donna Fairchild and David Bennett. Karl Gustavson voted no.

You might remember another vote, whether to rescind Resolution 669, when Mesquite City Council voted on April 24, 2012. Mayor Mark Wier cast the deciding vote keep the resolution in place. Councilmen Kraig Hafen and George Rapson voted to rescind it. Councilmen Karl Gustavson and Al Litman voted to let it stand. Councilman Geno

Witthelder was absent. You can read the minutes from that meeting HERE.

What has changed since 2009, 2010 and 2012? Cliven Bundy's shameful militia showdown with the federal government, and thus Councilman Kraig Hafen has rounded up the votes on City Council to rescind these two resolutions. This is the local component in an apparent overall land grab strategy at the state and federal level.
"Our great grand pappies settled this land – its ours!"

This is how we got here. The great reservoir of support for Gold Butte to be federally protected, as reflected in that unanimous city council vote in 2009, was drained through a misinformation campaign and intense lobbying effort by the opposition. Pioneer family politicians like Cresent Hardy, Kraig Hafen (and others) were infuriated by those resolutions and have lobbied against Gold Butte federal protection ever since.

Mesquite used to call itself "The Gateway to Gold Butte." Festivals and hiking tours were organized to draw tourists and educate locals about the unique beauty and history of the area. It is a positive attribute to promote our city. Supporters did not effectively re-gain support of business leaders or citizens in response to that relentless opposition campaign. Gold Butte became a contentious issue and more than one person told me they were tired of arguing over it. People became confused.

The backdrop to this was Cliven Bundy who continues to defy court orders to remove his cows from Gold Butte. He has considerable support in Bunkerville and Moapa Valley ... but we're talking about Mesquite where golf course owners, casino owners, businesses and homeowners have made a tremendous economic investment. Mesquite is the economic driver of the Virgin Valley.

The prudent and conservative thing to do is keep Resolutions 649 and 669 in place ... which was re-affirmed as recently as 2012. That was only one city council election ago.

Why does this argument matter? Either our Open Land is protected under the jurisdiction of the federal government for future generations to enjoy – to camp, to ride, to hike, to visit. Or it isn't. We choose to protect its historical value, its art and artifacts, its wildlife, its ecological balance. Or we don't. Gold Butte is particularly critical to a gateway city like Mesquite that relies on tourism, families and retirees to keep the economy humming along. Without Gold Butte, we lose a unique treasure that draws increasing numbers of visitors and new residents to our city.

When people say to me, "well, I don't like the federal government and its restrictions," I explain that local control will lead to private ownership and the land will be taken away from everyone. Like ... DUH! The federal government has been preserving open space for more than a century now. It's a tourism magnet, revenue enhancer and property value builder.

Now, dear reader, you have a choice. You can retreat into your cocoon of apathy and let Cliven Bundy win this one without debate, or you can send emails to our city council and mayor and tell them that Gold Butte is a natural treasure and must be protected, and that the city should keep Resolutions 649 and 669 in place. And/or you can call and/or you can show up at City Hall Tuesday at 5 p.m. and speak during public comments at the beginning of the meeting — you've got three minutes max.

You will hear each one of our council members say this has nothing to do with Cliven Bundy. WRONG. It has EVERYTHING to do with Cliven Bundy. His destructive crusade is a visible backdrop to this vote on Tuesday.

My goodness! Look at the calendar! It is one year THIS VERY WEEK when armed militiamen chased BLM federal officers through the streets of Mesquite when they agreed to stand down to avoid a shootout with civilian militia along the I-15. All because Cliven defied court orders, wouldn't remove his cattle from Gold Butte and called in armed civilians to protect him. I heard excuses from elected Mesquite officials that this was a Bunkerville issue and a federal issue and the City

couldn't do a thing. Now they will vote on whether to join the Bundy choir of anti-government zealots right after Cliven's big celebration party out at the ranch.
Is this furthering Mesquite's positive reputation? I'm guessing you missed the condemnation of Bundy's actions by our city council and mayor. I did, too.

http://letstalknevada.com/bye-bye-blm/

"Happy Anniversary, Cliven. We've got a present for you in honor of your victory over the feds." Will that be the message Tuesday night? Or will wiser heads prevail?

LAS VEGAS WEEKLY

Bird and Hike's Jim Boone on exploring—and championing—Nevada's wilderness

Writer: Kristen Peterson
Published: April 1, 2015

It's inevitable that searching the Internet for Southern Nevada hikes, geology or birding will land you on Jim Boone's birdandhike.com. The same can be said for online hunts regarding snakes in Nevada or bristlecone pine on Mount Charleston. Need to navigate Wilson's Pimple Loop Trail at Red Rock? Bird and Hike can help with that, too. Boone is ubiquitous. A birder with a Ph.D. in ecology, he's covered much of the region's wilderness areas, studied its mammals, vegetation, geology and vistas, then shared his findings online, providing anything from GPS coordinates and access routes to bird species and trail levels of difficulty. Launching the site in 2002 to counter the lack of web-available public information, the former senior scientist with the Yucca Mountain Project comes with a background in biology, rock climbing and park rangering. Most recently, he's assisted the Conservation Lands Foundation on informative tours to Basin and Range as part of the effort to promote conservation there.

You pretty much have this Valley covered. Is there any hike you haven't done? All the places in between. There are an infinite number of places to hike. Every ridge, every canyon, every wash and every mountaintop.

What's your favorite? There are so many ways to judge your favorite. If your favorite is the place you go back to the most, Goldstrike Hot Springs would probably fit. But I think the area I like the most is the Sheep Range. It's wild and remote, and it's well-managed, so you don't have people driving their ATVs all over the desert. And it's quiet. It's the kind of the thing we would hope could happen at Gold Butte.

What is the status of Gold Butte? Gold Butte has been on the radar for conservation for quite some time. There are a lot of nice, wide-open spaces out there, but it's a pretty heavily used area by off-roaders. While most off-roaders are responsible people, there are a few that will go out there and drive wild, run over the bushes and break up the soil crust, run over tortoises and damage rock art sites and other cultural sites.

Is it a matter of educating or enforcing? It's both. Part of the goal of protecting Gold Butte is to get some small amount of monitoring out there by some land management agency people. There are vast, open spaces with grand scenery and tall mountains and broad valleys and wild erosional patterns in the rocks and world-class archeological sites with just amazing amounts of rock art. It's just pristine

Who are you trying to reach with your website? Those who have never gone out and have no idea what is out there. The way I write the descriptions is far more detailed than your average hiker might need, but I'm trying to demystify the outdoors for the people who haven't been there before.

Do crowds at these geographic and prehistoric cultural sites concern you? It's a conundrum that you've got to have people that get out and see it so they'll fall in love with it and be willing to protect it. But on the other hand, huge crowds of people just by their simple presence degrade the area.

I'm guessing Basin and Range is too distant and remote to be adversely affected by recreation? That's the same thing people said about Central Park. When Central Park was developed it was way out in the sticks, and who would ever go out there? It's that really, really long-range vision. We've got to get out in these faraway places and set them up as conservation lands so they don't just get whittled away over time.

How do visitors respond to Basin and Range?
They stand in the basin, they look this way and see forever into the distance, they turn that way and see forever into the distance and they come away with, 'Ya know, I never thought a basin could be so beautiful,' because usually a basin is what you're driving through to get somewhere else.

http://lasvegasweekly.com/as-we-see-it/weekly-qa/2015/apr/01/bird-and-hike-jim-boone-hiking-las-vegas/

What's in store for Nevada after Harry Reid retires

Writers: Yesenia Amaro, Ben Botkin, Henry Brean, Jennifer Robison, Howard Stutz, Steve Tetreault and Richard N. Velotta
Published: March 28, 2015

U.S. Sen. Harry Reid's Friday announcement that he will not seek re-election in 2016 left many Nevadans wondering what the future holds for the Silver State after its most powerful voice at home and in Washington passes from the scene.

In ways big and small, Reid was known to bring home the bacon for Nevada projects he liked — and to work tirelessly to kill those he did not.

Here's a look at Reid's role in key Nevada issues, and what the future may hold without him:

YUCCA MOUNTAIN

Reid's announcement sets off a 22-month race between those who hope he can drive the final nails into the coffin of Yucca Mountain before he leaves, and those who see an opportunity to revive the mothballed nuclear waste project after his departure, or even before.

Making use of his seniority and clout, Reid almost singlehandedly relegated the proposed industrial site and underground disposal system for radioactive material to the dustbin of history. On Friday, he repeated that "Yucca Mountain is dead," a disposal plan now outdated and too expensive to revive.

The emergence of Republican majorities on both sides of Congress has sparked talk of a Yucca comeback but it remains to be seen whether that has legs or is merely a dead-cat bounce.

"I can well imagine somebody deciding that money should be spent for the license to go forward," opening years of new technical battles and litigation, said Mary Olson, Southeast director of the Nuclear Information and Resource Service, an environmental advocacy group.

"We are ready, willing and able to go more rounds on this," Olson said.

But without Reid, she said, "We'll have to go to 10,000 hammers instead of one."

David Blee, executive director of the U.S. Nuclear Infrastructure Council, said Reid may be tested anew on Yucca Mountain before he leaves office.

"He's been a polarizing force on the nuclear energy front," Blee said. "The way he has operated was by sheer power. The fact he is a lame-duck leader is going to have a bearing."

Bob Halstead, director of the Nevada Agency for Nuclear Projects, said the state will maintain a vigorous fight against a project it views as unsafe and threatening to the Nevada economy.

"Sen. Reid's announcement does not change the state's strategy on legal and regulatory matters and it does not change our chances of winning on the safety issues" in any license proceeding, Halstead said.

WATER AND THE ENVIRONMENT

Reid used his clout in Washington to help keep water flowing to constituents and money flowing to water agencies back home.

"Sen. Reid has been a champion for water issues not only in Southern Nevada but across the state," said John Entsminger, general manager of the Southern Nevada Water Authority.

Entsminger said Reid's "seminal" achievement for water and the environment in the state was the 1998 passage of the Southern Nevada Public Lands Management Act. The legislation, since attacked by critics as classic pork-barrel politics, freed federal land for sale to developers and directed the proceeds to state-level conservation and other initiatives.

Ten percent of that money was earmarked for new water infrastructure to serve the growing community. To date, the authority's share of SNPLMA totals roughly $288 million.

Reid has also pushed legislation to protect Lake Tahoe, settle disputes on the Walker and Truckee rivers, untangle lawsuits blocking conservation work on the Colorado River, and, most recently, pump federal money into a pilot project aimed at keeping more water in Lake Mead.

Entsminger doesn't expect Reid's focus on water to change over the next 22 months.

"I think we can count on the senator to continue to call attention to the drought on the river and in California," he said.

As for life after Reid, the valley's top water manager remains hopeful that Nevada's loss of political clout won't hurt its standing on the Colorado River.

PUBLIC LANDS

Conservationists had a strong ally in Reid.

The 22,650-acre Tule Springs Fossil Beds National Monument became a reality in December, when President Barack Obama signed legislation protecting the fossil-rich area that Reid had championed.

He also had a hand in designating millions of acres as wilderness.

Reid's role extended well beyond Nevada. He also took a strong stance against efforts to weaken or scrap the federal Antiquities Act, which allows the president to declare an area a national monument without congressional approval.

"I am certain that after the announcement phones were ringing among conservationists about Sen. Reid's announcement of retirement," said Lynn Davis, senior program manager for the National Parks Conservation Association's Nevada field office. "There is no question this reverberated not only among Nevadans, but also among conservationists around the country."

Conservationists hope Reid's successor will inherit his approach of getting all parties at the table on public lands issues.

Reid may also leave some unfinished business, including legislation to designate 350,000 acres in Gold Butte northeast of Las Vegas as a national conservation area. The vast swath of land has petroglyphs, sandstone ridges and shuttered mine sites. Republicans in Congress oppose the designation, but longtime conservationist John Hiatt said he wouldn't be surprised if Reid uses the coming 22 months to end-run his opposition.

"It could happen," Hiatt said. "It could be designated as a national monument by the president. I'm sure that's still in his bag of tricks."

GAMING

The American Gaming Association told its members Friday the casino industry can't wait until Reid's last day in Washington to find a "new champion."

A few hours after Reid's announcement, AGA CEO Geoff Freeman sent a missive touting Reid's leadership, but also addressed key imperatives with the pending retirement.

Freeman said one person can't replicate Reid's efforts.

"This is going to take 30 people to protect and promote the industry," Freeman said. "We can always count on the Nevada delegation, but it's also time for champions to emerge from other gaming states, such as Pennsylvania, Iowa, Ohio and Illinois. There are 1.7 million jobs tied to gaming and we need to protect those jobs."

During Reid's 2010 re-election campaign, MGM Resorts International executives credited him with saving the financially troubled CityCenter development and the 22,000 construction and resort jobs associated with the project. Reid used his influence as Senate majority leader to help keep the CityCenter's financial backers from walking away from the Strip development during the financial industry's meltdown.

Las Vegas Sands Corp. Senior Vice President of Government Affairs Andy Abboud agreed with Freeman's assessment.

"I think it spreads out among several people," Abboud said. "He was the most respected member in either the House or the Senate on gaming issues. In that regards, he's irreplaceable."

Freeman said Reid helped "transform gaming" into today's industry. But with casinos in 40 states, the stakeholders have grown.

"Sen. Reid has been an instrumental champion of gaming and it will require a much larger group of casino proponents to rival his passion and effectiveness," Freeman said.

On Friday, Reid indicated during an interview on KNPR's State of Nevada that he "wouldn't stand in the way" of the Senate considering legislation that would ban online gaming during his final months in office.

IMMIGRATION

Luz Marina Mosquera, director at Hermandad Mexicana Transnacional in Las Vegas, said Reid's retirement could have an impact on immigration reform.

Mosquera credits Reid with playing a role President Barack Obama's actions on immigration, such as his November executive action that would prevent millions of people in the country illegally from being deported. In 2012, Obama also used his executive power to allow young people in the country illegally, known as DREAMers, to stay and work in the country without fear of deportation.

Reid was always pressing for immigration reform, Mosquera said.

"He was someone who aside from representing us as Nevada, he was advocating for immigrants," she said Friday. "We all got very sad. Now who is going to help us? We are no longer going to have him there for our state and for our immigrant community."

And the work on immigration is not done.

"The battle continues," she said. "The battle isn't done."

TRANSPORTATION

Southern Nevada transportation leaders say they'll continue to enjoy the relationship they've had with other members of Nevada's congressional delegation, but the loss of Reid and his seniority will make securing infrastructure funding a little harder.

Tom Skancke, a member of the Nevada Transportation board and an advocate for a high-speed rail network, said state officials probably won't realize until he's gone how valuable Reid has been as an advocate for state projects.

"His influence will be substantially missed," Skancke said. "He's been an advocate for infrastructure of all kinds throughout his career and he's been a supporter of high-speed rail for more than 30 years. It's not going to be easy to fill those shoes."

In an interview aired by Nevada Public Radio on Friday, Reid said he's still hopeful that he could help secure a Federal Railroad Administration loan

for construction of a high-speed line between Southern California and Las Vegas. But if it doesn't happen by September, he said, "I'm afraid we've lost it."

Tina Quigley, general manager of the Regional Transportation Commission of Southern Nevada, said Reid has been an example for other members of the state's congressional delegation on how to advocate on behalf of a constituency on transportation matters.

"It's going to be a big loss," Quigley said. "But regardless of your politics, you can't deny that Harry Reid brought millions of transportation dollars to Southern Nevada throughout his career."

Quigley said Reid and four other members of the delegation will be speakers at next month's groundbreaking for the I-11 Boulder City Bypass project. Noting the support and help from other members of the delegation, Quigley said, "We'll be in good hands."

GREEN ENERGY

Nevada's clean energy industry has had no stronger supporter than Reid, who often said the Silver State's rich solar, geothermal and wind resources could make it the "Saudi Arabia of renewable energy."

But it's taken the senator's own brand of power to push the state toward green energy.

Most notably, Reid challenged NV Energy's plans to build or buy as much as 4,500 megawatts of coal generation in 2006, said Lydia Ball, a Las Vegas-based consultant to the Clean Energy Project and a former Reid aide. That included fighting NV Energy's $5 billion, 1,500-megawatt Ely Energy Center, which the utility put on indefinite hold in 2009.

"Sen. Reid was the one who was willing to lead that conversation and say, 'This isn't the direction Nevada should be going,' " Ball said. "He really opened it up to allow solar in particular to develop."

Reid's efforts didn't always work out.

After claiming in 2012 that NV Energy hadn't "done enough to allow renewable energy to thrive," Reid pressed the utility to buy power from a proposed $5 billion solar project that Chinese company ENN planned near Laughlin. But the utility already exceeded the state's requirements on its renewable portfolio, and there was no guarantee the Public Utilities Commission would allow a purchase agreement. The ENN plant never materialized.

Still, Nevada's solar-industry jobs more than doubled in 2014, making it the country's fastest-growing state for solar employment, the Solar Foundation reported in February. Nevada ranked No. 7 for solar jobs, with 5,900 positions, and No. 1 for jobs per capita.

What's more, NV Energy got 18 percent of its generation from renewables in 2013, up from less than 5 percent in 2003, and is on track to receive at least 25 percent of its power from green energy by 2025.

"We're all feeling bittersweet. We owe Sen. Reid a debt of gratitude for his leadership," Ball said. "You can't help but think about how we're losing our strongest, biggest, oldest champion."

Ball and NV Energy officials agreed the sector is now strong enough to support itself after Reid retires.

"Sen. Reid has been a champion of Nevada's energy independence. He's been an advocate for Nevada's investments in renewable energy and efficient natural gas generation," said Paul Caudill, NV Energy's president and CEO. "His leadership was instrumental in bringing the One Nevada transmission line to fruition, which is yielding daily benefits to our customers. These projects are among his legacies, and will ensure that our state continues to pursue a thriving sustainable energy future for all Nevadans."

Reid will use his remaining months in office to advocate for clean energy. He's scheduled to speak

on the topic at an April luncheon of the Las Vegas Global Economic Alliance.

http://www.reviewjournal.com/news/las-vegas/what-s-store-nevada-after-harry-reid-retires

What now? Here's how Harry Reid will likely spend his last months in the Senate

Writer: Amber Phillips
Published: March 28, 2015

For Sen. Harry Reid, it's legacy time. In announcing his retirement Friday, Nevada's senior Democrat said he wanted to leave while he was ahead.

"I want to go out at the top of my game," Reid said in an interview the same day with Nevada Public Radio.
These final two years in the Senate are critical for Reid to ensure that's what happens. Without a grueling 20-month campaign, Reid has a chance to cement his legacy in the state in everything from transportation to wind farms.

Here's some of what he's likely to focus on in the final two years of a 34-year career in Congress:

Renewable energy
The same day Reid announced his retirement, another announcement circulated in Las Vegas: In two weeks, Reid would be headlining a talk there on the clean energy economy.

It was a sign of Reid's continued commitment to shutting down Nevada's coal economy while building up its wind, solar and geothermal industry.

He helped secure hundreds of millions of dollars in the 2009 economic stimulus bill to build renewable projects in the state and has helped upgrade Nevada's grid through transmission lines to ship solar, wind and geothermal energy generated in the desert to cities like Los Angeles.

Reid said Friday he planned to fight in Congress to maintain tax cuts for the renewable energy industry. "I am going to continue doing everything I can to have a cleaner source of energy for electricity production, and one really good way to do that is with solar," he said.

For his work in renewable energy and much more, Reid "deserves a monument," said Nevada Democrat and confidante Billy Vassiliadis.

Public lands
Reid is an environmentalist at heart, and he's worked to secure hundreds of thousands of acres of wilderness in Nevada for federal protection.

"I am so moved by what he's done for Nevada," said Neil Kornze, a former Reid aide and the director of the Bureau of Land Management, the agency that manages most of the public land in the state. "I look at the maps of the West, specifically the map of Nevada, and I see Harry Reid's mark in every county, in every community."

And the entire Colorado River basin can thank Reid, who helped maneuver a behind-the-scenes water treaty with Mexico, said former Las Vegas water czar, Pat Mulroy.

"There wouldn't be a reservoir on the All American Canal if it wasn't for Sen. Reid," she said.

The job's not over: Reid has filed two bills in the Senate — not without controversy — that would protect thousands more just a few hours in and around Clark County.

One is the Gold Butte Basin and Range, which Reid waxed about Friday:

"Gold Butte is a beautiful place not far out of Las Vegas at all. I have been there, such wonderful archaeological wonder with hieroglyphics on those rocks it is really a beautiful place and we need to protect that because with the tremendous growth in Las Vegas area that will be destroyed."

Yucca Mountain

"Yucca Mountain is dead," Reid also declared Friday. "It will never be a high-level nuclear repository."

As talks to restart the project gained momentum in Congress, this was one of several times in the past few weeks Reid has felt compelled to declare dead a 1980s law consigning the Nevada desert to store the nation's commercial nuclear waste.

Reid has been influential in putting the brakes on Yucca Mountain, and he indicated Friday he would continue serving as a roadblock for it. Even as he was planning his retirement announcement, Reid said he had lunch with the Secretary of Energy this week, who also "doesn't want it to happen."

Reid pointed out he would still be able to block legislation in the Senate for the next two years.

"So there is going to be no legislation passed to either create Yucca Mountain or do anything to change how it now exists."

The Economy

As President Barack Obama mentioned when he phoned into KNPR to surprise Reid, the then-Senate majority leader helped stop the nation from spiraling into a depression in the 2008 economic meltdown. Back home, Reid was part of boardroom-level negotiations back home to save CityCenter, the $9.2 billion MGM Resorts development project that threatened to implode and take Las Vegas down with it.

As Nevada's economy is on the rebound, Reid said Friday he believed a critical component of protecting its growth was protecting collective bargaining rights and labor power in the workplace.

"I think that we need to strengthen the middle class, and one reason to do that is through organizing workers so that they get good working conditions, good wages, good benefits," he said.

In fact, Reid's relationship with organized labor was a cornerstone in building the state's Democratic Party. Unions were the foundation of his 2010 re-election win against Sharron Angle. They bused voters to the polls and funneled money to his campaign.

Reid's relationships with unions weren't always affectionate.

National trade groups urged Reid and Senate Democrats to approve the Keystone XL pipeline project. Reid blocked Keystone legislation from passing while he was majority leader. Unions also slammed him for his role in passing the Affordable Care Act, health care reform that Reid's staff was influential in crafting. This month marked the fifth anniversary of the law, known as Obamacare. Reid was one of few lawmakers who publicly praised the law for helping more than 8 million Americans enroll in health care plans.

Politics

The godfather of the modern-day Nevada Democratic Party doesn't appear to be stepping down from one of his favorite roles anytime soon.

He made sure Friday to come out with an endorsement of who he wants to replace him: former Nevada Attorney General Catherine Cortez Masto.

And he promised he'd do everything he could to raise money for her, as well as for Nevada Democrats, Senate Democrats and for Hillary Clinton, should she run for president.

Speaking of presidential politics, Reid's one paragraph will likely include his ability to push Nevada's presidential primary to the top of the list; the first in the West and first four overall.

Now, the nation's eyes are expected to be on Nevada in 2016.

"We're what most refer to as a flyover state," said Chris Miller, the chairman of the Clark County Democratic Party. "If it weren't for Sen. Reid being the majority leader in U.S. Senate, there's a lot of things we wouldn't have in Nevada."

Assessing his own legacy

In interviews, Reid normally shies away from talking about his legacy. But he ended his public comments Friday on Nevada Public Radio with a thought on that subject:

"I want people to remember me as someone who never forgot where he came from," Reid said, "and who fought every day of his life to make sure that the kids like Harry Reid — these little boys from Searchlight and these kids in these teeming big cities — that we could look to me and say, 'You know, if Harry Reid could do it, I could do it.'"

http://www.lasvegassun.com/news/2015/mar/28/what-now-heres-how-harry-reid-will-likely-spend-hi/

NEVADA APPEAL
nevadaappeal.com

Another trip to the state's scenic back roads

Writer: Rich Moreno
Published: March 28, 2015

Last week I wrote about the Bureau of Land Management's Back Country Byways in Northern Nevada so this week I'll take a look at the program's scenic back roads found in the rest of the state. Nevada has a total of eight National Back Country Byways, which are roads off the beaten track that have been selected by the BLM for their scenic beauty and natural attractions. Most of these routes are not paved so a high clearance, four-wheel drive vehicle is recommended.

In addition to the five I previously mentioned (California Trail Byway, Lovelock Cave Byway, Fort Churchill to Wellington Byway, Mountain Wilson Byway, and Lunar Crater Byway), the others include:

• Bitter Springs Trail Back Country Byway—This scenic drive begins at Valley of Fire State Park and winds 28 miles along the foothills of the Muddy Mountains, through several dry washes, past a handful of abandoned mining operations and ends on North Shore Drive in Lake Mead National Recreation Area. The byway intersects with the Old Spanish Trail, a pioneer route traveled by Spanish explorers as early as the 1770s. For more information, contact the BLM Las Vegas office, 702-647-5000.

• Gold Butte Back Country Byway—This 62-mile ride begins about 90 miles northeast of Las Vegas and five miles south of Mesquite. The road offers magnificent views of red and white sandstone cliffs and rock formations as well as plenty of desert wildlife. If you stop along the way, you can find petroglyph sites, sinkholes and the ruins of the historic mining camp of Gold Butte, established in 1908. For more information, contact the BLM Las Vegas office.

• Red Rock Canyon Back Country Byway—This 15-mile loop actually winds through the Red Rock Canyon National Conservation Area, which is about a half-hour west of Las Vegas. One of the few paved byways, the one-way road offers self-guided trails with interpretive signs, picnic areas, and scenic vista pullouts. The Red Rock Visitor Center offers guided tours and programs. There is a $5 charge per vehicle. For more information, contact the BLM Las Vegas office.

Two final Back Country Byways worth mentioning that aren't in Nevada but skirt the border between Nevada and California are located in the state's Northwestern corner. They include:

• Surprise Valley/Barrel Springs Back Country Byway -This 93-mile road begins and ends in Cedarville, California, which is about 23 miles east of Alturas (northwest of Reno). This lengthy journey passes through historic communities, like Lake City and Fort Bidwell, and crosses into Nevada's wide-open Great Basin country. For more information, contact the BLM Cedarville office, 530-279-6707.

• Buckhorn Back Country Byway—This rustic byway begins on Nevada State Route 447 on the edge of Duck Flat, about 40 miles northeast of Gerlach. The single-lane gravel road climbs to a high plateau of sagebrush and pinon-covered hills and passes several small lakes. It ends at Ravendale on U.S. 395, between Susanville and Alturas. For more information, contact the BLM Cedarville office, 530-279-6707.

The Spectrum
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BLM Working to Restore Gold Butte

Writer: Brandon Mullens
Published: March 19, 2015

JJ Smith, restoration project manager at the Bureau of Land Management, informed an audience of the ecology of the Gold Butte area and its issues of endangered species and plants at the Friends of Gold Butte Education Series Wednesday at the Community Theatre.

When studying ecology, ecologists focus on four things, Smith said:

- The interactions of organisms between them and the environment.
- Movement and materials of energy through ecosystems.
- Succession of ecosystems over time.
- The abundance of distribution of organisms.

Smith said he and his restoration crew do quite a few restoration projects in desert environments.

"They're very difficult and it takes a lot of time and money," he said. "The chances of success are sometimes very low. Mainly because there's not much water, making restoration here more difficult than anywhere else I've worked. And because we have pre-major challenges like red brome grass."

Red brome is a big problem in the desert because it uses a lot of water; it crowds out other species; and it causes wildfires, Smith said.

"Wildfire is the perhaps one of the biggest problems in the deserts," Smith said. "and most of the trees and bushes and other species cannot sustain a fire. It's a real problem."

Smith said they've tried many ways to try and prevent wildfires, or grow the native plants that used to inhabit the area.

One way is an aerial seeding study where they flooded areas with many different native seeds to try and regrow the stuff that died. However, 85 percent of the seed gets eaten, mostly by ants, birds and other animals.

"It's a big waste of money, most of the time," Smith said. "It also doesn't take care of the red brome grass that remains there and grows back."

Another way of bringing back the native plants to the desert is growing them in greenhouses and having volunteers plant them out in the desert, but the problem with that is that it's incredibly expensive and takes a lot of time, he said.

A third option is using the technology to pinpoint the areas to focus on, such as where red brome is and where the burn areas are and where it starts.

"We've been using satellite data and satellite imagery and modules to figure out where are the best targets to look at," he said. "We also use satellites to measure the reflectance so we can see when the red brome comes up."

The final way is using a lot of herbicides, which Smith has not done yet, to try and reduce patches of weeds at least to keep adjacent areas from burning.

"This is something we're looking into but it's not a popular idea," Smith said.

Smith also noted that there are animals like spring snails and the Moapa dace are becoming part of the

endangered list because some plants and other predators are infecting their habitats.

"We are a hot spot full of endangered species."

Smith said they have worked to restore the Muddy River, and the BLM started acquiring land to help keep the Moapa dace alive because talapia was becoming an invasive species.

"It worked its way up into Lake Mead and it started eating the dace," Smith said. "What we did was put a fish barrier, or dam, to keep fish from coming upstream, and then we started restoring the surrounding habitat to make the conditions in the water better for the fish."

The testing they've done has worked out well, and they think they have a good chance of restoring the native species back into the system, Smith said.

He said the Virgin River is having the same problems as the Muddy River, which they hope they can get working on within a couple of years.

Encourage Efforts to Preserve Lands

Guest Writer: Brian DiMarzio, Las Vegas
Published: March 19, 2015

To the Editor:

While we celebrate the amazing achievement realized late last year with the designation of Tule Springs Fossil Beds as a national monument, we must remember we cannot stop our efforts.

Sen. Harry Reid and Congresswoman Dina Titus have introduced companion bills to protect two other Nevada treasures: Gold Butte and Basin and Ridge. They need and deserve our appreciation and support. These lands need immediate protection for open space, wildlife, art and cultural resources. We know achieving these goals will not be easy.

Please take the time to call or email Reid and Titus to say thank you and to let them know we are behind them. Perhaps even more important, contact the other members of our Nevada delegation to let them know how important these areas are, not only for our enjoyment of these beautiful areas, but also to our tourist economy. As a Realtor in Las Vegas, I am concerned about doing all we can do to make Southern Nevada a place people want to make their home.

More National Parks

Guest Writer: Jim Boone, Las Vegas
Published: March 17, 2015

To the Editor:

California, Arizona and Utah have large federal conservation lands that attract tourists from around the world. In Las Vegas, visitors from around the world use our city as a hub to visit Death Valley, the Grand Canyon and Zion — all of which are in other states. We could keep these visitors in Nevada, and keep their tourist dollars here, if we developed park areas of similar quality.

With Red Rock Canyon, the Spring Mountains, Lake Mead, Valley of Fire and Great Basin as our base, we could add Gold Butte and Basin and Range to create our own grand circle of parks in Nevada. By keeping tourists in our state, or even just connecting our parks with those in other states, Nevada could develop an energetic outdoor tourist economy in gateway communities on par with our neighbors.

Gold Butte (Clark County), with its many wonders, is well-known to local outdoor enthusiasts, but Basin and Range (Lincoln and Nye Counties) is little-known. Basin and Range offers grand vistas, from enormous unspoiled basins to snow-capped mountain ranges, with a cultural history spanning the last 11,000 years and remarkable geologic formations. Conserving Basin and Range would also enable Nevada ranchers to stay on the land as they have for generations, keep open miles of back roads and conserve the unspoiled view from Michael Heizer's land art project, "City."

Basin and Range is already federal land, so enormous benefit could be gained in Nevada by drawing a line on a map, changing the name of the enclosed area and constructing a couple of campgrounds. This seems like a no-brainer for rural economic development.

http://www.reviewjournal.com/opinion/letters-uncooperative-gop-drags-down-us

The Spectrum
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Environmental Issues

Guest Writer: Bon Kruder, Mesquite
Published: March 9, 2015

To the Editor:

I attended Hardy's town hall meeting and he was quite confident, perhaps arrogant, that "his people" were taking very good care of the land around here, speaking on Gold Butte.

I could include scores of additional photos of dumped couches, appliances, carpet and heaps of garbage all over the Virgin Valley, particularly out in the Bunkerville wilderness, which is Cresent's backyard — so to speak.

My hiking friends and I pack out garbage every time we visit our desert wilderness. Mr. Hardy should be ashamed to claim he's an environmentalist, which he did, at his latest public forum at Mesquite City Hall.

http://www.thespectrum.com/story/opinion/mesquite/2015/03/09/letters-editor/24668065/

Protecting Nevada Lands

Guest Writer: Tim Castille, Mesquite
Published: March 8, 2015

To the Editor:

Thank you for the article about the public lands meeting hosted by Sen. Harry Reid and Rep. Dina Titus ("Lands bill could hamper Yucca Mountain Project," Feb. 20 Review-Journal). I attended the meeting, and the room was packed with Southern Nevada residents who expressed overwhelming support for public lands protection.

It was heartening to see people of all ages and backgrounds attest their love and appreciation for Gold Butte, Tule Springs and the Great Basin. Given the turnout at the meeting, the numerous testimonials made by people in support of public lands and the noticeable lack of opposition, I believe that this is not an issue that has two sides. It seems to me that all Nevadans love their public lands, and there is overwhelming support for protecting these treasured places.

http://m.reviewjournal.com/opinion/letters-construction-defect-law-full-flaws

"Nevada is working to conserve its natural lands"

Writer: Valdemar González
Published: February 28, 215

Everyone knows Las Vegas for its hotels and casinos, shows and entertainment services. Although many also know the beauty of surrounding natural areas like Lake Mead or Red Rock Canyon, few know that work is continuing to protect more public lands.

The major national parks like the Grand Canyon were not established overnight, nor easily, and this is also true for smaller areas like the new Tule Springs in Southern Nevada. At the end of last year, Congress passed a law protecting Nevada's lands which created the Tule Spring Fossil Beds National Monument. El Mundo covered the ceremony where Senator Harry Reid, Representative Dina Titus and now former Representative Steven Horsford established this national monument.

According to information from the office of Senator Reid, Tule Springs, with more than 22,000 acres, contains the greatest number of animal fossils from the Ice Age in the Southwest area of the country.

Thanks to the legislative work of Reid, Titus and Horsford, who voted to pass this law, Southern Nevada now has a natural area protected for its archeological and scientific value, but which is also available for recreation, which means tourism, which drives the largest sector of the local economy.

In this vein, the struggle continues for a law designating the Gold Butte area a natural monument in North Las Vegas. Senator Harry Reid and then Representative Steven Horsford – both Democrats – brought the bill for federal protection of Gold Butte, a site which must be protected for the enjoyment of the people now and for future generations according to North Las Vegas Councilman Isaac Barrón, perhaps its strongest supporter.

If Congress approves the bill to protect Gold Butte, it will put Gold Butte on the tourism map, so that visitors from afar will have another reason to visit Las Vegas. Councilman Barrón has also said that he considers it an ideal place for residents of North Las Vegas and the rest of the valley to spend time outdoors with their families.

On February 18, 2015, Senator Reid and Representative Titus held a public forum regarding conservation of Nevada's natural resources, where Barrón championed the necessity for a law to protect Gold Butte.

http://issuu.com/elmundolv/docs/em-lv_20150228_a

LAS VEGAS SUN

Protect Nevada's future by securing our past, preserving our lands

Guest Writer: Isaac Barron
Published: February 27, 2015 2 a.m.

There is true economic and communal value in protecting public lands.

Sen. Harry Reid and Rep. Dina Titus recently held a public meeting to gather our community's input on the opportunities to preserve Nevada's public lands. Our diverse community attended the meeting in numbers demonstrating our shared love for open spaces and public lands. I appreciated this opportunity to speak on behalf of the community I represent in North Las Vegas and the students I teach and advise at Rancho High School. I want to thank our national leaders for hosting this discussion and protecting our community's interests.

The recently designated Tule Springs National Monument will be an economic catalyst for our region. The unique urban nature of Tule Springs will support local economic growth by attracting more tourists to our region as well as enticing tourists to stay longer to explore our newest national treasure. Tule Springs provides a unique border by surrounding the northern edges of North Las Vegas and the greater Las Vegas Valley. This protective border to our community will attract more families and increase the quality of life for our residents.

These economic benefits also can be experienced in cities such as Mesquite and Alamo as they fight to permanently protect the spectacular lands and cultural resources in their communities. Nevada has been blessed with a bounty of natural beauty and archeological artifacts; it has a wealth of places worthy of permanent protection as administratively designated national monuments.

I love to be outdoors. I try to get out every hunting season with my family to bond and grow together. We have loved to fish, camp and get outdoors for years now. The open spaces surrounding our valley offer the chance to unwind, find oneself, and commune with nature and family. I want to see the same opportunity to enjoy the natural and historical resources afforded to our future generations.

As a teacher at Rancho High School and as a father, I know the experience of recreation on public lands can positively influence a child's development and life. Witnessing the awe-inspiring beauty of rolling hills and majestic mountains can give a child a new perspective and help them overcome the adversity faced in their day-to-day lives. As an educator, I know firsthand the issues that some of our youths face, and helping them is my passion.

We need to ensure everyone has the opportunity to enjoy our public lands today and that the future generations I have the pleasure of educating every day do too. Protecting areas such as Tule Springs, Gold Butte, and Basin and Range Province will not only preserve traditions of hunting and camping, but will also serve to recognize the importance of public lands to our culture, our families and our economy.

Isaac Barron is a teacher at Rancho High School and a North Las Vegas councilman representing Ward 1.

http://lasvegassun.com/news/2015/feb/27/protect-nevadas-future-securing-our-past-preservin/

MESQUITE
LOCAL NEWS

Hardy needs to protect Gold Butte

Guest Writer: Bryon George, Mequite
Published: February 26, 2015

To the Editor:

Representative Hardy was quoted as saying, "I think it's time the federal government got out of our state." *(Rep. Hardy expects to see some action on federal land issues, MLN Feb. 19, 2015)* What is not clear from the article is how he proposes to protect our public lands for future generations. Our treasured places, like Gold Butte, cannot be protected with good intentions alone and the state/city/county does not have the financial resources to effectively manage a 350,000 acre habitat without bankrupting us.

Hardy also noted that he views these lands as "laboratories of industry." I urge Hardy to consider the sustainable economic gains that can be realized by protecting Gold Butte and other Nevada lands for the enjoyment of future generations. Protected lands are good for rural, local economies – certainly better than extractive and exploitative industries that privatize and destroy the land.

We all want to see this special place that is our backyard in Mesquite protected. Congressman Hardy, as a freshman in Congress, should work with the rest of the delegation to work to make that happen, or he should move out of the way so Gold Butte gets the permanent protection it deserves and that the majority of us here in Mesquite support.

http://mesquitelocalnews.com/2015/02/hardy-needs-protect-gold-butte/

Greenwire

Obama flexes muscles on resources with eye on legacy

Writer: Phil Taylor, E&E reporter
Published: February 23, 2015

President Obama has quickly built a hefty portfolio on natural resource issues.

In the last two years, Obama has designated or expanded a dozen national monuments, preserved more than 1.1 million acres in the West and moved to permanently ban drilling in the oil-rich Arctic National Wildlife Refuge.

And in the last month he's proposed the biggest expansion of offshore oil and gas exploration in a generation, paving the way for drilling rigs to plumb mostly virgin waters from Virginia to Georgia, while permitting the first oil production in the nation's largest petroleum reserve. Last Friday, his administration unveiled major rules governing Arctic oil exploration.

While Obama still has nearly two years left in the White House, his allies and critics are already sizing up his record on resources -- and thinking about what's to come.

If history is any indication, Obama's pace of executive actions on lands and waters could accelerate.

Consider that President Clinton in his last year in office designated or expanded 18 of his 19 national monuments, permanently setting aside more than 3.3 million acres, according to National Park Service **data**.

Obama last week designated three new monuments covering 22,000 acres in Illinois, Colorado and Hawaii, calling parks, monuments and waters the "birthright of all Americans."

Other major land and energy decisions are fast approaching:

- The administration will decide in coming months whether to permit Royal Dutch Shell PLC to drill in the relatively pristine Chukchi Sea off Alaska's North Slope, where there are an estimated 15 billion barrels of oil.
- The Bureau of Land Management will write or finalize major rules governing hydraulic fracturing, methane venting and flaring, and royalties.
- And BLM will finalize unprecedented new protections for sage grouse across tens of millions of acres of Western rangelands, an effort some conservationists are comparing to Clinton's sweeping 2001 roadless rule.

"What Obama is doing is setting a platform for action over the next two years," said Bill Meadows, former president of the Wilderness Society. "There's so much more that can be done, and I think he's enjoying it."

Not enjoying Obama's action: Republican lawmakers.

"This White House has shown once again its utter and complete disdain for the public process, Congress and the communities most impacted by these unilateral, unchecked land designations," House Natural Resources Chairman Rob Bishop (R-Utah) said after Obama's monuments announcement last week. "Obama has sidelined the American public and bulldozed transparency."

While Republicans accuse Obama of flouting Congress and putting a regulatory muzzle on the nation's energy renaissance, they appear powerless to stop him.

The 1906 Antiquities Act gives presidents almost unchecked powers to ban oil drilling, mining and

logging across enormous swaths of the American West. Clinton famously used the law in 1996 to designate the 1.7-million-acre Grand Staircase-Escalante National Monument in southern Utah, blocking development of a massive coal deposit and enraging lawmakers in the Beehive State.

Obama has so far used the law more diplomatically, designating monuments only where there is broad political support and, incidentally, only in states that voted for him in 2012.

He's used the act 16 times, setting aside land at a faster clip than Clinton, but with fewer acres. But it's tough to draw comparisons, since every acre conserved is not equal.

A big test will be whether Obama will protect landscapes in hostile territory -- such as the half-million-acre Boulder-White Clouds in central Idaho and nearly 2 million acres surrounding Canyonlands National Park in Utah. Republican lawmakers in those states are urging Obama to stand down as they seek legislative protections.

But top Obama aides say the president has plenty of ink in his pen for creating monuments if Congress fails to act.

Green groups are also seeking protections of 1.7 million acres surrounding the Grand Canyon, more than 1 million acres in the Southern California desert and 350,000 acres of Nevada's Gold Butte, a vast desert of multihued rocks, petroglyphs and slot canyons.

Obama getting 'the hang of it'

Conservationists say Obama has gone from timid to bold on resource issues.

They point to Obama's proposal last month to designate some 12 million acres of the Arctic National Wildlife Refuge as wilderness -- barring access to an estimated 10 billion barrels of oil that Alaskan officials badly want to supply the depleted Trans-Alaskan Pipeline System.

The move was symbolic, since only Congress can decide whether the refuge is opened to drilling. But it reversed a Reagan administration plan seeking full oil and gas development in the 1.5-million-acre coastal plain -- a major policy stamp for the next 15 years.

And in contrast with the Fish and Wildlife Service's draft ANWR wilderness proposal -- which was quietly unveiled in August 2011, barely getting noticed in the media -- Obama and his advisers touted the final wilderness plan with gusto. Interior Secretary Sally Jewell and Chief of Staff Tommy Beaudreau stopped by the Washington, D.C., headquarters of the Alaska Wilderness League to celebrate the proposal.

It was a poke in the eye to the Alaska congressional delegation, including Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska).

"He's growing more comfortable using the administrative powers at his disposal," said Mike Matz, director of U.S. public lands for the Pew Charitable Trusts. "His administration has gotten ... the hang of it."

Matz credited John Podesta, the president's senior counselor on global warming, who founded the liberal Center for American Progress, for prodding Obama to act. Podesta in summer 2012, while at CAP, called monument designations "good politics," arguing they could burnish Obama's re-election bid in key Western battleground states. The ANWR announcement came at a politically advantageous time, given that gasoline prices were plunging as domestic oil production in the Lower 48 soared.

Former Interior Secretary Bruce Babbitt played a similar role with Clinton by challenging the 42nd president to match the conservation achievements of past commanders in chief, Matz said.

"In Obama, you had another instigator in John Podesta," Matz said. "You need someone who can make the administration comfortable up and down the ranks."

Greens question whether Obama will keep up the momentum as key staffers depart and the administration heads for the home stretch.

Podesta left the White House this month to join Hillary Clinton's political team as she considers jumping into the 2016 presidential race. And Mike Boots, the acting chairman of the White House Council on Environmental Quality, who is viewed as another champion for land protections, plans to leave the administration in March.

In addition, Obama is already laying claim to protecting more land and waters than any other president. The claim is true if you count the president's decision last September to expand the Pacific Remote Islands Marine National Monument to more than 490,000 square miles.

Some conservationists fear he'll rest on his laurels. But others see new allies arriving at the White House.

A fresh arrival hailed by green groups is Christy Goldfuss, a former National Park Service political appointee who worked under Podesta at CAP, who is being groomed to take the helm at CEQ, sources said.

Environmentalists are also enthusiastic about Michael Degnan, a former Sierra Club representative, and Angela Barranco, who are both at CEQ, as well as Jewell's Deputy Chief of Staff Nikki Buffa, BLM Director Neil Kornze, and Agriculture Department Undersecretary for Natural Resources and Environment Robert Bonnie.

Last Wednesday, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Senate Minority Leader Harry Reid (D-Nev.) and Rep. Dina Titus (D-Nev.) to discuss their proposals to protect more than 1 million acres at Gold Butte and at Garden and Coal valleys, which include remote archaeological sites and a massive public art project.

Connor's attendance suggests the administration could be considering the area for a future monument. Jewell and Bonnie in December also visited Northern California's Berryessa Snow Mountain region, where conservationists are clamoring for a 350,000-acre monument designation.

'Not a love fest'

Douglas Brinkley, a history professor at Rice University who has written extensively on land conservation, said Obama must act with more pluck to rival Clinton's conservation legacy.

Neither president will rival the achievements of Theodore Roosevelt, Franklin Roosevelt, John Kennedy, Lyndon Johnson or Jimmy Carter, who make up the "Mount Rushmore" of land conservation, according to Brinkley.

But Obama, who has already earned the title of "the climate change president," faces few political risks in pushing the conservation envelope, Brinkley said.

"The political atmosphere couldn't be better for the president to be brave in using the Antiquities Act."

The administration has put its stamp on public lands in more subtle ways, too, by implementing controversial oil and gas leasing reforms in 2010 that were followed by a steep drop in BLM lands leased for drilling, and by yanking 77 George W. Bush-era oil and gas leases that former Interior Secretary Ken Salazar argued were too close to national parks in Utah.

BLM issued 1,157 oil and gas leases in fiscal 2014, a 20 percent drop from the previous year and the lowest amount in at least a quarter-century, according to agency statistics released last month. Over the past five years, the agency has leased an average of 1.5 million acres annually, down significantly from the 4 million acres the George W. Bush administration leased annually during its final five years in office.

Oil production has grown steadily on Western federal lands, but nowhere near as fast as on private tracts overlying shale plays in states like North Dakota and Texas. The administration's critics blame BLM red tape, while others attribute the discrepancy to geology.

Natural gas production has dropped steadily on federal lands -- even as it has soared elsewhere -- and oil production has fallen under Obama's watch in the Gulf of Mexico, though some of the drop can be attributed to the halt in drilling following the 2010 Deepwater Horizon spill.

"[For] people pushing for more government control and less extraction on federal lands, Obama is their savior," said Dan Kish, senior vice president for the Institute for Energy Research, a free-market advocacy group. "He's basically given them all they want and more."

Oil backers offered tempered praise for Obama's decision last month to open the Atlantic Ocean to future leasing, though they blasted his decision to ban development within 50 miles of shore, a restriction some fear will preclude exploration altogether.

The leasing proposal "slams the door on industry and on new jobs, increased economic activity, added revenue and strengthened energy security," said Randall Luthi, president of the National Ocean Industries Association.

But Meadows, the Wilderness Society former president, said Obama is far from a conservationist lap dog. Obama's "all of the above" energy platform has included a heavy emphasis on natural gas drilling, coal leasing in Wyoming and drilling in the Arctic Ocean, Meadows said. "This is not a love fest by any means," he said.

http://www.eenews.net/greenwire/stories/1060013840/print

'Very pragmatic'

According to Paul Bledsoe, a former Clinton Interior official, Obama has been "bullish" on the future of oil and gas development.

The administration has implemented unprecedented safety reforms in the Gulf of Mexico and is preparing two major rules governing hydraulic fracturing and the venting and flaring of methane -- moves that should facilitate continued development of federal minerals, he said.

"The Obama administration has reformed and improved the safety and environmental sustainability of oil and gas development on public lands and waters more profoundly than any other recent president," Bledsoe said. "This administration, in my view, has been very pro-oil and gas development, even while protecting pristine landscapes from development and creating a record area of new national monuments."

Bledsoe said it is politically remarkable that less than five years after the BP PLC oil spill in the Gulf of Mexico, the administration is poised to open the Atlantic.

Moreover, the administration has taken a flexible approach to conserving the greater sage grouse, Bledsoe said, by taking lessons from the northern spotted owl, whose protection under the Endangered Species Act in the early 1990s led to dramatic reductions in logging.

"They're very pragmatic," Bledsoe said. "It's a window into the adaptability of the Obama administration's view of conservation broadly."

ProgressNow Nevada Thank You Ad

Published: February 20, 2015

Conservation bill could block Yucca rail route, but prospects shaky

Writer: Henry Brean
Published: February 19, 2015 12:27a.m.; Updated: February 19, 2015 6:59p.m.

Though its sponsors insist it wasn't their intent, a Nevada lands bill pending in Congress could throw up another road block to a Yucca Mountain Project.

The legislation, introduced last year by U.S. Sen. Harry Reid, would restrict mining and energy exploration on more than 800,000 acres of federal land in two lonesome valleys straddling Lincoln and Nye counties

The Senate Minority Leader has said he wants to withdraw the land in Garden and Coal valleys to protect "City," noted artist Michael Heizer's sprawling earth sculptor roughly the size of the National Mall. Supporters of the bill want a national monument dedicated to "City" and to the pristine basin-and-range landscape around it.

The designation would also block a future rail corridor for nuclear waste shipments to the proposed Yucca Mountain repository, which Reid spokeswoman Kristen Orthman acknowledged Wednesday while saying Yucca Mountain is not why Reid introduced the bill or decided to target so much land for withdrawal. That's just a welcome side-effect, Orthman said.

Rep. Dina Titus, D-Nev., who quietly introduced a House version of the bill last week, also said Yucca Mountain has nothing to do with it.

Motivations aside, the legislation faces an uphill battle in a GOP-led Congress already pushing back against such lands bills. Rep. Cresent Hardy, R-Nev., has vowed to fight the bill and a measure, also sponsored by Reid, to designate 350,000 acres at Gold Butte in northeastern Clark County a conservation area. Both areas are in Hardy's congressional district.

The two bills also are drawing opposition from local officials and some rural residents.

And the push for increased protection of Gold Butte is further complicated by the lingering dispute between federal authorities and Cliven Bundy, whose cattle roam the area in defiance of court orders and aborted government round-ups.

Titus said she still hopes to work on the lands bills with Hardy, whom she described as "more open" to protecting Gold Butte than in the past.

On Wednesday, Titus and Reid hosted a "conversation about conservation" in Las Vegas for an audience of several hundred.

The enthusiastic crowd packed the jury assembly room at the Lloyd George U.S. Courthouse to celebrate the new Tule Springs Fossil Beds National Monument at the northern edge of the Las Vegas Valley and to call for the protection of Gold Butte and Garden and Coal valleys.
The preservation pep rally was for the benefit of Michael Connor, the deputy U.S. secretary of interior, who had just toured Tule Springs.

Gold Butte, less than 100 miles northeast of Las Vegas, is in particular need of preservation, said Reid via video link from Washington, where he is recovering from eye surgery.

"What a loss it would be if we didn't protect it," he said. "If we don't do something, it will be gone in a matter of decades."

Titus, in person, said the lands must be preserved "for us, for the whole country and for generations to come."

Art lovers argue that Heizer's masterwork warrants special protection and could become a World Heritage site one day. "City" has been described as one of the most ambitious pieces of art ever, a network of sculpted berms, plazas and geometric shapes a 1.5 miles long and 900 feet wide inspired by ancient cities of South and Central America.

For a piece like that, "you need the scale of Nevada," said Michael Govan, head of the Los Angeles County Museum of Art. "It is almost finished, and that's why its protection is so paramount."

Several dozen people spoke of what Gold Butte, Tule Springs and the lonely valleys of the southern Great Basin mean to them.

Just one person opposed the conservation measures. The man, who called himself "John Q. Public," railed against the treatment of Bundy and criticized the government for trying to kick the public off public land.
The audience hissed and booed and shouted him down, receiving an obscene gesture in return.

http://www.reviewjournal.com/news/water-environment/conservation-bill-could-block-yucca-rail-route-prospects-shaky

Let's Talk Mesquite
Where Communities Communicate

#NVLeg Special Report: This Land Is Our Land

Writer: Andrew Davey
Published: February 19, 2015

Every so often, I can hear Woody Guthrie singing when I travel to and through the wide open expanses of Nevada (that is, when I'm not hearing "Wide Open Spaces", one of my favorite Dixie Chicks songs). This land is your land. This land is my land. This land was made for you & me.

When did we lose track of this very American dream? When did "this land is made for you & me" become "controversial"?

Ever since Cliven Bundy launched his "Range War" against the rule of law, his extreme "TEA Party" allies have been trying to "shift the Overton Window" and make the concept of public lands seem "controversial". Bundy's buddies in the Nevada Legislature are pushing SJR 1 to demand the federal government transfer wide swaths of federal public land to the State of Nevada so the state can turn the land over to developers and other commercial interests. And US Rep. Cresent Hardy (R-Mesquite) vows to "fight tooth and nail" any attempt by US Senator Harry Reid (D) to secure federal protection for Gold Butte.

Yet when Senator Reid and US Rep. Dina Titus (D-Paradise) held a joint community meeting on the state of Nevada's public lands, the crowd gathered at te Lloyd George Federal Building in Downtown Las Vegas expressed overwhelming support for preserving Gold Butte, Tule Springs, and Garden Valley (in Lincoln County).

Mesquite community leaders, such as Former City Council Member Karl Gustaveson and current Virgin Valley Water District Board Member Sandra Ramaker, spoke in favor of creating a National Conservation Area (NCA) for Gold Butte. So did the Nevada Resort Association's Virginia Valentine. So did Sean Fellows on behalf of Sig Rogich and Rogich Communications. So did local business leader & philanthropist Jenna Morton. So did the Las Vegas Convention & Visitors Authority (LVCVA). And so did Paiute Nation tribal leaders. And so did many more Southern Nevadans.

Democrats, Nonpartisans, and Republicans all stated their support for federal protection for Nevada's environmental treasures at Lloyd George yesterday. Educators, students, art lovers, history buffs, health care professionals, business executives, sportsmen, hikers, and others from all walks of life professed their love for Nevada's natural wonders… And their desire to keep these wonders public and preserved.

Really, the only opposition came from someone who was referring to himself as "John Q. Public". He spoke of Harry Reid's "BLM goons", being forced into "gay marriage", "abortion on demand", "environmental junk science", "domestic terrorists", and the kind of material one typically hears from the "black helicopter" crowd.

I had heard from several folks at Grant Sawyer who were concerned about Bundy supporters causing a scene at the event. But in the end, only "John Q. Public" rose to make his nonsensical rant before making a dramatic (yet peaceful) exit.

So why are Cresent Hardy and several Republican state legislators behaving as if most Nevadans agree with the Bundy Bunch and "John Q. Public"? Why are they claiming they have some sort of mandate to privatize these critical public resources?

This land is your land. This land is my land. This land is all our land. Nevada was made for you and me.

http://letstalknevada.com/nvleg-special-report-this-land-is-our-land/

Social Media Coverage: February 19, 2015 Public Meeting in Las Vegas

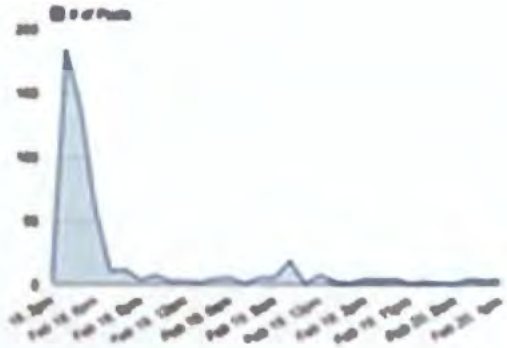
https://storify.com/jackieomdb/southern-nevada-conversation-on-conservation

#ProtectNV Social Media Impressions

February 17 - 20th

510	137	415,594	1,014,968
posts	users	reach	impressions

Timeline



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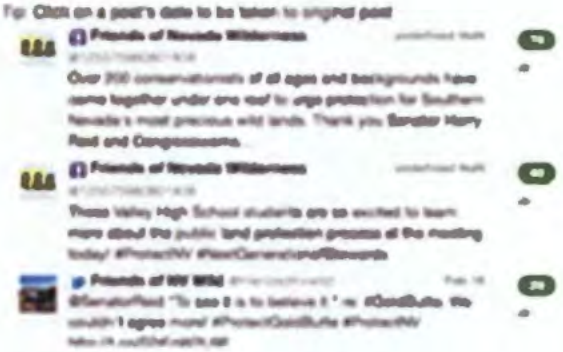

Location

Demographics

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Sentiment

Academic Literature Review of

Land and Resource Use of the Utah Navajo

Graham Worley-Hood and Gavin Noyes, Round River Conservation Studies

May, 2013

Photo by Branson Reynolds

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Origin

Navajo Oral Tradition

According to their rich oral tradition, Navajo People, or Diné, originated in the present-day four-corners region of the southwestern U.S. Their creation followed the upward emergence of spiritual figures through a series of lower worlds, beneath the Earth's surface. It was in these lower worlds that First Man and First Woman initially appeared, who would later become central figures in the creation of the Diné. It is described that the inhabitants of these lower worlds lived peacefully until an immoral or mischievous act provoked supernatural powers to induce destruction and chaos in retribution, forcing the inhabitants to abandon the world they lived, and seek refuge in the next world above. A similar story manifests in each lower world, although with different characters and events. Eventually, following one of these catastrophic events, First Man and First Woman emerged onto the Earth's surface in possession of a sacred medicine bundle filled with objects and powers collected from previous worlds; together they set about designing and then creating this new world.

Using objects from the medicine bundle, First Man and First Woman initially created spiritual beings to help with the creation process and constructed a ceremonial hogan[2] where the creation process was to take place. From inside the hogan they lay out more objects that, through ceremony, would take the form of features on the landscape and all the living creatures that would inhabit this world. It was then that the sacred mountains (Blanca Peak, Mt. Taylor, San Francisco Peaks, and Hesperus Peak) and rivers (Rio Grande, Little Colorado, Colorado and the San Juan) were created as protective forces for the Diné (Aton & McPherson, 2000, p. 34). After the landscape was created, Changing Woman was born from the most sacred objects in the bundle and was then reared by First Man and First Woman. Upon womanhood, she was given the sacred medicine bundle. Changing Woman eventually birthed twin sons, Monster Slayer and Born For Water, fathered by the Sun. The twin boys became protectors of the new world and purged it of the evil beings roaming its landscape.

With the world safe for new inhabitants, Changing Woman then created corn, and with the corn she created the first of the Diné. The scene of emergence and the creation of the Navajo people are believed to have taken place at the heart of their sacred geography in the mountains of Colorado near Durango, or the Navajo Dam area of New Mexico, depending on the version (Maryboy & Begay, 2000, p. 268; McPherson, 2001, p. 5). After these events transpired, many of the spiritual figures returned to the previous worlds with which they were associated. Some, however, remain in spiritual form, as guardians on Earth.

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[2] According to Stephen Jett (1978), hogans are traditional Navajo dwellings, also used for religious ceremonies. They are apparent in the earliest Navajo sites found (Dykeman and Roebuck, 2012) and are still used today. Although the basic form has remained the same, different styles and sizes have emerged throughout the centuries. The basic orientation and rituals involved in the construction of hogans, also remain the same. The entrance always faces east, while the enclosed area has a hearth in the middle and is customarily apportioned based on the cardinal directions and various socio-religious factors. Hogans are also traditionally abandoned if a death occurs within them, over a "dread of spirits of the dead." (See also, Lane, 1999; Doyel, 1982)

As with any history, especially those passed on through oral tradition, there are bound to be differences in the details depending on the individual telling it. There are many versions of the Navajo origin tradition, and although they differ in some details, they incorporate the same general themes and ideas that have been passed down through generations and centuries.[3]

Archaeological Theory

Archaeologists and anthropologists have proposed theories which conflict or differ with Navajo origin beliefs and prehistory, and it should be understood that many Navajo reject these ideas because of contradictions with their oral history and beliefs. Through the study of language, cultural traits, genetic evidence (Brugge, 2012), and scant archaeological evidence, researchers theorize that, sometime before 1000 AD, a small group of Athapaskan speaking people separated from a larger Athapaskan speaking culture, based in northern Canada and interior Alaska, and slowly migrated south. According to these theories, the Athapaskan speaking descendants of this original group eventually arrived in the present-day southwestern U.S. where they later became known as, or incorporated with other tribes to become, the Navajo and various Apache tribes. Most researchers agree that the Southern Athapaskans[4] were established in the SW region by the 16th century; however, there is archaeological evidence of their presence as early as the 14th century (Seymour, 2012; Sucec, 2006, p. 209). Although the Southern Athapaskan migration is generally accepted in written literature, the reasons for it, the manner in which it happened, the exact dates involved, and the role that these early Southern Athapaskans played in the emergence of the Navajo are not completely understood and are highly debated (Gilmore & Larmore, 2012).

Although researchers tend to focus on the origins of the Navajo's Athapaskan ancestry, the ancestry of the Navajo likely incorporated many different peoples, cultures, and cultural traits. David M. Brugge (2012) suggests that "[t]he earliest Navajo may not have been Athapaskan-speakers but were hunter-gatherers indigenous to the Southwest and descended from the archaic populations that later incorporated Athapaskan migrants." Whether or not this theory is correct, it sheds light on the importance of other ancestral groups in shaping traditional Navajo culture. In addition to theorized Athapaskan ancestry, some Navajo lineages have been traced to ancestors of Pueblo tribes, such as the Hopi, Acoma, Jemez, Keres, Laguna, Tewa, and Zuni.[5] Other ancestry has been traced to the Ute, Paiute, Havasupai, and Mexicans (Kelley & Whiteley, 1989, p. 16; Sucec, 2006, p. 210). Some Navajos also trace their ancestry to the Anasazi[6], mostly indirectly through their Pueblo ancestry, but in some instances

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[3] The information on Navajo origin tradition presented in this document is almost entirely paraphrased from a document written by Sam Gill (1983) and confirmed by Dine' elders and leaders including: Willie Grayeyes, Mark Maryboy, etc.

[4] 'Southern Athapaskan' and 'Apachean' are terms used interchangeably by archaeologists and anthropologists when referring collectively to the Athapaskan speaking tribes of the Southwest. The term 'Apachean' is derived from early Spanish accounts of various Athapaskan speaking peoples of the southwest which they called 'Apaches'.

[5] Collectively referred to in this document as "Pueblo."

[6] The Anasazi are considered a prominent pre-historic ancestor to the modern-day Pueblo groups described above.

directly (Sucec, 2006, p. 210; Brugge, 1996, p. 264). Regardless of these other ancestral ties, researchers agree that the first Navajo descended from an Athapaskan speaking culture.

General History and Pathway Toward Utah

Early Southern Athapaskans

The first Athapaskan speakers to arrive in the Southwest are believed to have been a highly mobile and specialized group, subsisting primarily as hunter-gatherers, and on the fruits of trading and raiding. Whether the ancestral groups to the Navajo and the various Apache tribes were already distinguishable upon entering the Southwest (Brugge, 1983; Brugge, 2012; Gilmore & Larmore, 2012) or if they diverged following the entrance of a single ancestral group (Dykeman & Roebuck, 2012, p. 151), is still a matter of debate. Either way, upon entering the region, the Southern Athapaskans came into contact with the Pueblo, a highly specialized agricultural society. These two cultures likely first interacted through trade; the Southern Athapaskans exchanging hides, meat and gathered plants for agricultural products from the Pueblo (Brugge, 1996; 1983; Dykeman & Roebuck, 2012). The excerpt below describes one theory:

> Eventually "...separate Navajo and Apache cultural identities emerged among the Southern Athapaskans. The Navajo became less mobile, increased their use of ceramics, adopted more substantial architecture forms, adapted Pueblo agriculture, and tied their identity intimately to the landscape of the upper San Juan River Basin. The Western Apache also became more sedentary on a relative scale among mobile groups (Seymour 2005b:4), but other Apaches (e.g., the Chiricahua, Mescalero, Plains and Lipan), perhaps more conservative and somewhat less willing to take on a sedentary lifestyle, focused less on agriculture and more on gathering, hunting, trading, and raiding, ranging over larger areas through much of the American Southwest and the Southern Plains." (Dykeman & Roebuck, 2012)

Although this general synopsis of the early Southern Athapaskans is not disputed among researchers, the manner and dates in which the Navajo emerged are. One theory is that traditional Navajo culture emerged late as the result of an influx of Puebloans seeking refuge during a period of conflict with the Spanish in the late 17th century (Dykeman & Roebuck, 2012, p. 152). Another theory describes this process as the gradual acculturation of a Southern Athapaskan group, to a more Puebloan way of life, that started early with a distinct Navajo culture appearing before the Pueblo refugee period (Hester, 1971, p. 51). In light of new evidence, Dykeman and Roebuck (2012) proposed yet another theory. The new evidence was an archaeological site found in the upper San Juan River drainage, dating to the mid 16th century, in which the inhabitants manifested most of the cultural traits that are considered distinctly Navajo. With this evidence and the fact that no transitional sites have been found identifying an intermediary culture between the Navajo and the early Southern Athapaskans, they envision an abrupt Navajo emergence by the middle of the 16th century. They theorize that, preceding the emergence, there was a period of coexistence between the early Southern Athapaskans and the Pueblo,

with certain ideas, technologies, and traits flowing back and forth, but without progression in a specific direction. They state that:

> "Prior to their arrival in Dinétah, the Southern Athapaskan-speakers were not Navajo. They were not Navajo for the 1,200 years that they were linguistically isolated from their Tsuut'ina (Sarsi) and Dene Suliine (Chipewyan) cousins in northern Canada. They were not Navajo at Avonlea, Besant, or Dismal River, or in the Wyoming, Utah, or Colorado Rockies; or any other place where anthropologists have theorized that these Athapaskan-speakers sojourned during their "migration" to the Southwest (translocation would be a better term—migrations do not take 1,100 years). But they did not become *Navajo* until they arrived in Dinétah, until they began to grow maize, build hogans in a ritually prescribed manner, and, importantly, until they embraced stories and accounts of the world that set them apart form other Apachean peoples. Navajo identity emerged in Dinétah. It is intimately tied to the place." (Dykeman and Roebuck 2012:165)

Regardless of the specific theory, traditional Navajo culture eventually emerged distinct from its ancestral roots. This has been evidenced at archaeological sites. Some of the cultural traits identified at the earliest sites, if separated, can be attributed to other groups. For example, traits associated with hunter-gatherers can be attributed to the early Southern Athapaskans and traits indicating the use of agriculture can be attributed to the Pueblo. However, sites exhibiting these traits together, combined with traits that cannot be associated with either of these groups, indicate the presence of a different culture. The people of this culture hunted, gathered, and practiced agriculture, but they also built hogans, stored produce in a unique way, performed different ceremonies and rituals, used particular craft styles, and displayed other traits that were distinct from any of their ancestral groups (Dykeman & Roebuck, 2012). This was the Navajo culture, and the location of their emergence was the Upper San Juan River drainage, amidst the four sacred mountains in the area known as the Dinétah.

The Pueblo

Regardless of the exact process and dates involved, it is clear that the Pueblo had a profound influence on the emergence of Navajo identity. Early relations between the Southern Athapaskan and Pueblo involved trade, alliance, and periods of conflict (Hester, 1971, p. 51; Schaafsma, 1980, p. 301), potentially varying by the specific Pueblo tribe. Trade would have likely included the exchange of hunting and gathering products from the Athapaskans (eg. meat, hides, wild plants, and minerals) in exchange for agricultural products from the Pueblo (eg. maize, beans, squash, etc.) (Schaafsma, 1980, pp. 304-5). As a strong trade relationship developed, there was likely an exchange of ideas and technologies as well. Traditional Navajo culture incorporated certain aspects that can be attributed to Pueblo origins, including:

1. Agriculture; including strains of maize and other crops, and some of the methods and rituals involved in farming. (Hester, 1971, p. 51; Dykeman & Roebuck, 2012)
2. Production, style, and use of ceramics. (Dykeman & Roebuck, 2012, p. 154; Brugge, 1983, p. 491)
3. Masonry construction. (Brugge, 1996, p. 261)
4. Certain elements of philosophy, social structure and religion; including clan structure, matrilineal descent, matrilocal residence, the emergence theme and certain rituals. (Dykeman & Roebuck, 2012, p. 154; Hester, 1971, p. 53)
5. Production and design of textiles. (Grayeyes, 2013)

The Navajo also modified and left their own cultural signatures on many of these practices (Dykeman & Roebuck, 2012). Evidence of these practices has been identified at the first recognizably Navajo sites in the Dinétah, dated to the mid-16th century. As suggested by Dykeman and Roebuck (2012, p. 154), this was not a one-way transaction; Southern Athapaskan traits and technologies (including craft traits, and war and hunting technologies) apparently started showing up at Puebloan archaeological sites dating to around AD 1400.

The Spanish

The first written accounts identifying the Navajo, specifically, came from the observations of Spanish missionaries and friars in the late 16th and early 17th centuries (Brugge, 1983). An account from Fray Alonso de Benavides, in 1630, identifies the "Apache de Nabajo", in reference to their use of agriculture. The term 'Nabajo' is believed to be the Spanish interpretation of a Puebloan word, essentially meaning, 'wide cultivated field' (Hewett, 1906). Other observations by Benavides describe a:

> "... semisedentary people who planted maize and perhaps other crops but moved to areas distant from their fields for hunting; traded meat, hides, and mineral products, primarily salt and alum, to the Puebloans; lived in "underground homes in Rancherias and built special structures for the storage of their harvest; were variously friendly or hostile with the Pueblos under different poorly defined circumstances; had clothing with feathered headgear, arrows tipped with stone points; had many local headmen including war chiefs and one or more caciques or peace chiefs; practiced polygamy; and were quite skillful in war." (Brugge, 1983, p. 491)

The Spanish, looking to establish colonies, explore for mineral wealth, obtain slaves, spread Christianity, and later establish a route to the Pacific Ocean, made their way into the Southwest from the South beginning in the 16th century. With them, they brought new technologies, ideas and domesticated animals not seen before. Directly and indirectly, primarily through trade and raiding, the Navajo incorporated certain aspects of the Spanish culture that fit well into their existing cultural system

(Hester, 1971, p. 53). They acquired livestock (ie. horses, sheep, goats ands cattle), leading to increased mobility and an introduction to a pastoral economy, as well as metal objects and other trade goods. The Navajo mostly rejected all other aspects of Spanish culture, including Christianity (Hester, 1971, p. 53). In addition to beneficial contributions, the Spanish also brought with them disease and a new source of conflict for the indigenous groups of the Southwest. The effects of disease on the Navajo are difficult to identify based on archaeological evidence, but based on trade and other interactions with neighboring tribes to the South, it is possible that these effects were felt even before actual contact with the Spanish. Disease epidemics are well documented further south and suggested as far north as Santa Fe. Although devastating to the Navajo, disease likely strengthened and cemented healing rituals and ceremonies for the surviving culture (Dykeman & Roebuck, 2012, p. 166).

Conflict

The onslaught of Spanish diseases and slave-raiding, combined with their territorial and ideological encroachment, is sure to have led to resentment and retaliation by the Navajo and other indigenous groups. In fact, hostilities and conflict defined the nature of the Spanish-Navajo relationship (Hester, 1971, p. 53). In 1680, the Pueblo revolted against the oppressive Spanish and drove them from their settlements in southern New Mexico. However, during an event known as the Reconquest of 1696, the Spanish defeated the Pueblo and reclaimed their settlements, causing many Pueblo to seek refuge among the Navajo and other adjacent tribes. The Navajo likely harbored Pueblo refugees because of their long-standing trading relationship with Pueblo people (Brugge, 1996, p. 261). There is no doubt that this influx of refugees had an effect on Navajo culture, although the magnitude is still debated. Archaeological sites, dating to the period following these conflicts, show additional Puebloan traits incorporated into Navajo culture. These include the construction and use of small stone defensive structures, called pueblitos, as well as the appearance of weaving technologies and distinctly Navajo rock art that incorporated aspects of the Puebloan and Plains cultures (Brugge, 1996, p. 261; Schaafsma, 1980, pp. 305-6). With the addition of Pueblo women into Navajo society, new clans were also incorporated. This is evident, in that about one-third of all Navajo clans claim Pueblo origins. Historical accounts from the period following the Spanish Reconquest indicate that:

> "[t]he [Navajo] People lived at this time in small, compact communities located away from the fields on the tops of adjacent mesas. Agriculture was the basic economic pursuit, but sheep and goats (and horses and cattle in lesser numbers) had already been obtained from Europeans by trade, by raid, or indirectly through the Pueblo Indians. Woolen blankets and dresses for women were woven. Men dressed in buckskin." (Kuckhorn & Leighton, 1951)

These same accounts also identify that the Navajo are growing beans, pumpkins and watermelons in addition to their staple of maize (Schaafsma, 1980, pp. 304-5).

As tensions with the Spanish subsided in the early 18th century, conflicts with the Ute and Comanche arose (Brugge, 1983, p. 493; Kelley & Whiteley, 1989, p. 17). This is evidenced by the construction of pueblitos. Archaeologists believe they were built as defense against the Ute and Comanche, because they would have had little effect against the Spanish (Brugge, 1983, p. 493; 1996, p. 261; Kelley & Whiteley, 1989, p. 20). Eventually choosing mobility over fortification, the construction and use of these structures were abandoned within the same century they appeared (Kelley & Whiteley, 1989, p. 30). Regardless, a mixed, but often turbulent, relationship with the Ute remained a common theme throughout the next century.

Expansion

By the early 18th century the Navajo had a diverse economy based on agriculture, livestock, hunting, gathering, trading, and raiding. This broad-based economy allowed them adaptability and therefore stability in a variable environment with the constant threat of conflict. This distinguished them from other inhabitants of the Southwest and has attributed to their growth and success as a people. As Dykeman and Roebuck (2012, p. 162) note, "When harsh conditions cause Pueblo and Spanish economies to collapse, the Navajo appear rich in comparison as they were never completely dependent on agriculture, and these differences are reflected in the Spanish historical accounts."

However, despite this relative economic cushion, early 18th century pressures from the Ute, Comanche, and Spanish[7], combined with drought and a need for more land and resources to satisfy a growing population and pastoral economy, caused the Navajo to shift their sights westward. (Kelley & Whiteley, 1989, p. 30) As drought and conflict were likely pressures 'pushing' the Navajo out of the Dinétah, landscapes to the West, ideal for herding and with a greater abundance of game, would have likely exerted 'pull' forces (Towner, 2008). The first Navajo to explore these areas were potentially either the herders or hunting parties (Kelley & Whiteley, Navajoland: Family Settlement and Land Use, 1989, p. 29), acting as scouts for a gradual migration (Dykeman & Roebuck, 2012; Magne, 2012). Another 'Pull' force for cultural migrations, identified by Magne (2012) in his paper on migration theory, includes vacant territory, even those recently abandoned by previous cultures. He indicates that a group migrating into an abandoned territory would need to have an adept environmental awareness of the area, combined with the technological means to succeed where the previous culture had failed. Whatever the motivation and pressures involved, by the middle of the 18th century, the Navajo had left the Dinétah in favor of lands to the West, Northwest and Southwest (Dykeman & Roebuck, 2012, p. 156; Towner, 2008, p. 511).

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[7] When hostilities died down, following the Spanish Reconquest of 1696, there was reported to be a period of peace between the Spanish and Navajo, extending from the early 18th century to around AD 1770 (Kelley and Whiteley, 1989, p.31). Despite this peace, the Spanish settlements continued to encroach on Navajo and Pueblo lands, still exerting pressure for Navajo expansion.

Utah (Prehistory To Present)

Attraction

Southeastern Utah is defined by a harsh arid landscape, dotted with high mesas and forested mountains. The region is segmented by the Colorado River, along with major tributaries such as the San Juan River, and myriad other smaller tributaries and associated canyons. The high mesas and mountains of Southeastern Utah; with their alpine meadows springs, and abundant snow melt; offer rich ecological communities ideal for hunting, gathering, summer livestock grazing, shelter and firewood. The rivers and their associated drainages offer perennial and ephemeral water sources, alluvium for agriculture and fodder for winter livestock grazing. The harsh climate, remote location and segmented landscape of Southeastern Utah would have also, importantly, offered security to its inhabitants. The combination of these features would have been attractive to the Navajo during a time when they were likely seeking peace and a landscape that could support their diverse economy. Although the Anasazi abandoned this region during the 12th and 13th centuries, the Navajo had an adept awareness of this type of environment and the technological means to benefit from its resources (Davis, 1965, p. 353).

Early Activity

It is unclear exactly when the Navajo first entered and began settling in Utah. Sucec (2006) reported that some Navajo, among the Oljato Chapter House, tell of ancestral Navajos already west of the Colorado River in the fourteenth and fifteenth centuries. The earliest archaeological evidence, which comes from tree-ring data collected at hogans and other structures during the Navajo Land Claim survey, suggests that the Navajo were established in Utah, North of the San Juan River, by at least the latter half of the 18th century. However, the earliest sample, coming from a Hogan at White Canyon, dates back to AD 1620[6] (Stokes & Smiley, 1963, pp. 12-13). Other tree-ring data, from the same study, date similar structures around Navajo Mountain to the late 18th and early 19th centuries (Shepardson & Hammond, 1970, p. 26). Oral accounts of the births of prominent Navajo headmen (eg. K'aa'yelii on Elk Ridge in 1801; Kee Dinilhi at White Canyon in 1821), as well as others, show further evidence of Navajo settlement and use along the lower San Juan River before the beginning of the 19th century (Correll, 1971, pp. 147-48; McPherson, 2009, pp. 84-87). Due to the remoteness of Southeastern Utah and the lack of historical information concerning the Navajo in this region, it seems likely that these early inhabitants enjoyed relative peace, at least until the turn of the end of the 18th century.

Fearing Time

Towards the end of the 18th century, and until Mexico gained its independence from Spain in 1821, the Navajo and Spanish resumed hostilities. There was continued Spanish encroachment into Navajo territory, Navajo attacks and raids on Spanish settlements, slave raiding, and retaliative punitive

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[6] Due to the nature of tree-ring analysis for dating archaeological sites, it is possible that this tree-ring sample does not indicate Navajo presence at the site in AD 1620. Tree-ring analysis is only able to indicate the date in which a tree stopped growing. In other words, this analysis can show when a tree was cut down or died due to natural causes. Because of the possibility that the trees used in the construction of these structures may have died or been cut down prior to the general time of their use, tree-ring dates may not be conclusive evidence indicating the exact date of construction.

measures from both sides (Kelley & Whiteley, 1989, p. 23). This gave the Navajo even more reason to seek new ground. Conflict also continued with the Ute, who by this point had allied with the Spanish and helped provide Navajo captives for the slave trade (Benally, 1982, p. 83; Brugge, 1964, p. 225). This may have, in part, been retaliation for raids of a similar type by the Navajo. This retaliatory relationship is believed to have been commonplace during the 18th and early 19th centuries (Sucec, 2006, p. 216). Despite these conflicts, there are reports from this era of good relations between the Navajo and Ute, especially concerning Navajos living in the outlying areas of Navajo territory and in areas previously thought of as Ute territory (Correll, 1971, p. 146; McPherson, 2009, p. 84).

Following Mexico's independence, trade was opened with Anglo-Americans, providing New Mexicans[9] and Mexicans[10] with increased firepower and reinvigoration of the slave trade. Raids, theft and retaliation continued to mark this period. Only the outlying areas of Navajo territory seemed safe. In 1823, Jose Antonio Vizcarra, governor of New Mexico at the time, led a punitive military campaign, also capturing livestock and slaves, deep into Western and Northern Navajo country. Following a skirmish near the present-day Utah-Arizona border, Vizcarra documented that a group of Navajo fled with livestock towards the San Juan River. Leading a detachment from the same campaign a few days later, Colonel Francisco Salazar documented signs of Navajo driving stock north towards Bear's Ears, a prominent feature north of the San Juan River. Although the campaign did not make it far into Utah, much evidence is reported of Navajo use of this border region (Brugge, 1964, pp. 237, 243). Together, these reports comprise the first historical evidence linking the Navajo to Southeastern Utah.

Military actions, attacks and retaliation continued on both sides. The New Mexicans, although no longer under Spanish rule, carried on the legacy of slave and livestock raiding even after the U.S. gained control of New Mexico in 1848 (Sucec, 2006, p. 229). Kelley and Whiteley (1989, p. 36) note that as of 1846 there were reported to be over 2,000 Ute and Navajo slaves held captive in New Mexico. Various treaties, signed between the Mexican government and the Navajo, were aimed at resolving these issues. None, however, materialized in action or peace.

In addition to the New Mexicans, Anglo-Americans were also increasingly entering the far reaches of Navajo territory. Accounts from trappers and cross-country travelers note encountering the Navajo in Utah as early as the 1820s and 1830s (Benally, 1982, p. 99). Although these first encounters with Anglo-Americans were of little threat to the Navajo, this changed quickly with the arrival of the U.S. Army to New Mexico in 1846 (Kelley & Whiteley, 1989, p. 36), the acquisition of New Mexico in 1848, and the subsequent opening of borders for U.S. settlement in 1853 (Sucec, 2006, p. 229). The U.S. Government generally sided with the New Mexicans, carrying on the legacy of the Mexican Government. Various treaties were attempted, but most demanded concessions that many Navajo were unwilling or unable to comply with (Kelley & Whiteley, 1989, p. 40). All eventually failed to bring peace and... "(t)he cycle of

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[9] The term 'New Mexican', at this point in history, refers to the descendants of the Spanish and Mexicans that were settled in the territory referred to as New Mexico.

[10] The term 'Mexican' refers to those Mexicans actually from or settled in Mexico, outside the territory of New Mexico.

attacks and counterattacks continued, precipitated by raids for livestock, violations of agreements and treaties, warfare and death, unfair treatment, and struggles to retain grazing, farming, and homelands." (Sucec, 2006, p. 229)

The correspondence and cartography of James S. Calhoun, the first US government appointed Indian Agent to New Mexico, recognized Navajo presence in Utah and north of the San Juan River (Abel, 1915, pp. 33, 174, 195, 256, 309). Despite this recognition though, the Navajo in this remote portion of Navajo territory seemed of little interest to the US. Although there were periods of peace, tensions escalated and the U.S. government formally declared war against the Navajo in 1858. In 1863, with a surplus of troops staged to defend New Mexico from the confederates, Brigadier General Carleton and Colonel (Kit) Carson launched an aggressive campaign to subdue the Navajo (Roessel, 1983, p. 511). The U.S. Army enlisted aid from various irregular military forces. The most notable of these forces were the Ute, who were familiar with the terrain and extremely effective at tracking the Navajo. Carleton's scorched-earth policy, "...in which the troops destroyed cornfields, peach trees, hogans, water holes, animals, and people, began to pay dividends as the Navajo had nowhere to hide and little or nothing to eat" (Roessel, 1983, p. 511). By March of 1865, although many died fighting to avoid capture or during the grueling 'Long Walk'[11]; over 9,000 Navajo had been forced to occupy a small piece of land at Ft. Sumner[12]. Despite the US Army's efforts to round up all Navajos, thousands of Navajos remained in their ancestral lands, having escaped detainment, by hiding out in the more inaccessible areas of Navajo country. These areas, such as the Grand Canyon, Navajo Mountain, the homelands north of the San Juan River, and west of the Colorado River, earned the name *Náhonidzo'*, or "escaping places" (Roessel, 1983, p. 514; Benally, 1982, p. 120).

Leading up to this time, the Navajo living in these areas were likely off the government's radar and living relatively peacefully compared to the those in other regions, closer to the sources of conflict. According to Correll,

> "During the 1830s, 1840s, and 1850s, Navajos lived and ranged in the La Sal Mountains, near the Bear's Ears, in Arch Canyon, along Montezuma and McElmo Creeks, near present Dove Creek, Colorado, and even in the Henry Mountains west of the Colorado River, grazing stock, gathering wild foods, or farming in the canyons and higher elevations north of the [San Juan River], as well as along the San Juan River Valley." (1971, pp. 148-49)

A report by Calhoun in 1849, commented on the general Navajo population at the time. He said, "[t]hey have extensive fields of Corn & Wheat—fine Peach orchards, and grow quantities of Melons, Squashes,

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[11] The term 'Long Walk' is used when referring to the grueling journey from Navajo settlements, and other places of capture, to Ft. Sumner in eastern New Mexico.

[12] Ft. Sumner is also referred to, in various documents, by its Spanish name 'Bosque Redondo' or its Navajo name 'Hweéldi' or 'Hwelde'.

Beans and Peas, and have immense flocks of sheep, a great number of Mules and horses of a superior breed: they have nothing of the cow kind." He also noted that the Navajo did not have permanent residences, instead they changed locations depending on the season and apprehensions of danger (Abel, 1915, pp. 32-33). Although these reports may be based solely on a few encounters near posts or along expeditions, they are likely to be at least somewhat representative of the general culture.

In Utah, prominent headmen, such as K'aa'yelii and Kee Dinihii lived in this manner. They ranged with their followers North of the San Juan River and West of the Colorado River, taking advantage of the seasonal availability of wild foods, pasture for livestock and plots for farming. Hoshkanenii was another prominent headman who ranged with his followers between Monument Valley, Navajo Mountain, and Bear's Ears in much the same manner (Correll, 1971, pp. 149-150). These and other groups of Navajo in Utah, although far away from New Mexican settlements, also worried of Ute, Mexican, and New Mexican slave and livestock raids (Sucec, 2006, pp. 218,229; Roessel, 1983, p. 511). They soon became familiar with escape routes and hiding places such as Wilson Mesa (named "Bináhonílbzo'íí" or "chase up" by the Navajo) among many others (Sucec, 2006, p. 229). Despite these worries, there are other reports of Navajo in this region maintaining close ties and trading relationships with their Ute and Southern Paiute neighbors (McPherson, 2009, pp. 84,88; Benally, 1982, p. 121). These reports indicate that the Utes farther to the East were responsible for the hostilities. In any case, with onset of the Carson campaign, the Utes soon became the most feared enemy of the Utah Navajo.

Many Navajo sought refuge in the remote "...canyons, mesas, ridges and hills..." of southern Utah, north of the San Juan River and even west of the Colorado River (McPherson, 2009, pp. 83-84; Sucec, 2006, p. Chapter 4). Some of these Navajo were killed during raids; some surrendered fearing death or misery. Others were captured and either forced to go to Ft. Sumner or sold as slaves (Roessel, 1983, p. 511). Still others were more fortunate, including groups like those who joined or were previously following K'aa'yelii, Kee Dinihii and Hoshkanenii (Correll, 1971, p. 151). Although they lived in constant fear, they managed to evade capture and survive the US Army's scorched-earth campaign. They remained persecuted but free until the Treaty of 1868 was signed, effectively ending the campaign and detention at Ft. Sumner and allowing Navajo People to return to their homeland.

Post – Ft. Sumner

Although some Navajo successfully escaped detention at Ft. Sumner and returned to their homelands sooner, the majority were freed following the signing of the treaty of 1868 (Roessel, 1983, p. 514). This treaty stipulated 10 years worth of annuities (eg. Clothing, tools, livestock, etc.) and a reservation boundary among other conditions. The initial reservation was an approximately 3.5 million acre rectangle that straddled the far northern border between New Mexico and Arizona (Roessel, 1983, pp. 519-20). A fraction of their former territory, the Navajo never confined themselves to this treaty reservation (Kelley & Whiteley, 1989, p. 45). The boundary of the reservation has changed many times since the original treaty, and continues to change to this day (Roessel, 1983, p. 520; Gavin Noyes, Round River Conservation Studies, personal communication, 2013). The Utah Navajo, following the treaty of 1868, had more to worry about than reservation boundaries. Their territorial boundaries, areas long

used for hunting, grazing, and farming, would soon be encroached upon by an advancing front of miners, cattlemen, and settlers. The most prominent group, were Mormon pioneers encouraged to settle Southeastern Utah by the LDS church in a fateful expedition along what has become known as the "Hole in the Rock" trail. They began arriving in the late 1870s and early 1880s (McPherson, 2009, p. 89). Although this is the first time the Utah Navajo began encountering Mormon settlers east of the Colorado River, they were already familiar with each other from encounters west of the Colorado River.

Beginning in 1865, following the brutality of the Carson campaign, some Navajo are reported to have allied with the Ute and Southern Paiute in a series of struggles against the advance of Mormon settlement in central and southern Utah. These attacks and counter-attacks are collectively referred to as the 'Black Hawk War' after the movement's leader, a Ute named Black Hawk. As noted by Crampton (1959, p. 8), "This, the Black Hawk War, caused the abandonment of some 25 white settlements; it cost about 70 lives and a million dollars before it was brought to an end in 1868 by the Utah territorial militia." Although the war officially ended in 1868, the Navajo are reported to have continued raiding Mormon settlements in Southern Utah, west of the Colorado River, until peace was brokered by John W. Powell and Jacob Hamblin in 1870 (Crampton, 1959, p. 9).

As the first white settlers arrived in Bluff and other areas adjoining the San Juan River, the Navajo were just getting back on their feet. Those who were forced into Ft. Sumner had returned, and those that had escaped or avoided detention were adjusting to life without fear. Sheep herds were being re-established or rebounded while hogans and other seasonal dwellings were being rebuilt or built anew. These dwellings could now be constructed in favorable locations for growing crops, raising livestock and gathering firewood, without regard for defense or concealment (Kelley & Whiteley, 1989, pp. 48-49,52,62-63). These locations, however, also enticed the newly arrived settlers, especially as the settlers' communities and livestock herds began to grow.

> "Moving closer to Elk Ridge with its summer range, the advance of the cattle industry ran into four Navajo families living in the area with their flocks of sheep. Most likely one of these families was K'aa'Yelii's, since in 1884, Lyman noted that this Navajo was there with his livestock when the first Mormons explored Elk Ridge." (McPherson, 2009, pp. 94-95)

With the influx of prospectors, settlers, and their increasing herds, coupled with an increase in the Navajo population and herds, encounters such as these became more common. Tensions began to rise and occasionally the result was violence (Maryboy & Begay, 2000, p. 290; Brugge, 1966?, p. 11). The increasing competition for resources was soon to plague the San Juan country of Utah, in more ways than confrontation. Recognizing this and likely recognizing the Navajo's ability to subsist through its livestock economy, and the threat that competition might pose to that subsistence, an 1884 executive order amended the borders of the Navajo reservation to include all lands in Utah south of the San Juan River (McPherson, 2001, p. 16). However, because the land north of the San Juan River was more

favorable for general subsistence than much of land south of the river, many Navajo still lived, farmed, gathered and pastured their livestock north of the river. The new reservation boundary did little to quell the competition for land.

The new reservation boundary also failed to incorporate many of the wildlife rich areas that the Utah Navajo had utilized as hunting grounds for centuries. Although a stipulation in the 1868 treaty allowed for hunting outside of reservation boundaries, access to these areas became increasingly inhibited. The wild game (especially deer) faced grazing competition with growing livestock herds, and Navajo hunters now faced new competition for game with the influx of settlers (McPherson, 2001, pp. 28-29). Even if the Navajo did not use these areas exclusively and hunting played a lesser role in their economy, hunting north or the San Juan River was still an essential part of Utah Navajo culture and crucial to their survival (McPherson, 2001, pp. 23,28-29). In addition, the significance of hunting to their economy grew with the advent of trading posts (McPherson, 2001, p. 33).

The first trading posts appeared with the arrival of settlers and prospectors in the 1880s (McPherson, 2009, p. 96; Kelley & Whiteley, 1989, p. 47). The posts provided many benefits to the Navajo, but they also had consequences. As many Navajo were trying to rebound after Ft. Sumner, trading posts offered a new avenue for economic growth. They created or expanded markets for Navajo goods, including particularly sheep products (eg. raw wool, pelts, blankets and rugs), but also deer hides, basketry[13] and silverwork among others (Kelley, 1986, pp. 24-25; Kelley & Whiteley, 1989, p. 49; McPherson, 2001, p. 33; Edison, 1996, pp. 10-11). The Navajo still traded for necessities of their traditional economy, but also increasingly for products of the American capitalist economy, including mass-produced foods, machine made textiles, as well as cash[14] (Kelley, 1986, p. 24; Kelley & Whiteley, 1989, pp. 49,78-79; McPherson, 1996, p. 19). The trading posts not only increased demand for Navajo goods, providing an important economic driver that allowed many of them to be less sensitive to the ebbs and flows of subsistence agriculture, they also served as an introduction to aspects of Anglo-American culture, good and bad. Trading posts also subjected the Navajo to swindlers and new sources of conflict, and may have been a factor in cases of excessive resource exploitation, most notably incidents of excessive deer harvests and over-grazing by livestock (McPherson, 2001, pp. 33,67; McPherson, 2009, p. 99).

The importance of livestock to the traditional Navajo economy and culture cannot be overstated.

> "Horses provided transportation and occasional food for the winter months; goats and sheep served as a continuing source of sustenance, blankets, and

[13] Navajo basketmaking is reported to have declined around this time because their traditional baskets were replaced with more contemporary products, such as "buckets, canteens, plates, cups and pots..." Also, many of their ceremonial baskets were replaced with baskets made by the Ute and Paiute, who could more easily make them because their cultures lacked the taboos that restricted the Navajo (Edison, 1996, p.10).

[14] Apparently, cash (coin) was not commonly used by the Navajo for payment at this time, but rather as ornamentation on clothing and crafts.

> clothing and as a means for entering the barter economy of the trading post. Livestock also became synonymous with social status and psychological security, as Navajos watched their herds multiply and prosper." (McPherson, 2001, p. 102)

Following defeat and the detention at Ft. Sumner, livestock was the primary force facilitating a return to self-reliance and prosperity. However, as both Navajo and settler herds grew, precipitated by their desire for economic viability, competition for range increased, tensions rose, and the lands adjacent to the San Juan River started to show signs of over-grazing.

Various government approaches targeted these issues, including the installation of a government farmers tasked with the implementation of large-scale irrigation agriculture on behalf of the Navajo on the San Juan River. The thought was that large-scale agriculture would lessen the Navajo's reliance on livestock and bring them back to the south side of the San Juan River, easing frictions with settlers and the strain on the land (McPherson, 2001, p. 46). Another approach was to amend the borders of the reservation. Two additions were made to the reservation border in Utah during this period, one in 1905 and the other in 1933[15]; both were north of the San Juan River, encompassing Aneth and its surrounding area[16] (McPherson, 2001, pp. 18-20; Roessel, 1983, p. 520). Each of these approaches, although beneficial in other ways, failed to materialize as effective solutions for over-grazing. In early 1930s, as the farming program finally conceded to the powers of the San Juan River, the government introduced its most abrasive approach towards the Navajo since the Carson campaign (McPherson, 2001, pp. 61,102). Aimed at saving and restoring livestock ranges from the effects of over-grazing, the federal government mandated livestock reductions on the Navajo reservation in the 1930s and 40s (McPherson, 2001, p. 108). This had devastating consequences on the Navajo. Reservation wide, hundreds of thousands of livestock were either killed or sold, including sheep, goats, horses and cattle (Kelley & Whiteley, 1989). The reduction itself and the regulations of the Taylor Grazing Act that followed, "...limited Navajo herders to such an extent that very few could remain economically self-sufficient" (McPherson, 2001, p. 119). According to a Navajo saying, "dibe bee iina" or "sheep is life", and life changed immensely for the Navajo after the livestock reduction (Maryboy & Begay, 2000, p. 298). Navajo mistrust of the federal government increased during this campaign as many Navajo people viewed this action; not as something to save the land, but rather another attempt to wipe out native people (Grayeyes, 2013). Most Navajo, if they weren't already, were soon dependent on the wage economy, at a time when jobs were scarce due to the Great Depression and the start of World War II (McPherson, 2001, p. 119; Kelley & Whiteley, 1989, p. 101).

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[15] In agreeing to the 1933 addition, the Navajo relinquished, "their right to establish individual homesteads in San Juan County north of the tribal boundaries, although the forty-four pending claims would be honored. The BIA insured that Navajo lands, where appropriate, would be fenced, that the Indians would abide by state game laws when hunting off the reservation, and wandering livestock that crossed boundaries would be handled according to published livestock rules."(McPherson, 2001, p.20)

[16] Another parcel was added to the Aneth extensions in 1958, serving as retribution for the lands swallowed by Lake Powell after the building of the Glen Canyon Dam (Maryboy and Begay, 2000, p.301; Roessel, 1983, p.520)

Navajo dependence on the wage economy continues to this day. Most wage earning Navajos are employed in the public sector. Of those in the private sector most jobs are related to the reservation's non-renewable natural resources, specifically the extractive industries of coal & uranium mining and oil and gas development (Kelley & Whiteley, 1989, p. 138). Within the past century, the Navajo have had a bittersweet relationship with these industries. On one hand, although directly creating relatively few jobs, revenues from these industries (ie. lease earnings, royalties, and bonuses) comprise an overwhelming majority of the total tribal government revenues, supporting infrastructure development, social services, and some tribal enterprises (Kelley & Whiteley, 1989, pp. 138-39). On the other hand, these industries are primarily run by outsiders, so the tribe sees relatively little of the resources' potential economic benefit. In spite of this, they deal with all of the consequences, including; environmental degradation, health issues, competition for land and water, forced relocation, and the ups and downs of extractive industries (Kelley & Whiteley, 1989, pp. 144-45; Maryboy & Begay, 2000, pp. 303-306).

This bittersweet relationship is especially true for the Utah Navajo. Starting with the boom of the late 40s and later the discovery of Aneth oil field in 1956, extractive industries brought jobs and revenues (Maryboy & Begay, 2000, pp. 303-306). However, despite these benefits, the industries also brought hazards with them. Oil extraction has affected the drinking water, rangeland, livestock, and the general health of the Utah Navajo, while oil spills have also polluted the San Juan River, a sacred river that has sustained and protected the Navajo people since their emergence (Maryboy & Begay, 2000, p. 303; McPherson, 2001, p. 224). The Uranium boom, although long over, has also left a legacy of health and environmental issues that plague the Utah Navajo to this day (Maryboy & Begay, 2000, pp. 303-306).

Although the Utah Navajo economy is based largely on the extractive industries and anglo-style wage earning, traditional Navajo culture persists. The preservation of this culture and the social, political, economic and environmental issues that jeopardize it, continue to be major concerns for Utah Navajos. Utah Navajo still herd sheep and other livestock, grow crops, hunt wild game, gather wild plants, collect firewood, conduct traditional religious ceremonies, use hogans and sweathouses, weave blankets, rugs and baskets, and work silver. These activities have carried the Navajo people through many centuries and generations, forging their cultural identity. They not only continue to contribute to their livelihood, they form the means with which the Navajo people of today relate to their ancestors. Because of this, the land and resources that are associated with these activities have always been, and will forever be, sacred.

The Greater Capitol Reef Region (Note: This section is redundant with the following section to serve two intended audiences.)

Landscape Potential

At the time that the Navajo first settled in Utah, they had a diverse subsistence economy based on livestock herding (mainly sheep, but also goats, horses, and possibly cattle), agriculture, hunting wild game, gathering wild foods, and trade. Kelley (1986, p. 17) notes that the Navajos of this time "... would have sought farming sites in places where they could also graze small herds of sheep and goats, find

water and firewood, and hide during raids." She also notes that during the 18th century there may have been seasonal migrations; from lowland farming areas in the summer to upland areas in the winter, near firewood and better deer hunting habitat (Kelley & Whiteley, 1989, p. 28). However, as the Navajo economy shifted from an agricultural base to a pastoral base, this seasonal pattern shifted. In the summer, Navajos took their herds to seasonal pastures in the mountains and returned at harvest time to the lower, but still wooded areas near the snow line. Following this latter pattern, "... some headmen with followers moved thirty to fifty miles between summer and winter range" (Kelley & Whiteley, 1989, p. 60). The subsistence pattern of Navajos in the 18th century was likely either in a period of transition or it had already shifted to that of a pastorally based economy. It may have also depended on the specific family, band, or the location in which they were living. Whichever subsistence pattern these early Utah Navajo adhered to, the Greater Capitol Reef region would have been appealing for various reasons.

Provided the routes across the river were known, the areas west of the Colorado River were both appealing and accessible. The Henry Mountains, the Fremont River corridor, Thousand Lake Mountain, and the surrounding areas were all accessible, via Hite's Crossing, from White Canyon on the east. The Burr Trail, the Waterpocket Fold, the Escalante River corridor, Fifty-Mile Mountain, Kaiparowits Plateau, Aquarius Plateau, and the surrounding areas were all accessible via Hall's Crossing, from the Red Rock Plateau, between Lake and Moqui Canyons, on the east (Sucec, 2006, pp. 223-224). These areas were appealing because they offered, or provided access to, good habitat for hunting and gathering, range for livestock and potentially land for farming. The Capitol Reef region also offered corridors for trading and raiding, and places to escape conflict (Sucec, 2006, p. Chapter 4).

Evidence for Use

The majority of information on Navajo use of the Capitol Reef region comes from oral histories and accounts collected during interviews. These accounts come from the Navajo, Ute, Paiute, and descendants of Anglo-American settlers and are referenced in various literature sources. Historical documents and archaeological data[17], although contributing, fail to manifest the magnitude of use of the Capitol Reef region and its importance to the Navajo people.

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[17] There tends to be a general scarcity of archaeological sites attributed to the Navajo, especially in areas that Navajo are reported to have continually used for subsistence activities. As explained by various sources, this is most likely due to various aspects of traditional Navajo culture and the nature of the archaeological surveys conducted. The Navajo were semi-nomadic people, who used utilized different resources in different areas, depending on the season and other factors. A lifestyle like this would have left few traces, especially after centuries have passed. The Navajo also incorporated various traits from other cultures, and vice versa, making it difficult for archaeologists to decipher the cultural ties of certain sites. In addition, many of the surveys that have been conducted, especially in Utah, have encompassed large areas that were traversed by vehicles looking for obvious signs of habitation and use. Surveys such as these, would have a hard time spotting signs left by a semi-nomadic culture that may have used the area for hunting, gathering, or herding livestock. (Brugge, 1966?, pp.32-33; 1996, p. 257; Fowler, et. al., 1959, p. 171; Sucec, 2006, p.208)

Despite the information available, it is unknown when the first Navajo entered and began using the areas west of the Colorado River in present day Utah. A combination of oral histories and archaeological evidence suggest that the Navajo were established in the region by the latter half of the 18th century, if not before. Some oral histories place ancestral Navajo in the region, west of the Colorado River, as early as the 14th and 15th centuries (Sucec, 2006, p. 213). Most information, however, indicates that Navajo were using the region by, at least, the end of the 18th century. This evidence comes from a mixture of mainly oral accounts, but also a few archaeological sites. The presence of the White Canyon hogan, although east of the Colorado River, provides indirect evidence for use west of the Colorado River. This hogan, dating back to as early as AD 1620, was in close proximity to "Hite Crossing" (also known as "Dandy Crossing" by Anglo-American settlers), one of two river crossings used by the Navajo and others to access the Capitol Reef region (Sucec, 2006, p. 214). Sucec suggests that

> "... the White Canyon hogan may have played an important role in the hunting tradition, serving as a place of purification once back across the Colorado River. It also could have been used to maintain a farm and herd sheep, even as a base from which to graze sheep across the Colorado River." (2006, p. 214)

In addition to this site, oral histories attribute the births of two Navajo men to women living at or using the Henry Mountains in 1801 and 1802 (Littell, 1967, p. 481). Other information on the 18th and 19th century use of the region comes from oral histories referring to Navajo settlements at the base of the Aquarius Plateau and Thousand Lakes Mountain, and later amidst the Henry Mountains. Near one of these locations, the base of Thousand Lakes Mountain, archaeologists have identified a historic structure dating back as early as 1860. This site shows signs of Navajo origin, but conclusive evidence is lacking. One other early site, a petroglyph panel in the Fremont River corridor, may also have Navajo origins. Other than these sites, archaeological information on Navajo use of the region is generally scant (Sucec, 2006, p. 204).

Additional oral histories and accounts, as well as historical documents, provide the majority of information that demonstrates further use of the region from these early dates until the present. K'aa'yelii, prominent headman north of the San Juan River, and his followers are reported to have included the Henry Mountains in their seasonal range throughout the 19th century (Correll, 1971, p. 147). And Hoshkeniiniii, another headman; associated with the country between Monument Valley and Bear's Ears, is reported to have used the Capitol Reef region for its river corridors and trails that facilitated trading, traveling as far North as the Uintah basin and Salt Lake to trade with the Ute. During the 19th century many Navajo also used the areas west of the Colorado River as a place of refuge, escaping New Mexican slave raids, Ute raids, the Carson campaign, and detention at Ft. Sumner (Sucec, 2006, p. Chapter 4). During the Black Hawk War of the 1860s, the Navajo are reported to have joined with the Paiute and Ute, attacking new Mormon settlements west of the Colorado River. Although much of the activity was in central Utah, using the Fremont River corridor for access and as an escape route, some Navajo are reported to have used the "Crossing of the Fathers", near the Utah-Arizona border, to join the Paiute in attacking the Mormon settlements of Kanab and Pipe Springs (Crampton, Outline History of the Glen Canyon Region, 1776-1922, 1959, p. 9). There are abundant archaeological

sites along the left bank of the Colorado River, near the "Crossing of the Fathers", that may also support the assumption that they used of this crossing frequently to access areas to the west of the river in southern Utah (Crampton, 1960, pp. 21-36; Fowler, Gunnerson, Jennings, Lister, Suhm, & Weller, 1959, pp. 525-528). One historical account described an incident, in 1873, between non-mormon settlers and Navajo traders that almost broke the peace arranged in 1870. In this incident, a non-Mormon settler (apparently a member of Butch Cassidy's gang named Billy McCarty) killed three Navajo men on a routine expedition to trade with the Ute and Paiute west of the Capitol Reef National Park near Grass Valley. Four Navajo had apparently taken shelter from a winter storm on the settler's property, killed one of his livestock for food, and gotten into a scuffle with the settler at his house. One of the four managed to flee and make it back to alert his band. Another diplomatic effort from Jacob Hamblin apparently kept the conflict to a minimum (Sucec, 2006, p. 236; Newell, 1999, pp. 116-118).

In the mid to late 19th century, if not before, trading with the Ute, Paiute, and settlers to the west and north of the Colorado River had become commonplace. Navajo trading parties regularly visited Boulder, Caineville, Hanksville and Fruita, as well as communities in Grass Valley and Rabbit Valley (modern day Koosharem and Bicknell respectively.) This is thoroughly documented in the oral accounts of settlers and their descendants, as well as by Paiute and Navajo elders. One account mentions that Navajo trading continued in Rabbit Valley through the 1940s. The Navajo likely used the Fremont River corridor to access the communities west of Waterpocket Fold, and the Burr Trail to access the Boulder area (Sucec, 2006, p. 235). During these expeditions, the Navajo took advantage of the passage through prime hunting and gathering areas offered by the region (Sucec, 2006, p. 236). They would also make expeditions solely for these purposes, especially hunting. Places typically used for hunting near the Colorado River included: the Henry Mountains, Waterpocket Fold, canyons of the Escalante River, Fifty-Mile Mountain, and Kaiparowits Plateau. However, especially on trading expeditions, they also ventured to further locations, including: Aquarius Plateau (Boulder Mountain), Thousand Lake Mountain, and as far as Grass Valley and Richfield. Some Navajos are still reported to hunt in the Escalante drainages and the Circle Cliffs areas (Sucec, 2006, p. 205). Other Navajos were seen, into the late 20th century, collecting pine nuts in the Henry Mountains and also willow and sumac (also known as squawbush; used for making baskets and the berries are used to make a food called chilchin) at Notom near the perimeter of the Capitol Reef National Park (Sucec, 2006, p. 238).

According to the information from available literature, the landscape west of the Colorado River was used primarily for hunting deer, big horn sheep, and antelope; gathering plants for food, medicinal plants, and craft; trading with the Ute, Paiute, and Anglo-American settlers; raiding the Ute, Paiute, and Anglo-American settlements; and escaping enemies during periods of hostility. Other activities mentioned, although to a lesser extent, include: grazing livestock (mainly horses, but also sheep); hunting elk, bison, and rabbits; and gathering minerals for ceremonies (Sucec, 2006, p. Chapter 4; Janetski, Kreutzer, Talbot, Richens, & Baker, 2005, pp. 342-44). Although many of these activities and accounts seem to have been centered around the resource rich Henry Mountains, other areas, including the Escalante River drainages, Kaiparowits Plateau, Aquarius Plateau, and surrounding vicinities, appear to have been equally as important for resource use, access to trade, and refuge from Navajo enemies.

The Capitol Reef region is significant to the Navajo people of today, not only because of their past and present use of the area and its resources, but also because of the rich traditions that bind them to the landscape.

San Juan County

Landscape Potential

At the time that the Navajo first settled in Utah, they had a diverse subsistence economy based on livestock herding (mainly sheep; but also goats, horses, and potentially cattle), agriculture, hunting wild game, gathering wild foods, and trade. Kelley (1986, p. 17) notes that the Navajos of this time "... would have sought farming sites in places where they could also graze small herds of sheep and goats, find water and firewood, and hide during raids." She also notes that during the 18th century there may have been seasonal migrations, from lowland farming areas in the summer to upland areas in the winter, near firewood and better deer hunting habitat (Kelley & Whiteley, 1989, p. 28). However, as the Navajo economy shifted from an agricultural base to a pastoral base, this seasonal pattern shifted. In the summer, Navajos took their herds to seasonal pastures in the mountains and returned at harvest time to the lower, but still wooded areas near the snow line (Kelley & Whiteley, 1989, p. 60). Following this latter pattern, "... some headmen with followers moved thirty to fifty miles between summer and winter range. The subsistence pattern of Navajos in the 18th century was likely either in a period of transition or it had already shifted to that of a pastorally based economy. It may have also depended on the specific family, band or the location in which they were living. Whichever subsistence pattern these early Utah Navajo adhered to, the landscape of present-day southeastern Utah would have been appealing.

The landscape surrounding the San Juan River and its tributaries would have been equally attractive in Utah as in New Mexico and Colorado, where the river sustained the Navajo people for centuries. In addition to arable alluvial floodplains, the landscape closest to the river offered various seasonal and perennial water sources for livestock, crops, and people. Further from the river, rich high elevation landscapes included Navajo Mountain, the Abajo (or Blue) Mountains, and the La Sal Mountains. These mountains, although covered with snow in the winter, offered oases with rich habitat for wildlife, livestock, and people during the hot summer months. During the winter months, the wooded ridges, hills, mesas, and canyons, at or below snow line, offered excellent locations for firewood, deer hunting, livestock range, and, consequently seasonal home sites. Along with these subsistence resources, the San Juan River watershed in Utah also offered excellent security in its remote location, complex topography, and harsh climate.

Evidence for Use

Information on Navajo use of present-day southeastern Utah comes from oral histories, historical documents and archaeological surveys[18] [19].

Despite the abundance of information available, it is unknown exactly when the Navajo first entered and started utilizing the resources of present day San Juan County. A combination of oral histories and archaeological evidence suggest that the Navajo were established in the region by the latter half of the 18th century, if not before. Some oral histories place ancestral Navajo in the region, west of the Colorado River, as early as the 14th and 15th centuries (Sucec, 2006, p. 213). The earliest archaeological evidence comes from a hogan site in White Canyon, a tributary to the Colorado River west of Bear's Ears. One tree-ring sample, taken during a survey for the Navajo Land Claim proceedings of the 1960s and 70s, from this site suggests the hogan was built as early as AD 1620, with other samples suggesting a later date in the mid to late 18th century. Tree-ring samples, from the same survey; dating between the early 18th and 19th centuries, also come from Navajo structures at White Canyon, Grand Gulch, Bear's Ears, Navajo Mountain, Butler Wash, and Montezuma Creek, including a game run (used for hunting)[20] at Grand Gulch (Stokes & Smiley, 1963, pp. 12-13; McPherson, 2001, p. 7). In addition to archaeological data from this period, oral histories recount the births of K'aa'yelii in 1801 at Elk Ridge and Kee Dinihii in 1821 at White Canyon, both prominent headmen in Utah Navajo History. These men are believed to have spent their lives roaming with their bands, "...from the Bear's Ears to the Henry Mountains, into the Blue or Abajo Mountains, the La Sal Mountains, the Uncompaghre Plateau in Colorado, in Allen Canyon, and along Montezuma Creek" (Correll, 1971, pp. 146-7). Oral histories also recount the births of other Navajo ancestors in this region during the early 19th century (Littell, 1967, p. 482).

The first historical references to Navajo in the region come from the reports of Mexican army officials when they were north of present-day Kayenta, near the Utah-Arizona border, during a military campaign against the Navajo in 1823. These reports refer to Navajo livestock trails heading north and towards Bear's Ears, a pronounced feature north of the San Juan River (Brugge, 1964, pp. 237,243).

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[18] There tends to be a general scarcity of archaeological sites attributed to the Navajo, especially in areas that Navajo are reported to have continually used for subsistence activities. As explained by various sources, this is most likely due to various aspects of traditional Navajo culture and the nature of the archaeological surveys conducted. The Navajo were semi-nomadic people, who utilized different resources in different areas, depending on the season and other factors. A lifestyle like this would have left few traces, especially after centuries have passed. The Navajo also incorporated various traits from other cultures, and vice versa, making it difficult for archaeologists to decipher the cultural ties of certain sites. In addition, many of the surveys that have been conducted, especially in Utah, have encompassed large areas that were traversed by vehicles looking for obvious signs of habitation and use. Surveys such as these, would have a hard time spotting signs left by a semi-nomadic culture that may have used the area for hunting, gathering, or herding livestock. (Brugge, 1966?, pp.32-33; 1996, p. 257; Fowler, et. al., 1959, p. 171; Sucec, 2006, p.208)

[19] The majority archaeological data concerning this region comes from salvage surveys of the Glen Canyon Area prior to inundation by Lake Powell and surveys for the Navajo Land Claim proceedings of the 1960s and 70s.

[20] Game runs are fence lines or natural barriers that were used by Navajo (and other tribes) to direct wild animals toward a pre-positioned hunters to make the kill. DEFINE

Other general reports of Navajo in the region come from Calhoun's correspondence in the mid 19th century. He reports their territory extending, essentially, as far North as present-day Monticello. He also recognizes a faction of Navajo living near the lower San Juan River who moved their sheep to Navajo on the upper San Juan River, fearing hostilities from the US military (Abel, 1915, pp. 33,309). Maps from this time period, including a map by Calhoun, also indicate Navajo use of the region (Littell, 1967, pp. 488, 494-95). Many Navajo oral histories recall the landscape of southeastern Utah as a refuge or "escaping place" during this time, especially for those Navajo not already living in the area. The use of the region as refuge continued from the late 18th century until the Navajo were released from Ft. Sumner, establishing place names in certain areas based on these activities, such as "chase up" for Wilson Mesa and "escaping place" for a river crossing at Oljato Creek and the whole San Juan County region (Sucec, 2006, pp. 216, 229; Littell, 1967, p. 495). Hoshkenenii is another prominent headman in this period of Utah Navajo history, related through oral histories and later accounts of anglo settlers. Although he lived most of his life in the Monument Valley-Oljato region, near the Utah-Arizona border, he is reported to have also ranged between Navajo Mountain and Bear's Ears, especially during the Carson campaign (Correll, 1971, pp. 149-161). Hoshkenenii, K'aa'yelii, Kee Diniihi, their respective followers, and many other Navajos are reported to have sought refuge from Carson's scorched-earch campaign and escaped detention at Ft. Sumner by hiding out in the hinterlands of southeastern Utah (Correll, 1971; McPherson, 2009, p. Chapter 4; Sucec, 2006, p. Chapter 4) (McPherson, Comb Ridge and Its People: The Ethnohistory of a Rock, 2009)

Between 1865 and the early 1870s, oral histories and settler accounts also recall the Navajos involvement in the Black Hawk War, and other hostilities, west of the Colorado River (Crampton, 1959, p. 9; Newell, 1999, pp. 116-18). Following the Carson campaign, detention at Ft. Sumner, and the Black Hawk War, the first Anglo-American settlers began entering the region of southeastern Utah, east of the Colorado River.

As settlements arose in the late 1870s and early 1880s at Montezuma Creek and Bluff, settler accounts of the Navajo east of the Colorado River, entered history. Many of these accounts involved struggles over the use of land and resources, especially competition for livestock range; they also included accounts of competition for hunting grounds and arable land (Brugge, 1966?; McPherson, 2009, p. 95). Where hunting was concerned, many accounts mentioned instances of immoderate deer harvests by the Ute and Navajo in the Blue and La Sal Mountains, some in excess of 300 deer and some solely for hides (McPherson, 2001, p. Chapter 2). Although some of these accounts may have been exaggerated to spur government action, these actions, to a lesser extent, are also supported by some Navajo oral histories (McPherson, 2001, p. 33). These accounts appear to contradict the fact that deer are considered sacred in traditional Navajo culture. However, as presented by McPherson (2001, p. Chapter 2), this may have been an indication of the struggles that the Navajo had as their traditional belief system clashed with the Anglo-American culture and economy, following the influx of settlers and the advent of trading posts. Accounts from late 19th century, through the mid 20th century, also come from government agents, government farmers, and non-Mormon missionaries mainly telling of Navajo-settler interactions and the competition for resources, but also of the successes and failures of the farming program (McPherson, 2001, p. Chapter 3).

Following the reservation boundary changes, the harsh act of livestock reduction, and the imposition of Taylor Grazing Act of the 1930s, Navajo activities were severely restricted off-reservation, especially livestock grazing. Despite these restrictions and the increased dependence on the anglo-style wage economy, subsistence use of the region continued, both north and south of the San Juan River.

In the 1950s, the University of Utah and the Museum of Northern Arizona were contracted by the National Park Service to conduct archaeological salvage surveys of the Glen Canyon Region, preceding inundation by Lake Powell. These surveys identified archaeological sites pertaining to past use by the Navajo, but also reported signs of their contemporary use. At the time of the surveys, Navajo farming plots were reported to be active along the south side of the San Juan River, near the mouths of Beaver Creek, Paiute Creek, Neskahi Wash, Nokai Wash, and, most extensively, at Paiute Farms. Past and contemporary use was also reported along the south bank of the Colorado River, throughout lower Glen Canyon, and at Castle Creek, Nokai[21] Dome, and "... at several [other] points along the north bank of the [San Juan River]" (Adams W. Y., 1959, p. 272) This use was indicated by the presence of hogans, sheep camps, and, in at least one case, a reconstructed Anasazi site (Adams & Adams, 1959, p. 6; Fowler, Gunnerson, Jennings, Lister, Suhm, & Weller, 1959, pp. 535-537,640-642; Adams W. Y., 1959). One survey also reported that deer and bighorn sheep were still occasionally hunted by Navajo "...in the more remote areas of Wilson Mesa and the Clay Hills, north of the river..." (Adams & Adams, 1959, p. 8) Another survey noted an important observation about use of the region north of the San Juan River:

> "It should be noted that all (archaeolgical) sites in the San Juan Triangle bear a direct relationship to available water supplies. They are clustered most closely around springs, now present in the area, or along water courses having the longest period of active flow. They can be shown to increase in overall density as one moves into the Elk Ridge and its upper tributary canyons and on the northeast into the major drainages originating around the base of the Abajo Mountains." (Fowler, Gunnerson, Jennings, Lister, Suhm, & Weller, 1959, p. 563)

Although this includes prehistoric ancestral Pueblo (Anasazi) sites, as well as Navajo sites, it summarizes the settlement pattern continually used by the inhabitants of the region. The information from these surveys not only reveals broad Navajo use of the San Juan and Colorado River Corridors, it also indicates their continuous subsistence use of the entire southeastern Utah region.

Contemporary documents indicate that the land and resources in southeastern Utah continue to be significant to Navajo to this day. Spangler, Yentsch, & Green (2009, p. 151) note that the region north of the San Juan River continues to be used by the Navajo "...for hunting, gathering traditional plants and wood-cutting." In addition to areas used for subsistence, the landscape also holds features that continue

[21] The correct term in Navajo is "Nakai." Personal communication Willie Grayeyes 5/5/13

to be significant because of their reference within Navajo oral tradition. In many instances these features and places are represented in stories of ancestors and past events. They are also represented in Navajo mythology, stories of a time when spiritual figures roamed the earth and through various acts created these features and the resources they bear. Related to these stories, many of the landscape features in southeastern Utah are believed to hold special powers that are bestowed upon those who visit them, provided that certain rituals are observed. Bear's Ears, Comb Ridge, Lime Ridge, the Goosenecks (a feature on the San Juan River), Navajo Blanket (near Mexican Hat) and Navajo Mountain among others, all hold certain powers and are regularly visited by the Navajo people and medicine men for this reason (McPherson, 2009, p. Chapter 3; Sprangler, Yentsch, & Green, 2009, pp. 151-152)

> "From oral tradition reported by them, from archaeological evidence, and from cartographical and documentary sources, we are able to assert that the Navajo Indians have roamed San Juan County and adjacent parts of Utah and Colorado for at least two centuries" (Correll, 1971, p. 149).

This landscape has provided an abundance of resources that have sustained the Utah Navajo for generations. The San Juan River, the Colorado River, and their respective tributaries, although mostly surrounded by an arid landscape, provided arable land for agriculture, perennial water sources and lush canyons for wildlife, livestock, and human inhabitants. Some of these canyons were virtually inaccessible to those not familiar with them and, therefore, provided the Navajo with an ideal refuge from their enemies. The wooded mesas, ridges, hills, and drainages above these canyons, up to the snow line, provided suitable areas for hunting, gathering firewood, and pasturing livestock, especially during the winter months. Even higher in elevation, the ridges and drainages of the mountains, although covered in snow during the winter, provided excellent pasture for livestock and resource rich environments for hunting and gathering when the snow was gone. Navajo Mountain, the Henry Mountains, the La Sal Mountains, and the Abajo Mountains all contained these rich environments. These mountains, together with the snowmelt and springs that drained from their slopes, sustained not only the San Juan and Colorado Rivers, but the Navajo people themselves.

At one time, the Navajo's land was defined by the extent of the resources they used and the landscape they identified with. Today, although their land is now defined by arbitrary boundaries a fraction of the size they once roamed, the Navajo people remain bound to the their ancestral lands through the continued use of its resources, and the cultural and religious significance of its landscape that has survived and been passed down for centuries.

Important Resources to the Utah Navajo

See the attached tables below.

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Reported Habitation	Site(s)	Habitation	Other Sites	Comments	Sources
Abajo Mountains (Blue Mountains)	San Juan	North of SJR			X	X		X					X	X			Also know as the Blue Mountains; Important in Navajo Ghostway tradition of the Male Shootingway	Linford 2000: 285-287 (Citing Haile 1950, Ferguson and Hart 1985); Littell 1967:507-508; McPherson 2001: 30; McPherson 2009: 86; Sucec 2006:223; BLM 2007: 3.16; Brugge 1966?: 16,19,32
Allen Canyon	San Juan	North of SJR	W of Blanding					X	X									Littell 1967: 503, 505
Aneth	San Juan	North of SJR										X		X			San Juan River crossing; see also McElmo Creek	Littell 1967: 495; Aton and McPherson 2000: 35
Aquarius Plateau	Garfield	West of Colorado River	N of Escalante	X		X								X			Also known as Boulder Mountain;	Sucec 2006: 203, 216, 223
Arch Canyon	San Juan	North of SJR	W of Blanding											X			Reported to have lived and ranged in this area	Correll 1971: 148-149
Bear's Ears	San Juan	North of SJR	SW Elk Ridge	X		X		X		X	X		X	X	X	X	Symbol of Protection; Important in legend of Changing Bear Maiden; Bear and Big Snake served as guradians for Changing Woman and are still believed to serve as guardians for the Navajo People, see Comb Ridge; place for giving prayer and offerings; used by medicine men; see also Douglas Mesa; Site of many other births; hogan, sweathouse and other sites found	McPherson 92: 35-37, 2009: 74, 87; Linford 2000: 295 (Mont. Creek); Littell 1967:506-507; Stokes and Smiley 1963: 12-13; Aton and McPherson 2000: 35; Benally 1982: 99, 120-12; BLM 2007: 3.16; Correll 1971: 146, 148-149
Bluff	San Juan	North of SJR				X						X				X	Plant collecting reported around Bluff; River crossing; Rock Art site identified as Navajo (18th century)	McPherson 2009: 86; Sucec 2006: 223; BLM 2007: 3.16
Boulder (town)	Garfield	West of Colorado River						X		X							Horse grazing	Sucec 2006: 203
Burr Trail	Garfield	West of Colorado River	Capitol Reef National Park	X		X		X		X		X					Used as a corridor to access areas west of Capitol Reef	Sucec 2006:241
Butler Wash	San Juan	North of SJR	Comb Ridge									X					San Juan River Crossing at the mouth	Aton and McPherson 2000: 36
Capitol Reef National Park	Garfield	West of Colorado River			X	X				X		X				X?	Cairns within the park were used as places for offerings; A petroglyph panel along the Freemont River is potentially of Navajo origin; possible Navajo structure in the Cathedral District (See Thousand Lake Mountain); areas within the park served as corridors used for various activities	Sucec 2006: 203-5

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Habitation Reported	Site(s)	Habitation	Other Sites	Comments	Sources
Castle Creek	San Juan	North of SJR	San Juan Triangle					X							X	X	Habitation and livestock corral site found near mouth of creek; four separte hogan sites found in lower Castle Creek and Johnnies Hole (A small tributary canyon to lower Castle Creek)	Adams 1959: 269-272; Fowler, et al. 1959 (part 2): 640-642, map
Cedar Mesa	San Juan	North of SJR	San Juan Triangle	X	X	X									X		Navajo camp with a forked-stick hogan, cribbed hogan and a forked-stick sweat lodge found (dating from 1869-79); Contemporary hunting, gathering, and wood-cutting reported in the Greater Cedar Mesa area	Hobler, et. al. 1978: 35; Spangler 2009: 151; Day 1964: 144-145
Cha Canyon (Beaver Creek)	San Juan	South of SJR	Navajo Mountain						X								Contemporary use reported(1959)	Adams and Adams 1959: 6
Chinle Creek (Mule Ears)	San Juan	South of SJR	E of Mexican Hat									X		X	X		Hogan site; River crossing; Piutes and Navajos reported living together (1916)	Aton and McPherson 2000: 35-36; Gregory 1916: 32
Clay Hills	San Juan	North of SJR	W of Cedar Mesa	X								X				X	Game trap was use here for deer; place of a San Juan River crossing; unspecified arch sites found; Contemporary hunting of Deer and Bighorn Sheep by the Navajo was reported	Littell 1967: 503, 495, 503; Adams and Adams 1959: 6; Aton and McPherson 2000: 38
Colorado River	Various	General	General										X				One of the Navajo's four sacred rivers; considered a female river and a defensive guardian	Aton and McPherson 2000: 34,39; BLM 2007: 3.16, 3.20
Comb Ridge	San Juan	North of SJR	NE of Bluff		X			X				X	X				Believed to represent Big Snake, a powerful figure in Navajo tradition; Alcoves and potholes are considered homes of Wind, a spiritual power in Navajo tradition; Comb Ridge is believed to hold powers for healing and protection; foot and stock trail crosses Comb ridge and leads into Comb Wash; plant collecting reported in canyons along Comb Ridge	McPherson 2009: 61,64-65, 86; Littell 1967: 504;
Comb Wash	San Juan	North of SJR	W Comb Ridge					X				X			X	X	Also know as Comb Creek; San Juan River crossing near the mouth; foot and stock trail reported; Hogan and livestock corral sites found	Littell 1967:495, 504; Stokes and Smiley 1963: 13; Aton and McPherson 2000: 36; Brugge 1966?: 17
Confluence	San Juan	San Juan River	Colrado River										X				The confluence of the San Juan River and Colorado, two sacred rivers to the Navajo, is reported to be a sacred location where prayers and offerings are made	Linford 2000: 293 (citing Luckert 1977: 24,44-45); Aton and McPherson 2000: 39
Copper Canyon	San Juan	South of SJR	SW of Nakai Dome									X					San Juan River crossing	Aton and McPherson 2000: 36; Gregory 1916: 32

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Habitation Reported	Site(s) Habitation	Other Sites		Comments	Sources
Cottonwood Wash	San Juan	North of SJR	E of Comb Ridge				X								X	X	Hogan and livestock corral sites found; See also Bluff	Stokes and Smiley 1963: 13; Brugge 1966?: 17
Cow Canyon	San Juan	North of SJR	Bluff										X				Rock formation called the 'Navajo Twins'; The layers of the formation are said to "represent the sacred materials that comprise a k'eet'áán," or prayer stick. "Their elements may include white shell, turquoise, abalone, jet, bluebird feathers, eagle and turkey down, mountain tobacco, and the colors associated with the four directions."	McPherson 92: 31
Crossing of the Fathers	San Juan / Kane	South of SJR	Colorado River									X					Used for trading with and raiding mormon settlements at Kanab and Pipe Springs during the period of the Black Hawk War	Crampton 1959: 8-9; Crampton 1960: 525-528; Sucec 2006: 224
Douglas Mesa	San Juan	South of SJR	W of Mexican Hat										X				Geologic features between Douglas Mesa and Bear's Ears are believed to have been a pathway walked by the holy beings.	McPherson 92: 29
Drip Spring	San Juan	North of SJR	Monticello Area	X													Also know as Bine'toto; Unknown Location?	Littell 1967: 508-9
Eagle Mesa	San Juan	South of SJR	Monument Valley										X				Sacred place; believed to be where spirits go after a person is buried; also a water seep where prayers and offerings are made; see also Monument Valley	McPherson 92: 29
Elk Ridge	San Juan	North of SJR	SW Abajo Mountains	X				X			X			X			See Bear's Ears (twin buttes on Elk Ridge); K'aa'yéli (Headman) born just here in 1801, north of Bear's Ears	McPherson 2009: 87, 94-95; Sucec 2006: 223; Hobler et al 1978: 35; Correll 1971: 148-7
Escalante (canyon)	Garfield / Kane	West of Colorado River	E-SE of Escalante	X														Sucec 2006: 203
Escalante (town)	Garfield	West of Colorado River						X			X	X					Horse grazing	Sucec 2006: 203, 216
Fifty-Mile Mountain	Kane	West of Colorado River	SE of Escalante	X				X									Horse grazing	Sucec 2006: 203
Fishlake Hightop Plateau	Sevier	West of Colorado River	NW of Capitol Reef National Park		X													Sucec 2006: 203
Goosenecks	San Juan	San Juan River	San Juan River										X				Said to be a place of power, created by Big Snake.	McPherson 2009: 67
Goulding (Trading Post)	San Juan	South of SJR	Monument Valley										X				A butte near the post is said to be the hearth of a giant hogan that is Monument Valley; See also Monument Valley.	McPherson 92:28-29

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Habitation Reported	Site(s)	Habitation	Other Sites	Comments	Sources
Grand Flat	San Juan	North of SJR	San Juan Triangle												X?	X	Two recent (1978) camps found of possible Navajo origin, contained shelters and sweat lodges; children's playhouses identified	Hobler, et. al. 1978: 35; Fowler, et al. 1959 (part 2): 658
Grand Gulch	San Juan	North of SJR	San Juan Triangle					X	X						X	X	Hastin Beyal born here around 1832, Navajo and Ute cornfields and camps reported by Prudden(1897); unspecified arch sites found; game corral site found	Hobler, et. al. 1978: 35; Littell 1967: 503; Stokes and Smiley 1963: 13; Benally 1982: 99
Grass Valley	Piute / Sevier	West of Colorado River	W of Capitol Reef National Park	X						X								Sucec 2006: 203
Gray Whiskers Mesa	Navajo County, AZ	South of SJR	Monument Valley										X				One of two door posts of the giant hogan that is Monument Valley, see also Sentinel Mesa and Monument Valley; also a water seep where prayers and offerings are made	McPherson 92: 49
Green River	Various	Perennial	General										X	X			Considered sacred because it comes from natural spring water; Navajo are reported to have lived as far north as the Green River prior to 1881	BLM 2007: 3.20; Shumway 1980: 392
Halls Crossing	San Juan / Kane	Colorado River	W of Natural Bridges National	X								X					Prominent crossing used to access areas west of the Colorado River	Sucec 2006: 203, 223-224
Harris Wash	Garfield	West of Colorado River	E of Escalante	X				X									Horse grazing	Sucec 2006: 203
Henry Mountains	Garfield	West of Colorado River	E of Capitol Reef National Park	X	X			X		X	X	X		X			1970s and 80s Navajo use reported	Littell 1967: 508, 505-6; McPherson 2009: 86; Sucec 2006: 203, 216, 238; Correll 1971: 148-149
Hite Crossing	San Juan / Garfield	West of Colorado River	NW of Natural Bridges National Monument							X		X					Prominent crossing used to access areas west of the Colorado River	Sucec 2006: 203, 223-224
Hole-In-The-Rock	Kane	West of Colorado River								X		X					River crossing used for trade west of the Colorado River	Sucec 2006: 203,223
Hovenweep National Monument	San Juan	North of SJR			X							X					Linford suggests that the Navajo hunted in the area or passed through it on their way north of the monument	Linford 2000: 292
Kaiparowits Plateau	Kane	West of Colorado River			X	X		X				X		X			Linford suggests that the area was a source for wild horses, others report of the Navajos using the area to graze horses, hunt deer, gather plants and as a route for trading	Linford 2000: 291; Sucec 2006:203, Chapter 4; Littell 1967: 508

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Habitation Reported	Habitation Site(s)	Other Sites		Comments	Sources
La Sal Mountains	San Juan / Grand	North of SJR	SE of Moab	X	X			X						X			Source of medicinal plants (Linford) and pine nuts; Navajo reported to have lived in the region prior to 1861	Linford 2000: 294; Littell 1967: 507-508, 505; McPherson 2001: 30; McPherson 2009: 86; Benally 1982: 120; Correll 1971: 148-149; Shumway 1980: 392
Lake Canyon	San Juan	North of SJR	N of Navajo Dome					X				X		X			Colorado River crossing (Camp Stanle Crossing); Navajo and Ute are reported to have resided at Red Lake within the canyon	Littell 1967: 505; Sucec 2006: 223
Lime Ridge (Sugarloaf)	San Juan	North of SJR	W of Bluff										X				Believed to be the home of Big Snake; The Sugarloaf rock formation is believed to be a hogan where disobedient children go; considered a shield and source of protection; offerings and prayers made: "sacred"	McPherson 2009: 66
Long Point	San Juan	North of SJR	N of Blanding					X									Livestock grazed in the area	Littell 1967: 505
Lower Crossing	San Juan	San Juan River	18 miles up river from confluence									X					San Juan River Crossing 18 miles up river from its confluence with the Colorado	Littell 1967: 495
Lower Glen Canyon	San Juan	South of SJR	W of Cummings Mesa					X				X			X	X	See Crossing of the Fathers; numerous Navajo sites found (some contemporary (1961) along the Left bank of the Colorado River; sites include hogans and other shelters, sweathouses as well as livestock corrals and Navajo-built livestock trails	Adams, et al. 1961: 12, 23-24; Crampton 1959: 8-9, 91-109, maps; Crampton 1960: 14-7, 21-37; Fowler, et al. 1959 (Part 2): 525-?, maps
McCracken Mesa	San Juan	North of SJR	N of Montezuma Ck					X	X					X			Navajo families are reported to have settled in the area in the 1870s	Littell 1967: 504-5; Shumway 1980: 392
McElmo Creek	San Juan	North of SJR	Aneth					X	X						X	X	Hogan and sweathouse sites found; See also Aneth	Littell 1967: 503-4; Stokes and Smiley 1963: 11; Brugge 1966: 7; Correll 1971: 148-149
Mexican Hat	San Juan	North of SJR	W of Bluff									X					River crossing; Also referred to as Goodridge	Sucec 2006: 223; Aton and McPherson 2000: 36
Montezuma Creek (Canyon)	San Juan	North of SJR	E of Bluff		X			X		X		X		X	X	X	Also known as Montezuma Canyon; Traditional place for trade with Utes(Linford); San Juan River crossing near the mouth; 5 arch sites prior to Ft. Sumner; hogan, sweathouse and other sites found	Linford 2000: 295; Littell 1967: 509, 495, 503,505; McPherson 2009: 87; Stokes and Smiley 1963: 13; Aton and McPherson 2000: 35; Brugge 1966?: 17-19; Correll 1971: 148-149; Shumway 1980: 392

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Habitation Reported	Site(s)	Habitation	Other Sites	Comments	Sources
Monument Valley	San Juan	South of SJR	Monument Valley					X?					X				Believed to be a giant hogan with its hearth at Gouldings and its door posts at Gray Whiskers and Sentinel Mesas; the tops of mesas that align between Douglas Mesa and Bear's Ears are believed to be a pathway used by the holy beings; single monoliths are believed to be holy beings, frozen in form; see also Gouldings, Gray Whiskers Mesa, Sentinel Mesa, Eagle Mesa.	McPherson 92: 29
Natural Bridges National Monument	San Juan	North of SJR	San Juan Triangle					X							X	X	Consists of slab hearth and stone walls; walls resemble sheep pens; suspected to be Navajo, but not conclusive;	Hobler, et al 1978: 35;
Navajo Blanket	San Juan	South of SJR	Near Mexican Hat										X				Also known as Dzil Na'neest'eel or Mountain That Is Coiled; believed to be a home of the wind; place of power where prayers of offered	McPherson 2009: 66,72-73
Navajo Mountain	San Juan	South of SJR	Near Colorado River	X		X		X		X		X		X	X		Believed to be the birthplace of Monster Slayer(one of the twin protectors in the Navajo origin tradition); Place for where offerings and prayers are made and ceremonies are conducted; contains sacred spring; believed to serve as a protective shield	McPherson 92: 20-21,53; 2001: 112; 2009: 86; Prudden 1903: 283; Littell 1967: 506; Aton and McPherson 2000: 35; Benally 1982: 121, 138; BLM 2007: 3.16; Crampton 1960: 21
Neskahi Wash	San Juan	South of SJR	Navajo Mountain						X								Contemporary Navajo use reported (1959)	Adams and Adams 1959: 6
Nokai Dome	San Juan	North of SJR	San Juan Triangle						X								Farming reported near this area	Littell 1967: 504
Notom	Garfield	West of Colorado River	E of Capitol Reef National Park		X												Contemporary Navajo use reported (1996)	Sucec 2006: 203, 238
Ojato Creek (Wash)	San Juan	South of SJR	N of Ojato					X		X			X				San Juan River crossing at mouth known as "Nahonidzo" or "Escaping Place"; Livestock grazed north of river; favorite farming area in the 19th century	Littell 1967: 495, 503, 506; Correll 1971: 148
Paiute Creek (Canyon)	San Juan	South of SJR	Navajo Mountain						X								Contemporary navajo use reported (1903, 1959, 2000)	Linford 2000: 302; Prudden 1903: 283; Adams and Adams 1959

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Reported Habitation Site(s)	Habitation	Other Sites		Comments	Sources
Paiute Farms Wash	San Juan	South of SJR	Oljeto						X			X					Place of past farming; contemporary farming reported(1959); San Juan River crossing	Linford 2000: 302; Sucec 2006: 224; Adams and Adams 1959: 6; Aton and McPherson 2000: 36
Price River	Various	Utah	General										X				Considered sacred because it comes from natural spring water	BLM 2007: 3.20
Rabbit Valley	Garfield	West of Colorado River	W of Capitol Reef National Park							X								Sucec 2006: 203
Rainbow Bridge	San Juan	South of SJR	Near confluence of COR and SJR										X				Connected with the confluence of the San Juan and Colorado rivers; considered to be a sacred location	McPherson 92: 31; Aton and McPherson 2000: 39
Recapture Creek	San Juan	North of SJR	E of Bluff						X			X		X			San Juan River crossing near the mouth; Navajo families are reported to have settled in the area in the 1870s	Littell 1967: 495; Brugge 1966?: 17,19; Shumway 1980: 392
Richfield	Sevier	West of Colorado River	NW of Capitol Reef National Park	X						X								Sucec 2006: 203
San Juan River	San Juan	Utah	General					X	X				X	X			One of the Navajo's four sacred rivers; considered a male river and a defensive guardian; Monster Slayer and Born for Water, twin protectors in the Navajo origin tradition, are reported to reside at the confluence of the San Juan and Los Pinos rivers in New Mexico; Water seeps along the river are used as places of prayer; River crossings are places of offerings; farming reported all along the river; summer grazing camps and hogans were also identified at several points along the north bank of the River (1916; 1959) ; see Confluence	McPherson 2001: 112; Littell 1967: 504; Adams 1959: 272; Aton and McPherson 2000: 34,38-39; Correll 1971: 148-149; Schaafsma 1980: 310-312; Gregory 1916: 32
Sand Island	San Juan	San Juan River	Bluff									X					San Juan River crossing	Aton and McPherson 2000: 36
Sentinel Mesa	San Juan	South of SJR	Monument Valley										X				One of two door posts of the giant hogan that is Monument Valley; see also Gray Whiskers Mesa and Monument Valley	McPherson 92: 29
Slickrock Canyon	San Juan	North of SJR	San Juan Triangle												X		Hogan Site	Day 1964: 141
Thousand Lake Mountain	Garfield	West of Colorado River	NE of Capitol Reef National Park	X										X	X?	?	Habitation was reported near the base of this mountain and an archaeological site indicating habitaition shows signs of Navajo ownership	Sucec 2006: 203-5
Tohdlkil	San Juan								X								Reported to be a farming area. Unknown location?	Littell 1967: 504

Important Places

Places	County	Region	Area	Hunting	Gathering	Firewood	Livestock	Farming	Trading	Refuge	Travel	Religious	Reported Habitation Site(s)	Habitation	Other Sites		Comments	Sources
Trail Canyon	San Juan	South of SJR	Navajo Mountain									X					San Juan River crossing, connected with Wilson Creek	Aton and McPherson 2000: 36
White Canyon	San Juan	North of SJR	W of Bears Ears	X				X	X						X	X	Kee Dahthi (headman) born near in 1821. As a young man, Hashkéneinii kept horses in this canyon; Provided access to Hite's Crossing; game trap was used here for deer; hogan site with early tree-ring date of AD 1620 (dates from the site ranged from 1620-1783); site was potentially important in traditional hunting across the Colorado River (place of purification); potentially used for farming; livestock corral site was also found;	Littell 1967: 509, 505; Sucec 2006: 203,214; Hobler et al. 1978: 35; Stokes and Smiley 1963: 11; Benally 1982:99; Correll 1971: 130
Wilson Creek	San Juan	North of SJR	Wilson Mesa									X					San Juan River crossing, connected with Trail Canyon	Aton and McPherson 2000: 36
Wilson Mesa	San Juan	North of SJR	San Juan Triangle	X							X	X					Termed "Chase Up" by the Navajo; Contemporary hunting of Deer and Bighorn Sheep by the Navajo was reported (1959);	Sucec 2006: 229; Adams and Adams 1959: 8

Important Animals

Animals	Food	Medicinal	Economic	Craft	Religious	Locations	Comments	Sources
Antelope (Pronghorn)	X					Blue Mountains; Bear's Ears; Aquarius Plateau; White Canyon; Henry Mountains;		Littell 1967: 510; Sucec 2006:203; Aton and McPherson 2000: 35
Bears	X				X		Considered to be a protective and healing force; offerings placed in tracks; only eaten during periods	McPherson 92: 64-65
Beavers	X				X		Skin used for the medicine bags of medicine men, and for clothing in certain ceremonies	Aton and McPherson 2000: 35
Bighorn Sheep		X		X	X	Clay Hills; Wilson Mesa; Bear's Ears; Blue Mountains; Aquarius Plateau; Escalante River Drainage; Henry Mountains	McPherson (92:68) reports that Bighorn Sheep are not hunted for food, but for other purposes; skins used for medicine bags; various medicinal uses	Littell 1967: 509-510; Sucec 2006:203; Adams and Adams 1959: 8; McPherson 92: 68
Bluebirds					X		Use of feathers	McPherson 92:31,63
Butterflies					X			McPherson 92: 68
Buzzards					X			McPherson 92: 63
Chipmunks		X		X	X		Skins used for medicine bags	McPherson 92: 63
Coyotes					X			McPherson 92: 63-65
Crows					X			McPherson 92: 63
Deer	X	X		X	X	Wilson Mesa; Clay Hills; Blue Mountains; Bear's Ears; La Sal Mountains; Henry Moutains; Kaiparowitz Plateau; Drip Spring; Clay Hills; White Canyon; Montezuma Creek; Aquarius Plateau; Harris Wash; Thousand Lakes Mountain; Capitol Reef National Park; Halls Crossing; Grass Valley; Richfield; Fifty-Mile Mountain;		Littell 1967: 509; Sucec 2006:203; Aton and McPherson 2000: 35; Adams and Adams 1959: 8; McPherson 92: 67-68
Domestic Dogs			X		X		Used to guard livestock	McPherson 92: 62
Dragonflys					X			McPherson 92: 68
Eagles					X		Use of feathers	McPherson 92:31, 63
Elk	X					Blue Mountains; Aquarius Plateau		Littell 1967: 510; Sucec 2006:203
Gophers					X			McPherson 92: 62
Green-Collared Lizard					X			McPherson 92:59
Horned Toads					X			McPherson 92: 63,68
Horses			X		X			McPherson 92: 62, Sucec 2006: Chapter 4
Moths					X			McPherson 92: 68
Mountain Lions					X			McPherson 92: 63
Owls					X			McPherson 92: 62-63,68
Porcupines	X	X			X		Various medicinal uses	McPherson 92: 63
Prairie Dogs	X							Aton and McPherson 2000: 35
Rabbits	X					Clay Hills; Thousand Lake Mountain		Littell 1967: 509; Sucec 2006:203; Aton and McPherson 2000: 35
Raccoons					X			Aton and McPherson 2000: 35
Sheep	X		X	X	X			McPherson 92: 61; McPherson 2001: Chapter 6
Skunks	X	X			X		Various medicinal uses	McPherson 92: 63-64
Snakes					X		Considered to hold protective powers	McPherson 92: 27,63,68
Squirrels				X	X			McPherson 92: 62-63
Turkeys					X		Use of feathers	McPherson 92:31

Important Plants, Minerals, and Shells

Plants/Minerals/Shells	Food	Medicinal	Craft	Religious	Locations	Comments	Sources
Abalone Shell				X			McPherson 92:31
Alder						Bark use as dye for basketry	McGreevy 1996: 22
Alumroot		X		X		Smoked in a Jet pipe for healing	McPherson 92:58
Aspen		X		X		Powder from bark used in ceremonies	McPherson 92:57
Beans	x					Cultivated	Aton and McPherson 2000: 34
Broadleaf Yucca		X				Remedy for vomiting and heartburn	McPherson 92:57
Carrots (Wild)			X			Dye for basketry	McGreevy 1996: 22
Cherries (Wild	X				Bear's Ears		McPerson 2009: 86
Cliffrose		X	X			Bark used for diapers and to calm sheep	McPherson 92:57
Corn	X			X		Cultivated; pollen and meal used for offerings and religious ceremonies; significant in Navajo religious symbolism	Aton and McPherson 2000: 34, 39; Brugge 1996: 270; McPherson 92: 55
Cottonwood			X			Used for cradleboards, fire drills, and summer cooking	Aton and McPherson 2000: 34
Creeping Barberry				X		Certain leaves, flowers and berries are sprinkled for livestock protection from lightning	McPherson 92:58
Devils Claw		X				Used to calm humans and sheep	McPherson 92:57
Few-Flowered Goldenrod		X				Used as a lotion for newborn hermaphrodites	McPherson 92:58
Goldenrod		X		X		Roots eaten or used in tea	McPherson 92:58
Goosefoot	X					Found near the river	Aton and McPherson 2000: 34
Indian Ricegrass	X					Found near the river	Aton and McPherson 2000: 34
Jet		X	X	X		Used to make pipes	McPherson 92:31, 58
Juniper		X	X		Bear's Ears; Blue Mountains; La Sal Mountains	Berries collected for unspecified use; ash used in dye making for basketry; offerings left on lightning struck Junipers; used in medicinal drink	Littell 1967:507; McPherson 1992: 55, 58; 2009: 86; McGreevy 1996: 22
Larkspur		X				Used medicinally for livestock and humans	McPherson 92:57
Mint		X				Various medicinal uses	McPherson 92:57
Mormon Tea		X				Used in a medicinal drink	McPherson 92:58
Mountain Mahogany		X	X			Dye for basketry; used in medicinal drink	McGreevy 1996: 22; McPherson 1992: 58
Mountain Tobacco				X			McPherson 92:31
Narrowleaf Yucca	X	X				Root used for shampoo	McPherson 92:57
Oak		X	X		Blue Mountains	Used to make bows and arrows and bows for cradle boards; used medicinally to soften afterbirth pain; used in medicinal drink	McPherson 92:56,58
Onions (Wild)	X					Found near the river	Aton and McPherson 2000: 34
Parry Bellflower		X				Used during pregnancy	McPherson 92:58
Pine		X			Blue Mountains	Unspecified rotten pine used as talcom powder	McPherson 92:56
Pinyon Pine	X	X	X		Bear's Ears; Blue Mountains; La Sal Mountains; Henry Mountains	Nuts collected for food; Pitch collected for basketry; also use for various human and livestock injuries; used in medicinal drink	Littell 1967:507; McPherson 1992:58; 2009: 86; Sucec 2006: 203; Benally 1982: 120; McGreevy 1996: 24
Ponderosa Pine	X	X			Blue Mountains	Inner bark used as food; ashes used for sores, pitch is use for sores and to fight disease; needles used for hair growth	McPherson 92:56, 57-58
Potatoes (Wild)	X				Bear's Ears		McPerson 2009: 86
Rabbitbrush	X	X		X		Used to stir cornmeal or mush; used medicinally for coughs, colds, headaches, and menstrual cramps; used to make a yellow dye for wool	Sucec 2006: 243
Rocky Mountain Beeplant	X					Found near the river	Aton and McPherson 2000: 34
Sacaton					Bear's Ears	Unspecified use	McPerson 2009: 86
Segebrush		X				Used medicinally for indigestion, pain from childbirth, cold swellings, and tuberculosis	Aton and McPherson 2000: 34
Salt Berry					Bear's Ears	Unspecified use	McPerson 2009: 86

Important Plants, Minerals, and Shells

Plants/Minerals/Shells	Food	Medicinal	Craft	Religious	Locations	Comments	Sources
Sand Grass					Bear's Ears	unspecified use	McPerson 2009: 86
Sandstone (Colored)				X	Capitol Reef National Park	Used in sand paintings; scrapings from rock art are also used during healing ceremonies (applied to patient's body)	Sucec 2006: 241; Brugge 1998: 266
Scrub Oak		X				Used in medicinal drink	McPherson 92:58
Silky sophora		X				Used to calm humans and sheep	McPherson 92:57
Snakeweed		X				Used medicinally for livestock; used in a medicinal drink	McPherson 92:57-58
Spreading Fleabane		X				Used during pregnancy	McPherson 92:58
Squash	X					Cultivated	Aton and McPherson 2000: 34
Squawbush	X					Found near the river	Aton and McPherson 2000: 34
Sumac (*Rhus trilobata*)		X	X		Capitol Reef National Park (Notom); Bear's Ears	Also know as Three-Leaf Sumac; used for basketmaking among other uses; used in medicinal drink	Sucec 2006: 238; McPerson 1992: 58; 2009: 86; McGreevy 1996: 22
Sunflowers		X				Used with water to remove foot odor	McPherson 92:57
Tragia neptaefolia		X		X		Used as protection from snakes and lightning	McPherson 92:58
Turquoise		X		X		Used as offerings; used during pregnancy	McPherson 92:31; 55, 58
White Clay				X	Capitol Reef National Park	Used in sand paintings	Sucec 2006: 241
White Cowry Shell		X				Used during pregnancy	McPherson 92:58
White Shell				X		Used as offerings	McPherson 92:31; 55
Wild Turnips	X					Found near the river	Aton and McPherson 2000: 34
Willow			X			Used for basketmaking among other uses	Stevens, et. al.:2000
Yucca		X		X	Bear's Ears; Blue Mountains; La Sal Mountains	Fruit collected for unspecified use; stem used medicinally for livestock	Littell 1967:507; McPerson 1992: 57; 2009: 86;
Unspecified Mineral Gathering					Henry Mountains		Sucec 2006: 203
Unspecified Plant Gathering	X	X		X	Kaiparowits Plateau; Aquarius Plateau; Fishlake Hightop Plateau; Capitol Reef National Park; Henry Mountains; Notom; Boulder canyon; Bear's Ears; Blue Mountains; Navajo Mountain		Sucec 2006: 203; McPherson 92: Chapter 5

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Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>

Fwd: Draft Conceptual Documents for a Future Land Exchange

1 message

Justin Pidot <justin.pidot@sol.doi.gov> Tue, Nov 15, 2016 at 9:12 AM
To: gisella_ojeda-dodds@ios.doi.gov

Did this work?

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>
Subject: Draft Conceptual Documents for a Future Land Exchange

Justin;

I have attached a couple of documents that represent how SITLA is thinking of a future land exchange in southeastern Utah were the President to move forward with a national monument. They are closely modeled on the West Desert land exchange agreed to by Secretary Babbitt and Governor Leavitt in 2000, and subsequently ratified through P.L. 106-301. I have attached copies of the West Desert exchange agreement and legislation for comparison.

There are two main differences. First, the West Desert exchange was in areas where there were no leaseable minerals, unlike southeast Utah. We have added provisions - based on what we have previously drafted - (a) for BLM to retain all existing oil and gas production, to avoid any CBO scoring issue; and (b) for revenue sharing of potash revenue, similar to our recent Hill Creek legislation, to simplify valuation of speculative potash resources.

The second difference is that we have drafted statutory language for a full Yellow Book appraisal of the exchange lands, to be included as a condition in the ratifying legislation. In the West Desert exchange, Congress required only a summary valuation review, while we understand that circumstances will require a full Yellow Book approach at this point in time. We have structured it as a look-back rather than pre-closing condition. Other than this valuation language, we see ratifying legislation looking pretty much identical to PL 106-301.

Please note that this hasn't been fully vetted with SITLA's Board or Governor Herbert. We thought it would be good, however, to get ideas on the table so we can work more quickly if events dictate.

Let me know if you or your team have any questions. We'd be happy to do a call at your convenience.

Thanks.

John

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

Michael O. Leavitt
Governor

AGREEMENT FOR EXCHANGE OF LANDS
WEST DESERT STATE-FEDERAL LAND CONSOLIDATION

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this 30th day of May, 2000 by and between the State of Utah and the United States of America, Department of the Interior.

PURPOSE: The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States, to exchange federal and state lands and interests therein, of approximately equal value, located in the West Desert area of the State of Utah.

SECTION 1: DEFINITIONS

As used in this Agreement:

(A) BLM means the Bureau of Land Management of the Department of the Interior.

(B) Department means the Department of the Interior and its subsidiary agencies, including the BLM.

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

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

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

(F) Secretary means the Secretary of the Interior.

(G) Trust Lands means all right, title and interest of the State on the date this

(N) Approximately 80 acres of Trust Lands and an additional 240 acres of Mineral Interests in the Deep Creek area in Washington County, Utah.

(O) Approximately 1920 acres of Trust Lands in the Black Ridge area in Washington County, Utah.

(P) Approximately 5608.50 acres of Trust Lands and an additional 560 acres of Mineral Interests in the Canaan Mountain area in Kane and Washington Counties, Utah.

(Q) Approximately 960 acres of Trust Lands in the Cottonwood Canyon area in Washington County, Utah.

(R) Approximately 640 acres of Trust Lands in the Red Butte area in Washington County, Utah.

(S) Approximately 483.28 acres of Trust Lands within the Red Cliffs Desert Reserve in Washington County, Utah.

(T) Approximately 1191.21 acres of Trust Lands wholly or partially within the exterior boundary of the Beaver Dam Wash Wilderness, in Washington County, Utah.

SECTION 3. FEDERAL LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE STATE

Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange - BLM Lands" dated May 19, 2000, and more specifically described in Exhibit "B" to this Agreement, which lands include the following BLM lands and Mineral Interests:

(A) I-80 Corridor tracts, comprising approximately 11,854.53 Acres of BLM land in Tooele County, Utah.

(B) St. John tract, comprising approximately 8678.14 acres of BLM land in Tooele County, Utah.

(C) Tooele Army Depot No. 1 tract, comprising approximately 6880.63 acres of BLM land in Tooele County, Utah.

(D) Tintic Valley tract, comprising approximately 14,253.51 acres of BLM land in Juab County, Utah.

(E) Brush Wellman tracts, comprising approximately 6173.70 acres of BLM land in Juab County, Utah.

(F) Intermountain Power Plant tract, comprising approximately 17,625.97 acres of BLM land and an additional 940.61 acres of BLM Mineral Interests in Millard County, Utah.

(G) Continental Lime tract, comprising approximately 1849.21 acres of BLM land in Millard County, Utah.

(H) Oak City tracts, comprising approximately 13,625.36 acres of BLM land in Millard County, Utah.

(I) Milford tract, comprising approximately 22,123.32 acres of BLM land in Beaver County, Utah.

(J) Beaver tract, comprising approximately 720 acres of BLM land in Beaver

All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by the Trust Lands Administration as Trust Lands pursuant to Title 53C of the Utah Code.

SECTION 8: WATER RIGHTS

All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 9: GRAZING PERMITS

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

SECTION 10: SURFACE AGREEMENTS AND PERMITS

(A) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(B) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way,

(B) Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 13: GENERAL PROVISIONS

In addition to the foregoing, the Department and the State agree as follows:

(A) Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

(B) The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR

Bruce Babbitt
Secretary of the Interior

STATE OF UTAH

Michael O. Leavitt
Governor

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000
[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West Desert Land Exchange Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 3, considered and passed Senate.

○

[redacted]

AGREEMENT FOR EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this ___ day of December, 2016, by and between the State of Utah and the United States of America, Department of the Interior.

Purpose

The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah, to exchange federal and state lands and interests therein, of equal value, located in the State of Utah.

Agreement

1. Definitions. As used in this Agreement:

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

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

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

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

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

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

   g. Secretary means the Secretary of the Interior.

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

mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C. 191(a).

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

7. Term. This agreement is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement.

(b) (5)

Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands

from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

Secretary of the Interior

STATE OF UTAH

Governor

DRAFT

(c) CONDITION. –

(1) Appraisals. --Within eighteen months of completion of conveyances under this Act, the Secretary of the Interior and the State of Utah shall jointly conduct appraisals of the lands exchanged under the Agreement as of the date of conveyance.

(2) Applicable law.--The appraisals conducted under paragraph (1) ---

(A) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(b) shall utilize nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) Approval.--The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(4) Adjustment.--

(A) In general.--If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) Limitation.--An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) Valuation of Lands with Reserved Minerals.--Federal land in which the Secretary reserves an interest under sections 4 and 5 of the Agreement shall be appraised—

(1) without regard to the presence of potash; and

(2) taking into account the reserved wellbore interest of the United States, if any.

(6) Dispute resolution.—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under this subsection, the Secretary or State do not agree to accept the findings of the appraisals with respect to any parcel of Federal land or non-Federal land, the dispute shall be resolved in accordance with section 206(d)(2) of FLPMA (43 U.S.C. 1716(d)(2)).

(7) Equalization of Values. – Imbalances in values between the United States and the State will be equalized in accordance with Section 6 of the Agreement.

October 31, 2016

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President,

As you are no-doubt aware, there is significant interest in protecting an area of federal public lands in southeastern Utah known as the Bears Ears region as a national monument. Much of this interest has come from Tribes with strong current, historic and prehistoric ties to the area, while recreationists, businesses, archaeologists and many others also have supported the Tribes' proposal to establish a 1.9 million acre Bears Ears National Monument. These are all important interests in the protection of this landscape. Our purpose in writing you is to add another highly significant factor into that equation; one that has received little attention in the media, but is among the most significant, certainly from the perspective of scientific impact.

The Bears Ears area in southeastern Utah contains some of the richest and most significant paleontological resources in the United States. This area preserves rocks that have an unparalleled record of ancient seas that covered the continent, the rise of vertebrate life on land, the ascendency of the dinosaurs, and even the remains of Ice Aged animals who once roamed the high plateaus and deep canyons that make the landscape of the Bears Ears area so visually stunning today. For example, work conducted in this area already has revealed new insights into the transition of vertebrate life from the sea to the land, with tetrapod fossils from the southern reaches of the proposed Bears Ears National Monument showing how the mosaic of characters present in fish and amphibians were evolving into the earliest true land vertebrates, the amniotes dating back to around 300 million years ago.

Currently teams from many different institutions across the country are engaged in fresh new research there, leading to a boom for paleontological exploration and knowledge that the region has not seen for almost 50 years. New species of plant-eating crocodile-like reptiles are being described, mass graves of enormous sauropods are being unearthed, and the fundamental changes from reptiles to mammals are being exposed within this remarkable area. The Bears Ears landscape also holds important clues about how environments respond to the increasing temperatures and decreased rainfall associated with climate change. The geologic and fossil records in the proposed monument area allow us to see how the seasonal monsoon pattern that dominated during the Late Triassic Period, 205 million years ago, changed to a vast, dry desert system that smothered the old river systems over a period of less than 10 million years.

Some of these finds are building off half-forgotten research from the 1940s and earlier. Other discoveries are being made in areas that have not been examined previously. Perhaps most startling, the vast majority of fossil-bearing rocks has yet to be scientifically examined or studied in any detail. Most previous work has been cursory without long-term goals in the region. Our work on this rich landscape has barely scratched the surface of the possibilities.

Cliff Green
Society of Vertebrate Paleontology; Utah Friends of Paleontology

Julia McHugh
Museums of Western Colorado

Marissa Westerfield
Society of Vertebrate Paleontology; The Clariden School

Melinda Hurlbut
Utah Friends of Paleontology; St, George Dinosaur Discovery

Doug Shore
Denver Museum of Nature and Science

Dylan Dewitt
Denver Museum of Nature and Science

Edward Shelburne
Nonvertebrate Paleontology Lab, University of Texas (Austin)

Christopher Racay
Dinosaur Journey

Jason Testin
Society of Vertebrate Paleontology

Thomas Holtz
Department of Geology, University of Maryland; Society of Vertebrate Paleontology; Paleontological Society of Washington

Dalton Meyer
Society of Vertebrate Paleontology

Tracy Thomson
University of California (Davis)

Xavier Jenkins
Musuems of Western Colorado

Ben Riegler
Earth Science Club of Northern Illinois

Teresa Pfister
Earth Science Club of Northern Illinois

Nathan Van Vranken
Society of Vertebrate Paleontology

Benjamin Burger
Utah State University

Dawn Reynoso
Society of Vertebrate Paleontology

Anthony Turner
Natural History Museum of Los Angeles County

Grant Boardman
Trivium Academy; University of New Mexico

James Lehane
Society of Vertebrate Paleontology

Khai Button
Ph.D Candidate, University of Kansas

Sarah Gibson
Ph.D Candidate, North Carolina State

Brian Engh
Professional Paleoartist

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Paleontological Resources of the Bears Ears Region, San Juan County, Utah

The proposed Bears Ears National Monument includes world-class paleontological resources and sites. The Valley of the Gods area includes some of the earliest vertebrates to walk on land in America and their aquatic contemporaries. Cedar Mesa exposes strange burrows from early mammal relatives that are still poorly understood. The Honaker Trail, down towards the San Juan River, provides evidence that this arid landscape was once part of a thriving coral reef during the Pennsylvanian Period. Red Canyon, Elk Ridge, the Bears Ears, Comb Ridge, and Indian Creek provide an almost uninterrupted view of the rise of the age of dinosaurs. The Moenkopi Formation in Indian Creek has provided hints that large carnivorous amphibians called mastodontosaouroids inhabited a river landscape similar to that in Arizona; this is the only evidence thus far that these animals ranged this far north within the United States. Paleontologists testing hypotheses on the dispersal, radiation, and adaptation of animals that survived the Earth's largest mass extinction find these sites to be extremely significant.

Above the Moenkopi Formation is the Late Triassic Chinle Formation. Within the proposed monument, this formation has produced important fossils of plants, the crayfish and their burrows, metoposaurs, phytosaurs, crocodylomorphs, non-dinosaurian archosauriforms, and dinosaurs. Several of these represent unique occurrences in America, new species, or the northernmost occurrence of previously identified taxa. The Chinle, and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition anywhere in the world. This transition is crucial for paleontologists to understand how dinosaurs came to dominate terrestrial ecosystems during the Mesozoic Era, as well as how our mammalian ancestors survived and evolved underfoot.

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Robert Gay, Museums of Western Colorado

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Cliff Dwelling in Utah Found to Have Unique Decoration: Dinosaur Tracks

Posted by Blake de Pastino on September 26, 2016

Scientists searching for fossils in southern Utah have found that they certainly weren't the first to prize the traces left behind by dinosaurs.

While on a break from a fossil hunt in Utah's San Juan County, paleontologists explored a stone structure that had been built under a cliff overhang at least 800 years ago.

While most of the building had been made from cream-colored sandstone found nearby, one piece stood out — the pinkish rock that formed the lintel over the doorway.

It was covered in the fossilized tracks of a theropod dinosaur.

"The slab with the fossilized track appears to have been transported from another location and deliberately placed as the lintel in this structure by the builders," scientists say. (Photo courtesy Joshua Smith. May not be used without permission.)

The three-toed tracks are the calling card of a small, two-legged, carnivorous dinosaur, scientists say. (Photo courtesy Joshua Smith. May not be used without permission.)

"It appear there are two tracks on the lintel, one fainter than the other," Smith said.

"Also, there are tracks visible in cross-section, which is what originally alerted me to their presence."

The structure is a small dwelling that was built and occupied over several phases of Ancestral Puebloan history, he said.

Parts of the structure date back to the early phase known as Basketmaker II, when Ancestral Puebloans began to experiment with agriculture and build permanent settlements, starting about 2,500 years ago.

[Read about an important recent find from the Basketmaker period: "Twin 1,300-Year-Old Villages Discovered in Arizona Sand Dunes"]

But most of the house's construction seems to have taken place more recently, during the Pueblo III period, from about 1150 to 1350.

The placement of the track-marked rock appears to be intentional, Smith added, because the dark pink stone, while local, is from a different deposit than the source of the rest of the building stone.

This is the first known instance of dinosaur tracks being incorporated in pre-contact architecture in the Southwest, Smith added.

"I know of at least one instance of images of dinosaur tracks incorporated into rock art near a dinosaur tracksite," he said, "and I think it is an obvious conclusion that these ancient peoples noticed the fossils in the landscape around them."

Fossilized tracks are known as ichnofossils, and it's difficult if not impossible to know which species made a given set of tracks.

But paleontologists have a separate system for classifying tracks, Smith explained.

"Tracks are defined, described, and assigned to an ichnogenus, the same as organisms are assigned to a genus and species," he said.

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GSA Annual Meeting in Denver, Colorado, USA - 2016

Paper No. 147-23
Presentation Time: 9:00 AM-6:30 PM

THE NOVEL OCCURRENCE OF A LINTEL STONE CONTAINING VERTEBRATE ICHNOFOSSILS IN A PUEBLO III STRUCTURE IN UTAH

SMITH, Joshua A.[1], HUNT-FOSTER, ReBecca[2], GAY, Rob[3], CONNER, Carl[4], MIRACLE, Zebulon[5] and FOSTER, John R.[2], (1)Paleontology, Dominguez Anthropological Research Group, P.O. Box 3543, Grand Junction, CO 81502, (2)Canyon Country District Office, Bureau of Land Management, 82 East Dogwood, Moab, UT 84532, (3)Dinosaur Journey - Paleontology, Museum of Western Colorado, 550 Jurassic Court, Fruita, CO 81521, (4)Archeology, Dominguez Anthropological Research Group, P.O. Box 3543, Grand Junction, CO 81502, (5)Archeology, Gateway Canyons Resort, 43200 Colorado Hwy 141, Gateway, CO 81522, dinotrack@hotmail.com

The Early Jurassic Navajo Sandstone is a vast eolian deposit that represents the largest erg to have existed on Earth. Exposed throughout southern Utah, the Navajo Sandstone contains localized, water-lain interdune deposits consisting of impermeable, fine-grained sediments. Through both trace and body fossil evidence, these interdunal "lakes" are known to have supported a relatively diverse biota, and are increasingly the subject of paleontological studies. Additionally, these impermeable interdune deposits are studied by geomorphologists for their role in groundwater sapping and the creation of alcoves and box canyons within the Navajo Sandstone.

The ruins of a Pueblo III period structure with some Basketmaker II/III components is located in a small, multi-component cliff dwelling in a Navajo Sandstone alcove located on Bureau of Land Management land in San Juan County, Utah. These ruins indicate the structure was constructed almost entirely of rectangular blocks of creme-colored eolian Navajo Sandstone, except for a single slab of flat, pinkish, fluvial sandstone which serves as the lintel over the struture entrance; the lintel likely originated in either the Late Triassic Chinle Formation or the Early Jurassic Kayenta Formation (although other formations remain a possibility), which are both fluvial and are both located nearby (within walking distance). The lentil is also unique in that it bears a fossilized dinosaur track, facing down into the constructed passageway. The track is preserved in convex hyporelief and is identified as *Grallator isp.*, made by a relatively small, three-toed, theropod dinosaur. This track type is well-documented in southern Utah where the Navajo Sandstone, Chinle Formation, and Kayenta Formation are exposed.

As the Chinle and Kayenta Formations are not immediately adjacent to this cliff-dwelling, and the Navajo Sandstone does not contain fluvial beds of this nature nearby, the slab with the fossilized track appears to have been transported here from another location and then deliberately placed as the lintel in this structure by the builders. The practice of incorporating vertebrate ichnofossils into cliff-dwelling structures, Pueblo III or otherwise, in the American southwest is heretofore unknown and this discovery is the first such documented occurrence.

Session No. 147--Booth# 23

Recent Advances in Archaeological Geology (Posters)
Monday, 26 September 2016: 9:00 AM-6:30 PM

Exhibit Hall E/F (Colorado Convention Center)

Geological Society of America *Abstracts with Programs*. Vol. 48, No. 7
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NATURAL RESOURCES DEFENSE COUNCIL

southern utah wilderness alliance

November 1, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Jewell,

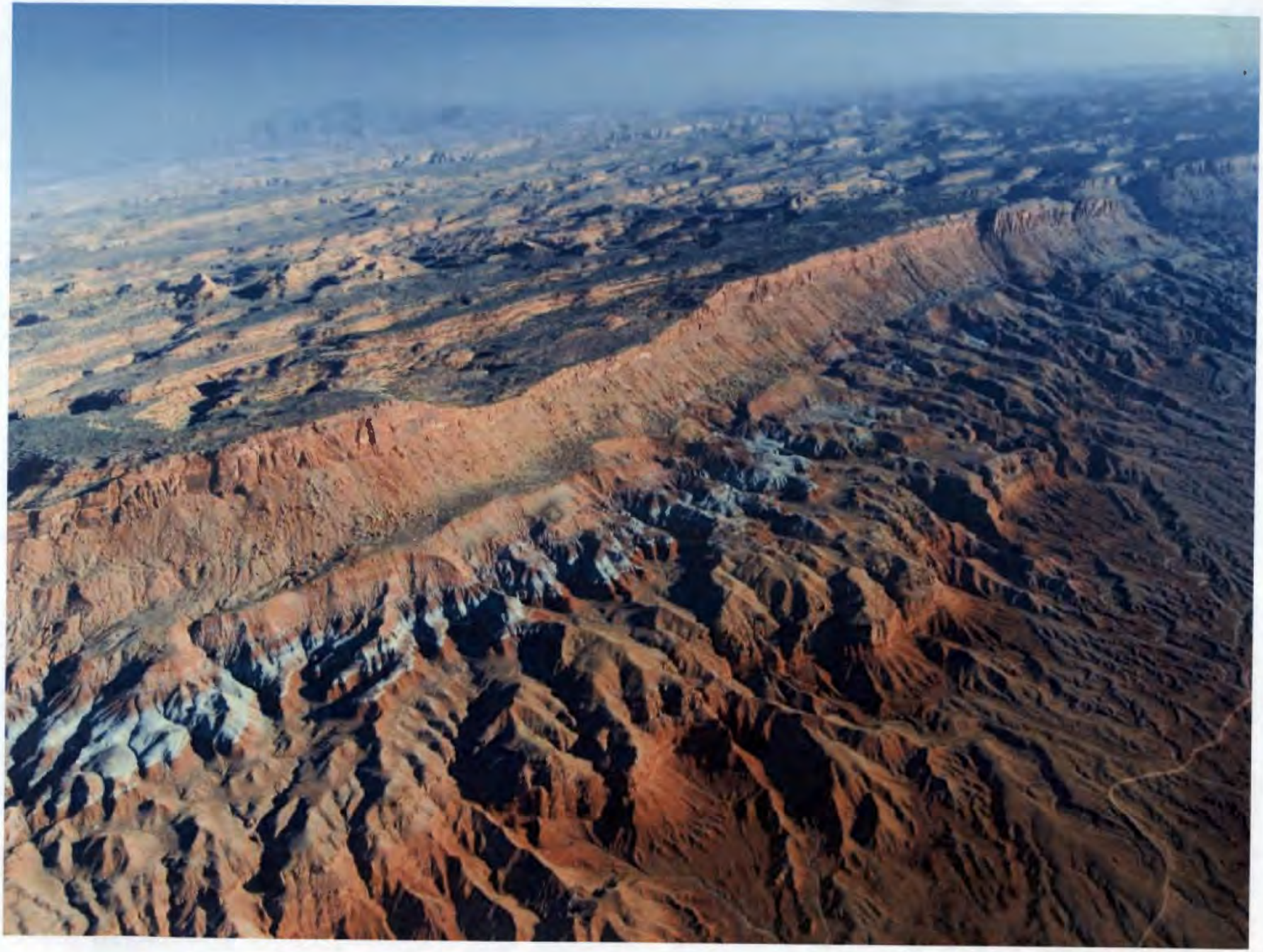
On behalf of the Utah Wilderness Coalition, we are writing to express our deep concerns about Representative Rob Bishop's Public Lands Initiative (PLI), and in particular the PLI's failure to adequately protect the Bears Ears region and the Colorado River watershed. The Utah Wilderness Coalition represents dozens of organizations and millions of Americans who support the protection of about 9.2 million acres of deserving wilderness in Utah, and the undersigned represent the coalition's executive committee.

As you know, our organizations worked in good faith for more than three years with Rep. Bishop and the Utah delegation in the hope that the PLI process would produce a balanced bill that would enjoy broad public support. Unfortunately what emerged from the PLI process is a pro-development proposal that, in certain areas, prioritizes mineral extraction above all other values.

Nowhere is this pro-development bias more evident than in the region to the west of the PLI's proposed Bears Ears National Conservation Area, an area that includes White Canyon, Red Canyon, Moqui Canyon, Tables of the Sun, and continues southwest from the Red House Cliffs to the confluence of the Colorado and San Juan Rivers. (See attached map and photos.)

While the upper portion of White Canyon was protected as Natural Bridges National Monument by President Theodore Roosevelt in 1908, the entire length of White Canyon from the monument to the Colorado River is worthy of permanent protection. White Canyon, as well as Red and Moqui Canyons, are among the world's foremost displays of erosional sculpting; the canyon walls are honeycombed with alcoves, arches, windows, hanging gardens, and grottoes; the canyon floors are riddled with potholes. As elsewhere in the Bears Ears region, remnants of the Ancestral Puebloan culture, ranging from scattered stone-working sites to impressive cliff dwellings, are located throughout these canyons. And the BLM has long recognized that White Canyon and the surrounding area provides critical lambing and rutting habitat for desert bighorn sheep.

Yet despite the demonstrable cultural, conservation, and wildlife values of this region, the PLI boundaries leave the White Canyon region open in the hope that potential tar sands deposits in the area will be developed.



Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

September 13, 2016

Dear Mr. Ben-

I'm sorry to have missed you during my visit to southern Utah earlier this summer. Ruby Nakai provided a helpful perspective during my visit to the region. From the private meeting in Monticello to the large public meeting and listening session in Bluff I heard the perspectives of the Ka'yelli Diné and Blue Mountain Diné along with many others. This, combined with an opportunity to get out onto the land, gave me a much better understanding of the hopes and concerns of people in the region.

We have worked hard in the Obama Administration

(Cover)

to respect tribes, engage in meaningful government to government consultation, and uphold our trust and treaty obligations.

As we continue to consider legislative and administrative proposals to appropriately understand and care for the lands under our stewardship, the issues raised by the Ka'yelli Diné and Blue Mountain Diné will be carefully considered.

Warmly,

Sally Jewell

(b) (6)

Mr. Benjamin Ben

SALLY JEWELL
SECRETARY OF THE INTERIOR

Nikki

September 13, 2016

Dear Byron -

Thanks to you and members of the Blue Mountain Diné and ka'yelli Diné for sharing your perspectives with me at our meetings in Montezuma and Bluff earlier in the summer. Between hearing the various points of view and getting out onto the land, I left with a much better understanding of the issues, hopes and concerns of people in the region.

We have worked hard in the Obama Admin. to respect tribes, engage in meaningful government-to-government consultation, and uphold our trust (over)

and treaty obligations.

As we continue to consider legislative and administrative proposals to appropriately understand and care for the lands under our stewardship, the issues you raised will be given serious consideration.

Thanks for your engagement on leadership and service to the community.

Warmly,

Sally Jewell

Mr. Byron Clarke
Vice President, Blue Mountain Diné
(b) (6)

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 26, 2016

Dear Lucas -

Thank you for the opportunity to speak at the Maine Conservation Alliance's Evening for the Environment. You gave me such a lovely introduction and an opportunity to reflect on the importance of preserving Katahdin Woods & Waters for future generations. Your hard work, and the sacrifices made by Tamara and your kids, will pay dividends for millions of people who will come to know this place as you, your mother and Mainers have for all time.

Congratulations on the continued positive energy around the monument and hopefully a bit more time to enjoy your family & the outdoors! Warmly, Sally

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OFFICIAL BUSINESS

Mr. Lucas St. Clair

(b) (6)

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Lucas -

The warm glow of the Maine summer, quiet of the Penobscot River and nighttime hoot of the owl at Lunksoos Camp will forever remain in my memory.

Thank you for your dedication and hard work in turning the vision your mother nurtured for years into reality, leaving the Katahdin Woods and Waters National Monument forever protected.

As the fears of a designation fade and the community engages, the magnitude and importance of this gift will become clear and future generations will be forever grateful. Warmly, Sally

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Lucas St. Clair

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SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Roxanne -

In the 5 weeks since President Obama declared the Katahdin Woods & Waters a National Monument, public meetings have been held, members of the Millinocket community have fixed up the temporary park headquarters, and the hand wringing is migrating to hand clapping.

Your gift to the American people will live on for centuries - in the lives of children who will grow up knowing its beauty, in the communities that will experience renewed development, and in the Native American tribes who will continue traditions since time immemorial.

Thank you from the bottom of my heart!

Sally

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Roxanne Quimby

(b) (6)

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Tim & Christina -

Many thanks for stepping forward to be the first stewards of the Katahdin Woods and Waters National Monument!

In just a few short weeks, you have held community meetings, hosted volunteers to spiff up "park headquarters" and eased fears, replacing them with hope for local communities and visitors alike.

While much work remains, you are off to a great start! I hope the fall colors and beauty of the Maine winter provide ample inspiration for your good work.

Warmly, Sally Jewell

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Tim Hudson + Christina Marts
Katahdin Woods + Waters
National Monument
15 State Street
4th NPS - Regional Office
Boston, MA 02109

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Matt-

Many thanks for hosting a celebration worthy of the Katahdin Woods and Waters National Monument, and a canoe trip to share its bounty with us.

Your advocacy for protection of this special place has been invaluable in inspiring others to see the benefit and potential of having a nationally recognized treasure in the region and the opportunity for businesses.

As community meetings continue, the magnitude and positive impact of this gift from the Quimby family will spread and I'm confident that it will benefit many generations to come. Warmly, Sally Jewell

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Mr. Matt Polstein
New England Outdoor Center
30 Twin Pines Road
Millinocket, ME
04462

NB

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Rhonda.

Sincere thanks for hosting our tour and visit to the Patten Lumbermen's Museum. You and your volunteers and supporters have done a terrific job of interpreting and celebrating the rich timber history of the region.

As my colleagues, Tina and Christina, of the National Park Service engage with the community and plan for the future of the Katahdin Woods + Waters National Monument, I am sure they will seek opportunities to share your good work and incorporate the timber heritage into their plans. All the best, Sally Jewell

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OFFICE OF THE SECRETARY
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WASHINGTON, DC 20240

OFFICIAL BUSINESS

Rhonda Brophy
Patten Lumbermen's Museum
61 Shin Pond Road
Patten, ME
04765

SALLY JEWELL
SECRETARY OF THE INTERIOR

October 3, 2016

Dear Susana Mark -

While more than a month has passed since I savored your hospitality and legendary organizational skills at the celebration of the Katahdin Woods & Waters National Monument, the glow of the experience remains strong.

Sincere thanks for your stewardship of this special place, sharing its beauty and heritage with community members and visitors alike. From the peaceful paddle on the E. branch of the Penobscot to the fellowship of Lunksoos Camp and grand celebration at HEOC, you have ensured this amazing gift from Roxanne Quimby and her family will be treasured for generations to come!

Warmly, Sally Jewell

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Susan + Mark Adams
Elliotsville Plantation

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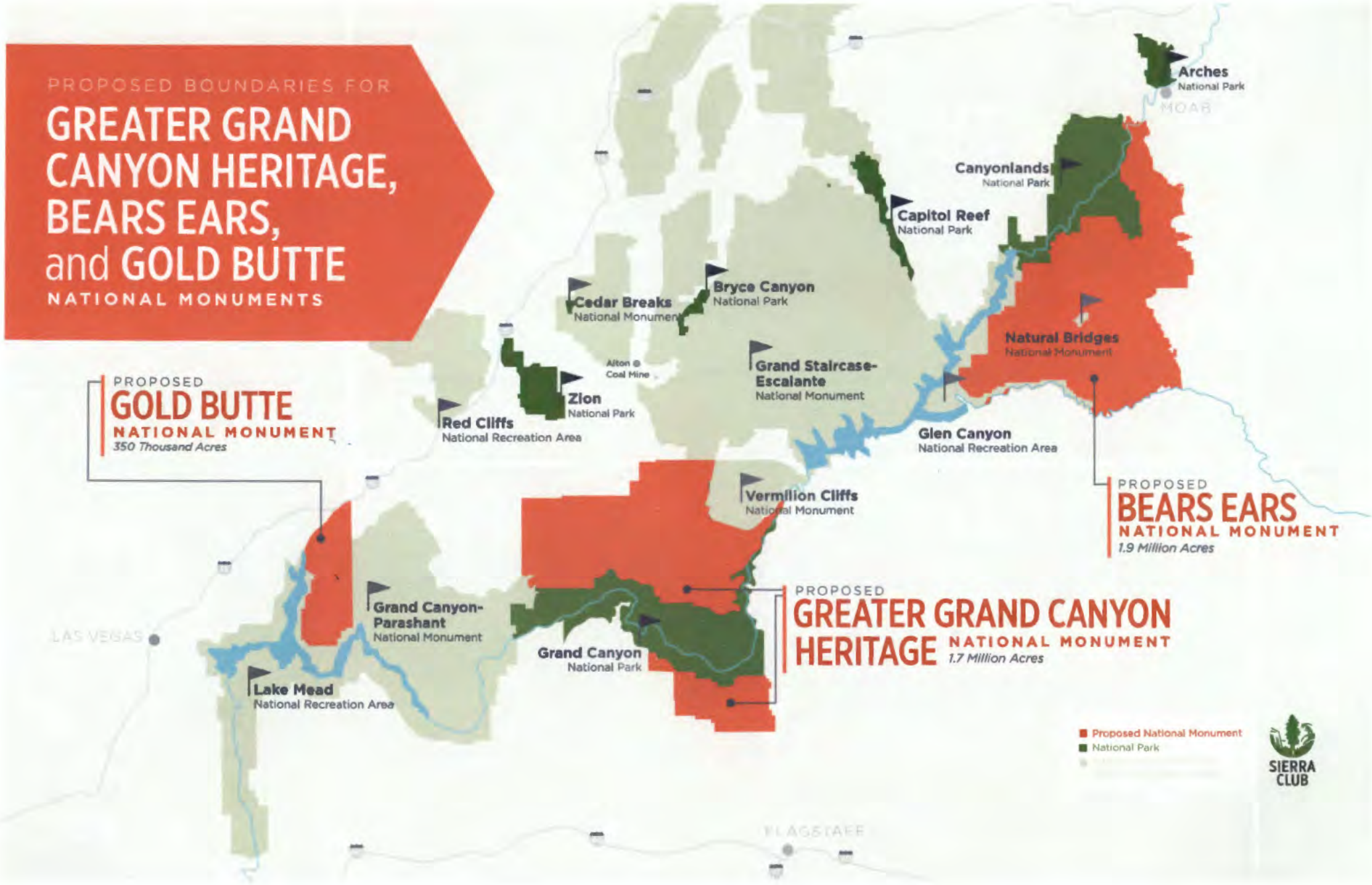
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MOAB
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National Park
Capitol Reef
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1.7 Million Acres
Lake Mead
National Recreation Area
Proposed National Monument
National Park
SIERRA CLUB
FLAGSTAFF

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 30, 2016

Dear Chairman Brady & Emery Co Commissioners -

Thank you for hosting my recent visit and for sharing your work on land use planning for the county.

It was a pleasure to tour the region with Ray Peterson and to see the cultural and natural treasures of the San Rafael Swell. I also appreciated the opportunity to better understand the process Emery County has undertaken as part of the Public Lands Initiative.

I sincerely hope you will see your plans put into action. You live in a beautiful place!

Warmly, Sally Jewell

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OFFICIAL BUSINESS

County of Emery Commissioners
c/o Chairman Brady
75 E. Main
Castle Dale, UT 84513

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

August 1, 2016

Dear Tom-

Many thanks to you, Dan Livermore and your TNC teammates at the Dugout Ranch for hosting my visit to your research facility during my tour and meetings in SE Utah.

It was a privilege to meet Heidi Redd and her family and the TNC scientists who are doing such good work on understanding how to manage the long-term health of ecosystems, compatible with grazing, climate change and other land uses. We also appreciated lunch!

TNC has been very helpful in thoughtfully working through difficult land management issues around the world, but particularly in Utah. Cheers, Sally

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WASHINGTON, DC 20240

OFFICIAL BUSINESS

Mr. Tom Cors
Director, Government Relations
The Nature Conservancy
(b) (6)

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Heidi -

It was a pleasure to meet you and visit the Dugout Ranch and Indian Creek area. Thank you for your careful stewardship of these lands and for your partnership with The Nature Conservancy, furthering scientific understanding to benefit all of us!

I am confident that through thoughtful dialog and listening, we can strike the right balance to ensure these landscapes and their treasures endure for current and future generations. You are an inspiration!

Warmly, Sally

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1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Ms Heidi Redd
P.O. Box 609
Monticello, UT 84535

NPLCI

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 30, 2016

Dear Chairman Lyman & San Juan Co. Commissioners -

Thank you for hosting my recent visit and for facilitating a thoughtful discussion on your plans for the future of San Juan County.

From the large public meeting in Bluff to my meetings with tribal members, I left the region with a better understanding of the land management challenges and opportunities of this spectacular place.

It was also very helpful to walk the landscapes and spend time in your towns, getting to know the people who call San Juan County home.

I appreciate there are differences of opinion and many areas of agreement expressed during my visit that will help all of us chart a path forward.

Warmly, Sally Jewell

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WASHINGTON, DC 20240

OFFICIAL BUSINESS

San Juan County Commissioners
c/o Phil Lyman, Chairman
333 S. Main
Blanding, UT 84511

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

August 1, 2016

Dear Beth-

Many thanks to you, Ahmed and the BLM team for supporting my visit and for working so collaboratively on the Moab MLP.

You and the team have demonstrated that it's possible to achieve a thoughtful balance between many interests through dialog and listening. My tour through various parts of the region helped me understand what is at stake. Keep up the great work!

Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Ms. Beth Ransel
BLM - Moab Field Office
82 East Dogwood
Moab, UT 84532

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Ahmed.

Many thanks to you and your BLM field team for supporting my visit and demonstrating your deep commitment to thoughtful stewardship of our public lands.

My tour of San Rafael Swell, from its spectacular natural features to the pictograph panel, telling stories in stone of its cultural past, helped me understand what's at stake in your work.

It was clear from the visit that you are doing a great job of nurturing local relationships to craft thoughtful plans for the future. Nice going! Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Mr. Ahmed Mohsen
BLM - Price Field Office
125 South 600 West
Price, UT 84501

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Don-

Many thanks to you and your team for supporting my visit to San Juan County. From our hikes in the field to our meetings with elected officials, tribal members and the general public, you helped deepen my appreciation of what's at stake as we strike the right balance for public land stewardship for current and future generations.

I appreciate your team's good work and their commitment to public service. Shaping a future that honors and respects their efforts on behalf of all Americans and keep them safe is a top priority. Nice going! Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Mr. Don Hoffheins
365 N. Main
Monticello, UT
84535

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Dave -

Many thanks to you and John Andrews for facilitating my tour of SITLA and BLM lands in Grand County. It was interesting to see the landscapes around Big Flat, the oil and gas development, and the recreation opportunities in places like Gemini Bridges.

We look forward to continued discussions with SITLA as we collectively craft a thoughtful future for public lands in Utah.

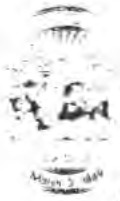
Warmly, Sally Jewell

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Mr. David Ure
Director, SITLA
75 East 500 South, Ste 500
Salt Lake City, UT
84102

Nikki



SALLY JEWELL
SECRETARY OF THE INTERIOR

August 1, 2016

Dear Jenna -

A thousand thanks for stepping up to lead BLM-Utah through a time of intense interest in land management in the state.

From meeting your team on the ground, it is clear that they have worked hard to build local relationships in pursuit of thoughtful, long-term management plans. I appreciate how difficult this is in a divisive political environment.

I sincerely appreciate all of the support you and your team provided for my trip, particularly the hard work in organizing and skillfully facilitating the open public meeting in Bluff.

The trip helped me understand what's at stake and the importance of striking the right balance for the future. Nice going! Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Jenna Whitlock
BLM - Utah State Office
440 W. 200 South, Ste 500
Salt Lake City, UT
84101

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Governor Herbert.

Many thanks for meeting with me at the airport before my visit to the counties in SE Utah. I hope the NGA meetings were productive and your passing of the baton went well.

As you have read and heard from Cody, the meetings were respectful and covered many different points of view. Spending time with Dave Ure and John Andrews of SITLA was very helpful in understanding the State's interest in land swaps and consolidation - we will continue to work with them.

Please keep me informed if you still wish to have me visit the state with you in the fall.

We are glad the PLI was finally released during my visit. My team is reviewing it carefully and will continue to work with the delegation. Having Cody, Fred, Casey and Ron on the top was very helpful.

The different points of view weren't as far apart as people anticipated. These lands deserve further protection and resources - that was fairly universal.

You live in a beautiful state!

Warmly, Sally

The Honorable Gary Herbert
Office of the Governor
350 N. State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT
84114-2220

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 30, 2016

Dear Chair Tubbs & Grand Co. Council-

Thank you for hosting my recent visit and for facilitating a thoughtful discussion on your plans for the future of Grand County.

It is clear there has been a lot of discussion about how best to balance development, recreation and conservation in this spectacular region.

My morning tour with SITLA helped all of us visualize your plans and the constructive role we can play going forward. My colleagues at the BLM and NPS appreciate the opportunity for ongoing collaboration.

Warmly, Sally Jewell

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Grand County Commissioners
c/o Chairwoman Tubbs
125 E. Center Street
Moab, UT 84532

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Vaughn -

Many thanks for leading our hike up Comb Ridge so we could experience both the rich archaeology of the region and the spectacular views of Cedar Mesa and many other treasures.

As a long-term resident of the area and a guide and explorer, you helped all of us understand the threats and diverse interests in this amazing region. This will be helpful in supporting a constructive path forward that respects different points of view.

Happy trails! Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Vaughn Hadenfeldt
P.O. Box 307
Bluff, UT 84512

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Amy -

Many thanks to you and Scott for joining in my trip to SE Utah. I appreciate what an investment this represented for you and the Deseret News.

Thoughtful, thorough media coverage can be difficult to come by, especially on thorny (and remote) land management issues. Listening to our meetings with local elected officials, tribes and the public, and trekking out into the landscapes, made your coverage rich and reflective of the differing and common perspectives we heard throughout.

You have done a great service to Utahns and the public through your work. Warmly, Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Amy Joi
Deseret News, Reporter
55 North 300 West
Salt Lake City, UT
84101

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Matt-

Sincere thanks to you and Scott for joining in my trip to SE Utah. I appreciate what an investment this represented for you and the Salt Lake Tribune.

With the pressure on newspapers today, it can be difficult to come by thoughtful, thorough reporting, especially on thorny and remote land management issues. Your willingness to listen to our meetings with local elected officials, tribes and the public, and trek with us out onto the landscapes, made your coverage rich and reflective of the varied perspectives we heard throughout.

You have done a great service to Utahns and the public through your work.

Warmly, Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Matt Piper
The Salt Lake Tribune
90 S. 400 West, Ste. 700
Salt Lake City, UT
84101

Nikki

SALLY JEWELL
SECRETARY OF THE INTERIOR

August 1, 2016

Dear Regina, Alfred and Members of the Bears Ears Intertribal Coalition.

Many thanks for inviting me and my colleagues to join you for the powerful gathering at the foot of the Bears Ears. The wonderful meal and opportunit to hear from tribal leaders and members left an indelible impression of the significance of this region to the history, culture and traditional practices of many tribes.

I appreciated the respect you all demonstrated at the large, public meeting as we all had an opportunity to hear various points of view. There was little debate about the importance of these lands to tribes and we will ensure that is honored.

Warmly, Sally

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

Bears Ears Intertribal Coaliti
Yo Natasha Hale
2601 N. Fort Valley Rd.
Flagstaff, AZ 86001

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United States Department of the Interior
Official Travel Schedule of the Secretary

Utah, California, Washington, California, Arizona
July 13-27, 2016

TRIP SUMMARY
THE TRIP OF THE SECRETARY TO
Salt Lake City, UT; Castle Cale, UT; Moab, UT; Monticello, UT; Blanding, UT; Bluff, UT; Oakland, CA; Seattle, WA; Olympia, WA; Riverside, CA; Grand Canyon National Park, AZ; Flagstaff, AZ
July13-27, 2016

Weather:

Castle Dale, UT	Sunny; High 92 // Low 58 (0% chance of rain
Moab, UT	Sunny; High 103 // Low 66 (0% chance of rain)
Blanding, UT	Sunny; High 96 // Low 60 (0% chance of rain)
Bluff, UT	Sunny; High 101 // Low 64 (0% chance of rain)
Oakland, CA	Sunny; High 71 // Low 53 (10% chance of rain)
Seattle, WA	Mostly Cloudy; High 73 // Low 54 (10% chance of rain)
Olympia, WA	Partly Cloudy; High 73 // Low 52 (10% chance of rain)
Riverside, CA	TBD
Grand Canyon National Park, AZ	TBD
Flagstaff, AZ	TBD

Time Zone:

Utah	Mountain Daylight Time (-2 hours from Washington, DC)
California	Pacific Daylight Time (-3 hours from Washington, DC)
Washington	Pacific Daylight Time (-3 hours from Washington, DC)
Arizona	Mountain Standard Time (-3 hours from Washington, DC)

Staff Advance:		**Cell Phone:**
Deputy Director for Advance (UT)	Kerry McNellis	(b) (6)
Director of Scheduling & Advance (UT)	Francis Iacobucci	(b) (6)
Special Assistant (Oakland, CA)	Romen Borsellino	(b) (6)
Special Assistant (WA)	Kimberly Jensen	(b) (6)
Advance Representative (Riverside, CA/AZ)	Will McIntee	(b) (6)

Security Advance		
Security (UT)	Sgt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Security (UT)	Sgt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Security (Oakland, CA)	Sgt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Security (WA)	Sgt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Security (Riverside, CA)	Lt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Security (Grand Canyon, AZ)		
Security (Grand Canyon, AZ)	Sgt. (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

Traveling Staff (All-Stops):	
Agent in Charge	Sgt. (b) (6), (b) (7)(C)

Traveling Staff (Utah)		
Press Secretary & Senior Advisor	Jessica Kershaw	(b) (6)
Deputy Chief of Staff	Nikki Buffa	(b) (6)
Director, BLM	Neil Kornze	(b) (6)
Director, National Park Service	Jon Jarvis	(b) (6)
Acting Assistant Secretary, Indian Affairs	Larry Roberts	(b) (6)
Advisor, BLM	Liz Pardue	(b) (6)

Traveling Staff (Oakland, CA)		
Deputy Press Secretary	Amanda Degroff	(b) (6)

Traveling Staff (Washington)

Deputy Press Secretary	Amanda Degroff	(b) (6)
Principal Dep. Assistant Secretary, PMB	Kristen Sarri (Trade only)	(b) (6)

Traveling Staff (Riverside, CA)

Chief of Staff	Tommy Beaudreau	(b) (6)

Traveling Staff (Arizona)

Director, Communications	Blake Androff	(202) 725-7435
Director, National Park Service	Jon Jarvis	(b) (6)

Attire:

Utah	Conservation Casual
Oakland, CA	Business
Seattle, WA	Business
Olympia, WA	Business Casual
Riverside, CA	Conservation Casual
Grand Canyon National Park	Outdoor Casual
Grand Canyon Employee Meeting	Conservation Casual
Flagstaff Employee Meeting	Conservation Casual

Wednesday, July 13, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

- TBD

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

Location: San Rafael Swell
SJ's Vehicle: **SJ**
Sgt. (b) (6), (b) (7)(C) Security Detail, USPP
Ray Peterson, Administrator, Emery County Public Lands
Neil Kornze, Director, BLM
Ahmed Mohsen, Field Manager, BLM-Utah
Nikki Buffa, Deputy Chief of Staff, DOI

Other Participants:
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Jenna Whitlock, Acting State Director, BLM-Utah
Cody Stewart, Governor Herbert Staff
David Hinkins, State Senator (UT-27)
Brad King, State Representative (UT-69)
Clif Koontz, Ride with Respect
Sue Bellagamba, The Nature Conservancy
Brent Tanner, Utah Cattlemen
Lowell Braxton, Western Energy Alliance

Press: Closed
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Driving Tour
Format:

- TBD

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

Location: 125 E Center St
Moab, UT 84532

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

Drive time: ~TBD minutes without traffic

6:30-7:15pm MDT: **Meeting with Grand County Council**

Location: Office Space TBD
Participants: **SJ**
Elizabeth Tubbs, Chair, Grand County Council
Mary McGann, Grand County Council Member
Mr. Lynn Jackson, Grand County Council Member
Chris Baird, Grand County Council Member
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)

Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Beth Ransel, BLM Acting District Manager
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal
Cody Stewart, Governor Herbert Staff

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

Format:

- TBD

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

7:45pm MDT: **Arrive RON (Moab, UT)**

Thursday, July 14, 2016

Moab, UT → Monticello, UT

6:45-7:00am MDT: **Depart RON en route Canyonlands Field Airport**

Location: Canyonlands Field Airport
US-191
Moab, UT 84532
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

7:00-9:30am MDT: **Visit Canyonlands Field Airport and Driving Tour of "Big Flat"**

Location: Canyonlands Field Airport
Participants: **SJ**
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Beth Ransel, BLM Acting District Manager
Cody Stewart, Governor Herbert Staff
John Andrews, SITLA
Dave Ure, SITLA
Ashley Korenblat, Public Land Solutions
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: Francis Iacobucci
Set-up: Driving Tour

Format:

- Meet and greet at Canyonlands Field Airport; depart en route Dubinky Well road turnoff to view SITLA "trade-in" lands to the north; continue south on 313, turn off on Gemini Bridges Road (5 miles gravel), to Gemini Bridges parking area, with 400 yard walk down to the natural bridges, to view the combination

of oil & gas and recreation activity; then drive to Dead Horse Point (available restrooms)

9:30am-11:00am MDT: **Depart "Big Flat" area en route Donnelly Canyon Parking Area**

Location: Donnelly Canyon Parking Area

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

Drive time: ~TBD minutes without traffic

11:15-1:00pm MDT: **Driving Tour of Indian Creek Area**

Location: Donnelly Canyon, and Newspaper Rock

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

Press: Open

Staff: Nikki Buffa, Jessica Kershaw

Advance: Francis Iacobucci

Set-up: Driving tour with two stops to discuss the area

Format:

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

1:00-2:00pm MDT: **Depart Indian Creek en route Hideout Community Center**

Location: 648 South Hideout Way
Monticello, UT

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

Drive time: ~1 hour 15 minutes without traffic

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

Location: TBD Office Space - Hideout Community Center

Participants: **SJ**
Phil Lyman, Chairman, San Juan County Commission
Bruce Adams, Commissioner, San Juan County Commission
Rebecca Benally, Commissioner, San Juan County Commission
Kelly Pherson, Administrator, San Juan County Commission
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)

Cody Stewart, Governor Herbert Staff
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal

Press: Open
Staff: Nikki Buffa
Advance: Francis Iacobucci
Set-up: TBD

Format:

- TBD

3:00-4:00pm MDT: **Meet with Ka'yelli Dine // Blue Mountain Dine Representatives**

Location: TBD Office Space - Hideout Community Center
Participants: **SJ**
Kelsey Berg, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal
Cody Stewart, Governor Herbert Staff
Byron Clarke, Vice President, Blue Mountain Dine

Press: Closed
Staff: Nikki Buffa, Jessica Kershaw
Advance: Francis Iacobucci
Set-up: TBD

Format:

- TBD

4:00-4:05pm MDT: **Depart Hideout Community Center en route BLM Field Office**

Location: 365 North Main Street
Monticello, UT 84535
(b) (6), (b) (7)(C)
Drive time: ~5 minutes without traffic

4:15-4:45pm MDT: **Visit BLM Field Office**

Location: BLM Field Office
Participants: **SJ**
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Attendees: ~20-30 BLM employees from Monticello and Moab field offices
Press: Closed
Staff: Nikki Buffa. Jessica Kershaw
Advance: Francis Iacobucci
Set-up: TBD
Format:

- TBD

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

Location: Recapture Canyon
(b) (6), (b) (7)(C)
Drive time: ~1 hour 15 minutes without traffic

5:15-6:45pm MDT: **Hike into Recapture Canyon**

Location: Recapture Canyon
Participants: **SJ**
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Press: Closed
Staff: Nikki Buffa, Jessica Kershaw
Advance: Francis Iacobucci
Set-up: ~1 hour hike into the canyon, ~½ hour hike out
Format:

- TBD

6:45-7:15pm MDT: **Depart Recapture Canyon en route RON**

Location: Inn at the Canyons
533 North Main Street
Monticello, UT 84535
(b) (6), (b) (7)(C)
Drive time: ~1 hour 15 minutes without traffic

7:30-8:30pm MDT: **HOLD for Team Dinner (Monticello, UT)**

8:30pm MDT: **Arrive RON (Monticello, UT)**

Friday, July 15, 2016

Monticello, UT

7:00-8:45am MDT: **Depart RON en route Moon House Ruin Parking Area**

Location: Moon House Ruin Parking Area
(b) (6), (b) (7)(C)

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

Drive time: ~1 hour without traffic

8:45-9:30am MDT: **Hike to Moon House Ruin Site**

Location: Moon House Ruin Trail

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

Press: Open (targeted invites)

Staff: Nikki Buffa, Jessica Kershaw

Advance: Kerry McNellis

Set-up: Rigorous, steep hike to Moon House Ruin

Format:

- TBD

9:30am-12:00pm MDT: **Moon House Ruin Site Tour // Sack Lunch**

Location: Moon House Ruin

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

Press: Open (targeted invites)

Staff: Nikki Buffa, Jessica Kershaw

Advance: Kerry McNellis

Set-up: No more than 20 people can hike into ruin. BLM will provide sack lunches.

Format:

- Tour of Moon House Ruin
-

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

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

- TBD

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

Location: Kane Gulch Ranger Station (on UT261, 4 miles south of UT 95)
[redacted]
Drive time: ~40 minutes without traffic

1:45-2:00pm MDT: **Freshen Up at Kane Gulch Ranger Station**

Location: Kane Gulch Ranger Station
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD
Format:

- TBD

2:00-3:00pm MDT: **Depart Moon House Parking Area en route Bears Ears Gathering**

Location: Bears Ears Gathering
[redacted]

Drive time: ~TBD minutes without traffic

NOTE: Vehicles will stop at Kane Gulch Ranger Station for restroom/water break.

3:00-6:00pm MDT: **Bears Ears Gathering**

Location: Bears Ears Meadow

Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
TBD Bears Ears Tribal Members

Press: TBD
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD

Format:

- Hopi style dinner is served; SJ will be seated with tribal leaders in attendance.
- Cultural song/dance program will follow dinner

6:00-6:45pm MDT: **Depart Bears Ears Gathering en route Moki Dugway**

Location: Bears Ears Gathering

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

Drive time: ~TBD minutes without traffic

6:45-7:00pm MDT: **Visit Moki Dugway Overlook**

Location: Moki Dugway Overlook

Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI

Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD

Format:

- TBD

7:00-8:45pm MDT: **Depart Moki Dugway en route RON**

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

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

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

Drive time: ~59 minutes without traffic

8:45pm MDT: **Arrive RON (Monticello, UT)**

Saturday, July 16, 2016

Monticello, UT → Bluff, UT → Durango, CO

7:00-7:30am MDT: **Depart K&C Gas Station en route Comb Ridge**

Location: Cedar Mesa

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

Drive time: ~TBD minutes without traffic

7:30-10:00am MDT: **Hike at Comb Ridge**

Location: Comb Ridge
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD
Format:

- TBD

10:00-11:30am MDT: **Tour Vandalized Petroglyphs near Bluff**

Location: 10 minutes east of Bluff
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD
Format:

- TBD

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

12:15-12:30pm MDT: **Depart TBD Location en route Bluff Community Center**

Location: Corner of Third and Mulberry Avenue
Bluff, UT 84512

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

Drive time: ~59 minutes without traffic

1:00-4:00pm MDT: **Public Meeting**

Location: Auditorium - Bluff Community Center

Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Robert Bonnie, Under Secretary for Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, U.S. Forest Service
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Press: Open
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: TBD

Format:

- SJ and Robert Bonnie give introductory remarks
- Casey Snider gives brief remarks on behalf of Utah congressional delegation and Governor's office
- Tribal leaders are given opportunity to speak
- Public comments; Commenters selected using fishbowl lottery

4:00-6:15pm MDT: **Depart Bluff Community Center en route TBD Team Dinner Location**
Location: TBD
Durango, CO
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

6:30-7:30pm MDT: **HOLD for Team Dinner**

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

Sunday, July 17, 2016

Durango, CO → Phoenix, AZ → Oakland, CA → Seattle, WA

5:15-5:25am MDT: **Depart RON en route Durango-La Plata County Airport**
Location: 1000 Airport Road
Durango, CO 81303
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

6:25am MDT-
6:42am MST: **Wheels up Durango, CO (DRO) en route Phoenix, AZ (PHX)**
Flight: American 3062
Flight time: 1 hours 17 minutes
SJ Seat: 8D (exit row, window seat, 8th row, 2-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: None
Wifi: Not Available
NOTE: *TIME ZONE CHANGE MDT to MST (-1 hour)*

6:42-9:49am MST: **Wheels down Phoenix Sky Harbor International Airport** *(~3 hour 7 minute layover)*

Location: 3400 East Sky Harbor Boulevard
Phoenix, AZ 85034

9:49am MST-
11:43am PDT: **Wheels up Phoenix, AZ (PHX) en route Oakland, CA (OAK)**

Flight: American 493
Flight time: 1 hours 54 minutes
SJ Seat: 14C (exit row, aisle seat, 7th row, 3-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: None
Wifi: Available
NOTE: *TIME ZONE CHANGE MST to PDT (no time change)*

11:43am-12:00pm PDT: **Wheels down Oakland International Airport** *(~15 minutes to vehicle)*

Location: 1 Airport Drive
Oakland, CA 94621

12:00-1:00pm PDT: **Depart Oakland International Airport en route Port Chicago Naval Magazine National Memorial**

Location: Port Chicago Naval Magazine National Memorial
Concord, CA 94520

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

1:30-2:00pm PDT: **Arrive MOTCO Parking Lot // Shuttle to Port Chicago Memorial**

Location: MOTCO Parking Lot
Participants: **SJ**
Tom Leatherman, Superintendent, Port Chicago Naval Magazine National Memorial
Friends of Port Chicago
Relatives of Survivors
Press: Closed
Staff: Amanda DeGroff
Advance: Romen Borsellino
Set-up: Shuttles will take guests to the Memorial from the parking lot.

Format:

- (1:30pm) Tom Leatherman greets SJ. SJ greets with Friends of Port Chicago and relatives of survivors
- (1:40pm) SJ boards shuttle to the memorial with Tom Leatherman
- (1:45pm) Arrive at Memorial

NOTE: Please have DOI Access card available.

2:00-3:00pm PDT: **Friends and Family Event at Port Chicago Naval Magazine National Memorial**

Location: Port Chicago Memorial at the Army Base
Participants: **SJ**
Tom Leatherman, Superintendent, Port Chicago Naval Magazine National Memorial (MC)
Jimmy Wiley, Battalion Commander/Installation Commander, U.S. Army
Raphael Allen, Park Ranger, NPS
Rev. Diana McDaniel, President, Friends of Port Chicago
Press: Closed

Staff: Amanda DeGroff
Advance: Romen Borsellino
Set-up: TBD

Format:

- Commander Jimmy Wiley calls for colors to be posted
- National Anthem
- Welcome remarks by Superintendent Tom Leatherman
- Welcome remarks by Commander Jimmy Wiley
- Invocation by Chaplain Swanson
- Remarks by Raphael Allen
- Tom Leatherman introduces TBD dignitaries
- Tom Leatherman introduces SJ
- SJ provides remarks (5 minutes)
- Remarks by Rev. Diana McDaniel
- Benediction by Chaplain Swanson
- Navy conducts flag folding
- Tom Leatherman closes ceremony and explains wreath laying/christening
- SJ, Tom Leatherman, Rev. Diana McDaniel, and Commander Jimmy Wiley proceed to dock for laying of wreath
- Wreath is placed in water while taps is played and bell is rung

3:00-3:15pm PDT: **Shuttle to MOTCO Parking Lot**

Location: Port Chicago Memorial at the Army Base
Participants: **SJ**
Tom Leatherman, Superintendent, Port Chicago Naval Magazine National Memorial
Friends of Port Chicago
Relatives of Survivors
Press: Closed
Staff: Amanda DeGroff
Advance: Romen Borsellino
Set-up: Shuttles will take guests back to the parking lot.

Format:

- No formal program, take return shuttle back to parking lot.

3:15-4:15pm PDT: **Driving Tour of Inland Portion of Base**

Location: Port Chicago Memorial at the Army Base
Participants: **SJ**
Tom Leatherman, Superintendent, Port Chicago Naval Magazine National Memorial
Press: Closed
Staff: Amanda DeGroff
Advance: Romen Borsellino
Set-up: Driving tour of various sites on the closed portion of the former Concord Naval Weapons Station to highlight plans for conversion to the Regional Park District and redevelopment by the City of Concord.

Format:

- TBD

4:15-4:30pm PDT: **Depart MOTCO Parking Lot en route Future Site of NPS/East Bay Regional Park District Visitor Center**

Location: TBD

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

5:00-6:30pm PDT: **72nd Anniversary to Commemorate the Explosion at Port Chicago Naval Magazine National Memorial**

Location: Future Site of the NPS/East Bay Regional Park District Visitor Center Located on the former Concord Naval Weapons Station

Participants: **SJ**
Tom Leatherman, Superintendent, Port Chicago Naval Magazine National Memorial (MC)
Jimmy Wiley, Battalion Commander/Installation Commander, U.S. Army
Rev. Diana McDaniel, President, Friends of Port Chicago
Raphael Allen, Park Ranger, NPS
Robert E. Doyle, General Manager, East Bay Regional Park District
Samuel Cox, Rear Admiral (Retired), U.S. Navy
U.S. Senator Barbara Boxer (CA) (not confirmed)
U.S. Senator Dianne Feinstein (CA) (not confirmed)
U.S. Congressman Mark DeSaulnier (CA-11) (not confirmed)
State Senator Steve Glazer (CA-7)
Karen Mitchoff, Supervisor, Contra Costa County Supervisors
Ron Leone, Vice Mayor, City of Concord
Erica Spinelli, Deputy Base Closure Manager, NAVFAC
Kelli English, Chief of Interpretation, Port Chicago Naval Magazine National Memorial

Press: Open

Staff: Amanda DeGroff

Advance: Romen Borsellino

Set-up: Stage with NPS podium and amplified sound. Stage and participants will be under a tent. Audience will be seated in theater style seating.

Format:

- Commander Jimmy Wiley calls for colors to be posted
- National Anthem
- Invocation by Chaplain Swanson
- Tom Leatherman gives welcome remarks
- Rev. Diana McDaniel gives welcome remarks
- Robert E. Doyle gives welcome remarks
- Samuel Cox gives remarks
- Raphael Allen gives remarks on the Port Chicago disaster
- Tom Leatherman introduces dignitaries to speak:
- Senator Barbara Boxer gives remarks(unconfirmed)
- Senator Dianne Feinstein gives remarks (unconfirmed)
- Congressman Mark DeSaulnier gives remarks (unconfirmed)
- State Senator Steve Glazer gives remarks
- County Supervisor Karen Mitchoff gives remarks
- Vice Mayor of Concord gives remarks
- Rev. Diana McDaniel presents Commemorative Hero's Award to Brian Holt
- Brian Holt gives remarks
- Erica Spinelli gives remarks on status on BRAC process
- **SJ gives remarks**
- Kelli English gives remarks on future of NPS and sites like Port Chicago
- Tom Leatherman gives closing remarks
- Benediction by Chaplain Swanson
- Retiring the colors as Taps plays

6:30-6:45pm PDT: **Media Availability and interview with Latino Outdoors**

Location: TBD
Participants: **SJ**
Friends of Port Chicago
Relatives of survivors
Open to the public
Press: Open
Staff: Amanda DeGroff
Advance: Romen Borsellino
Set-up: TBD
Format:

-

7:00-8:00pm PDT: **Depart Future Site of NPS/East Bay Regional Park District Visitor Center en route**

Oakland International Airport
Location: 1 Airport Drive
Oakland, CA 94621
(b) (6), (b) (7)(C)

9:35-11:25pm PDT: **Wheels up Oakland, CA (OAK) en route Seattle, WA (SEA)**

Flight: Southwest 1793
Flight time: 1 hours 50 minutes
SJ Seat: TBD
AiC: Sgt (b) (6), (b) (7)(C)
Staff: Amanda DeGroff
Wifi: Available

Monday, July 18, 2016

Seattle, WA

12:10-12:40pm PDT: **Depart Private Residence en route Washington Athletic Club**

Location: 1325 6th Avenue
Seattle, WA 98101
(b) (6), (b) (7)(C)
Drive time: ~15 minutes without traffic

12:40-1:00pm PDT: **Arrive at Washington Athletic Club // Greet with Fireside Chat Moderator**

Location: TBD Green Room - Washington Athletic Club
Participants: **SJ**
Sean O'Hollaren, Senior VP - Government and Public Affairs, NIKE
Press: Closed
Staff: Kris Sarri, Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD
Format:

- Sean O'Hollaren will greet SJ, and visit briefly before the fireside chat.

1:00-2:30pm PDT: **Washington Council on International Trade Summer Luncheon**

Location: Washington Athletic Club

Participants: **SJ**
Susan Champlain, Director of State and Local Government Operations - NW Region, Boeing
Julianna Marler, Interim CEO, Port of Vancouver USA
Sean O'Hollaren, Senior VP - Government and Public Affairs, NIKE
Eric Schinfeld, President, Washington Council on International Trade
Meg Ryan, Director - Center of Excellence for Global Trade & Supply Chain Management, Highline College
Press: Open
Staff: Kris Sarri, Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD

Format:

- (1:05pm) Welcome remarks from Susan Champlain
- (1:10-1:25pm) Lunch is served
- **(1:25-1:30pm) Julianna Marler introduces SJ and Sean O'Hollaren**
- **(1:30-2:00pm) Sean O'Hollaren moderates fireside chat Q&A with SJ**
- **(2:00-2:05pm) SJ answers a few audience questions; moderated by Sean O'Hollaren**
- (2:20-2:25pm) Eric Schinfeld gives remarks
- (2:25-2:30pm) Meg Ryan gives closing remarks

2:30-2:45pm PDT: **Media Availability**
Location: Washington Athletic Club
Participants: **SJ**
Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: Informal media gaggle to side of stage following the luncheon

Format:

- SJ takes questions from local media.
- Amanda DeGroff asks for last question.

2:45-3:15pm PDT: **Depart Washington Athletic Club en route Private Residence**
Location: 2201 Sunset Ave. SW
Seattle, WA 98116
(b) (6), (b) (7)(C)
Drive time: ~15 minutes without traffic

Tuesday, July 19, 2016

Seattle, WA → San Francisco, CA → Palm Springs, CA → Riverside, CA

9:00-10:00am PDT: **Depart Private Residence en route Nisqually NWR**
Location: TBD
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

10:00-10:30am PDT: **Meet and Greet with Squaxin Island Youth Program**
Location: Education Center -Nisqually NWR
Participants: **SJ**

TBD Others
Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD
Format:
- TBD

10:30-10:45am PDT: **Greet with Nisqually Tribal Council**
Location: TBD - Nisqually NWR
Participants: **SJ**
TBD Others
Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD
Format:
- TBD

10:50-11:00am PDT: **Pre-program Briefing**
Location: Visitor's Center - Nisqually NWR
Participants: **SJ**
Robyn Thorson, Regional Director, USFWS - Pacific Region
Glynnis Nakai, Refuge Manager, Billy Frank Jr. Nisqually NWR
Nisqually Canoe Family
Denny Heck, U.S. Representative (WA-10)
Maria Cantwell, U.S. Senator (WA)
Shawn Bills, State Director, Office of U.S. Senator Patty Murray (WA)
Farron McCloud, Chair, Nisqually Tribal Council
TBD Squaxin Island Tribal Council Member
TBD Puyallup Tribe of Indians Member
TBD Muckleshoot Indian Tribe Member
David Troutt, Chairman, Nisqually River Council
William Frank III, Nisqually Tribal Council
Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD
Format:
- Kim Jensen and Amanda DeGroff will brief program participants on the run-of-show.

11:00am-12:00pm PDT: **Billy Frank Jr. Nisqually NWR Renaming Event**
Location: TBD
Participants: **SJ**
Robyn Thorson, Regional Director, USFWS - Pacific Region
Glynnis Nakai, Refuge Manager, Billy Frank Jr. Nisqually NWR
Nisqually Canoe Family
Denny Heck, U.S. Representative (WA-10)
Maria Cantwell, U.S. Senator (WA)
Shawn Bills, State Director, Office of U.S. Senator Patty Murray (WA)
Farron McCloud, Chair, Nisqually Tribal Council

TBD Squaxin Island Tribal Council Member
TBD Puyallup Tribe of Indians Member
TBD Muckleshoot Indian Tribe Member
David Troutt, Chairman, Nisqually River Council
William Frank III, Nisqually Tribal Council

Press: Open
Staff: Amanda DeGroff
Advance: Kimberly Jensen
Set-up: Table-top podium with podium mic and DOI seal; participants seated to side of the podium facing the crowd. Freshwater wetlands in the backdrop. Tents set up over crowd seating, and the podium.

Format:

- Robyn Thorson gives welcome remarks; introduces Glynnis Nakai
- Glynnis Nakai gives remarks; introduces the Nisqually Canoe Family
- Welcoming songs performed by the Nisqually Canoe Family
- Robyn Thorson introduces SJ
- SJ gives remarks
- Rep. Denny Heck gives remarks
- Senator Maria Cantwell gives remarks
- Shawn Bills gives remarks
- Farron McCloud gives remarks
- TBD Squaxin Island Tribal Council Member gives remarks
- TBD Puyallup Tribe of Indians Member gives remarks
- TBD Muckleshoot Indian Tribe Member gives remarks
- David Troutt gives remarks
- William Frank III gives remarks
- Robyn Thorson closes the program

12:00-12:15pm PDT: **Media Availability**

Location: TBD
Participants: **SJ**
Robyn Thorson, Regional Director, USFWS - Pacific Region
Glynnis Nakai, Refuge Manager, Billy Frank Jr. Nisqually NWR
Nisqually Canoe Family
Denny Heck, U.S. Representative (WA-10)
Maria Cantwell, U.S. Senator (WA)
Shawn Bills, State Director, Office of U.S. Senator Patty Murray (WA)
Farron McCloud, Chair, Nisqually Tribal Council
TBD Squaxin Island Tribal Council Member
TBD Puyallup Tribe of Indians Member
TBD Muckleshoot Indian Tribe Member
David Troutt, Chairman, Nisqually River Council
William Frank III, Nisqually Tribal Council

Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: TBD

Format:

- TBD

12:15-1:00pm PDT: **HOLD for Post-Event Reception**

Location: TBD
Participants: **SJ**

Robyn Thorson, Regional Director, USFWS - Pacific Region
Glynnis Nakai, Refuge Manager, Billy Frank Jr. Nisqually NWR
Nisqually Canoe Family
Denny Heck, U.S. Representative (WA-10)
Maria Cantwell, U.S. Senator (WA)
Shawn Bills, State Director, Office of U.S. Senator Patty Murray (WA)
Farron McCloud, Chair, Nisqually Tribal Council
TBD Squaxin Island Tribal Council Member
TBD Puyallup Tribe of Indians Member
TBD Muckleshoot Indian Tribe Member
David Troutt, Chairman, Nisqually River Council
William Frank III, Nisqually Tribal Council

Press: Open
Staff: Amanda DeGroff
Advance: Kim Jensen
Set-up: Finger foods and refreshments served after the program.

Format:

- No formal program.

1:00-2:30pm PDT: **Depart Nisqually NWR en route Seattle-Tacoma International Airport**

Location: TBD
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

NOTE: There will be time to stop for lunch.

4:05-6:18pm PDT: **Wheels up Seattle, WA (SEA) en route San Francisco, CA (SFO)**

Flight: United 587
Flight time: 2 hours 13 minutes
SJ Seat: 21A (exit row, window seat, 7th row, 3-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: None
Wifi: Available

6:18-7:54pm PDT: **Wheels down San Francisco International Airport** *(~1 hour 36 minute layover)*

Location: San Francisco, CA 94128

7:54-9:29pm PDT: **Wheels up San Francisco, CA (SFO) en route Palm Springs, CA (PSP)**

Flight: United 5176
Flight time: 1 hours 35 minutes
SJ Seat: 2A (window seat, 2nd row, 2-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: None
Wifi: Available

9:29-9:45pm PDT: **Wheels down Palm Springs International Airport** *(~15 minutes to vehicle)*

Location: 3400 E Tahquitz Canyon Way
Palm Springs, CA 92262

9:45-10:45pm PDT: **Depart Palm Springs International en route RON**

Location: DoubleTree by Hilton Hotel San Bernardino
285 E. Hospitality Lane
San Bernardino, CA 92408

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

Drive time: ~52 minutes without traffic

10:45pm PDT: **Arrive RON**

Wednesday, July 20, 2016

Riverside, CA → Palm Springs, CA → Phoenix, AZ → Flagstaff, AZ → Grand Canyon National Park, AZ

8:10-8:30am PDT: **Depart RON en route Sherman Indian High School**

Location: 9010 Magnolia Ave
Riverside, CA 92503

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

Drive time: ~17 minutes without traffic

8:30-8:45am PDT: **Arrive Sherman Indian High School // Greeting and Blessing**

Location: Sherman Indian High School
Participants: **SJ**
Ann Marie Bledsoe Downes, DAS for Indian Affairs, DOI
Sister Mary Yarger, Principal Sherman Indian High School
Brian Bloch, Organizational Ombudsman, DOI
Press: Closed
Staff: Tommy Beaudreau
Advance: Will McIntee
Set-up: TBD

Format:

- Welcome remarks from Sister Mary Yarger, Ann Marie Bledsoe Downes, and Brian Bloch
- Blessing
- Brian Bloch gives overview of meeting

8:45-9:00am PDT: **Opening Remarks**

Location: Auditorium - Sherman Indian High School
Participants: **SJ**
Sister Mary Yarger, Principal Sherman Indian High School
Press: Closed
Staff: Tommy Beaudreau
Advance: Will McIntee
Set-up: TBD

Format:

- Sister Mary Jarger introduces SJ
- **SJ gives opening remarks**

9:00-9:45am PDT: **Presentation: Implementing the *Blueprint for Reform* Across the BIE**

Location: Auditorium - Sherman Indian High School
Participants: **SJ**
Ann Marie Bledsoe Downes, Acting Director, BIE

Vicki Forrest, Deputy Bureau Director - School Operations Division, BIE
Jim Burckman, Director of Human Capital Management, BIE
Brad Jupp, Chief Schools Transformation Officer, BIE

Press: Closed
Staff: Tommy Beaudreau
Advance: Will McIntee
Set-up: TBD

Format:

- Ann Marie Bledsoe Downes, Vicki Forrest, Jim Burckmann, and Brad Jupp will present on BIE reform.

9:45-11:00am PDT: **Panel Discussion: Implementing the *Blueprint for Reform* within BIE**

Location: Auditorium - Sherman Indian High School
Participants: **SJ**
Ann Marie Bledsoe Downes, Acting Director, BIE
Vicki Forrest, Deputy Bureau Director - School Operations Division, BIE
Jim Burckman, Director of Human Capital Management, BIE
Brad Jupp, Chief Schools Transformation Officer, BIE
Press: Closed
Staff: Tommy Beaudreau
Advance: Will McIntee
Set-up: SJ seated in front row to listen to panel discussion

Format:

- TBD

11:15am-12:20pm PDT: **Depart Sherman Indian High School en route Palm Springs International Airport**

Location: 3400 E Tahquitz Canyon Way
Palm Springs, CA 92262
(b) (6), (b) (7)(C)
Drive time: ~1 hour 1 minute without traffic

1:31pm PDT-
2:47pm MST: **Wheels up Palm Springs, CA (PSP) en route Phoenix, AZ (PHX)**

Flight: American 3089
Flight time: 1 hours 16 minutes
SJ Seat: 10D (window seat, 10th row, 2-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: No Staff
Wifi: Not Available
NOTE: *TIME ZONE CHANGE PDT to MST (no time change)*

2:47-3:24pm MST: **Wheels down Phoenix Sky Harbor International Airport** *(~37 minutes layover)*

Location: 3400 East Sky Harbor Boulevard
Phoenix, AZ 85034

3:24-4:13pm MST: **Wheels up Phoenix, AZ (PHX) en route Flagstaff, AZ (FLG)**

Flight: American 3050
Flight time: 49 minutes
SJ Seat: 11B (aisle seat, 11th row, 2-seat row)
AiC: Sgt. (b) (6), (b) (7)(C)
Staff: No Staff
Wifi: Not Available

4:13-4:30pm MST: **Wheels down Flagstaff Pulliam Airport** *(~15 minutes to vehicle)*
Location: 6200 S. Pulliam Drive #204
Flagstaff, AZ 86001

Thursday, July 21, 2016
Grand Canyon National Park, AZ

5:00am MST: **Depart Sherman Indian High School en route Palm Springs International Airport**
Location: 3400 E Tahquitz Canyon Way
Palm Springs, CA 92262
(b) (6), (b) (7)(C)
Drive time: ~1 hour 1 minute without traffic

Friday, July 22, 2016
Grand Canyon National Park, AZ

Saturday, July 23, 2016
Grand Canyon National Park, AZ

Sunday, July 24, 2016
Grand Canyon National Park, AZ

Monday, July 25, 2016
Grand Canyon National Park, AZ

Tuesday, July 26, 2016
Grand Canyon National Park, AZ → Flagstaff, AZ

7:00am-12:00pm MST: **Float to Havasu Creek // Hike to Supai**
Location: Trail from Havasu Creek to Supai
Participants: **SJ**
TBD Others
Press: Open
Staff: None
Advance: None
Set-up: ~9 mile hike to helipad in Supai

12:30-1:00pm MST: **Depart Supai en route South Rim (Helicopter)**
Aircraft: TBD Helicopter
Tail #: TBD
Pilot: Name, cell
Co-Pilot: Name, cell
Flight time: ~ TBD
Passengers: SJ
TBD

1:00-3:00pm MST: **Freshen up // Down Time**
Location: Verkamps Residence - Grand Canyon South Rim

3:00-4:00pm MST: **Meeting with NPS Regional Leadership**

Location:	TBD
Participants:	**SJ**
	TBD Others
Press:	Open
Staff:	Blake Androff
Advance:	Will McIntee
Set-up:	TBD
Format:	

4:00-5:00pm MST: **Employee Meeting**

Location:	Shrine of the Ages
Participants:	**SJ**
	TBD Others
Press:	Open
Staff:	Blake Androff
Advance:	Will McIntee
Set-up:	TBD
Format:	

5:00-6:30pm MST: **Depart Grand Canyon South Rim en route TBD Team Dinner Location**

6:30-7:30pm MST: **HOLD for Team Dinner**

7:45pm MST: **Arrive RON**

Wednesday, July 27, 2016

Flagstaff, AZ → Phoenix, AZ → Washington, DC

8:00-9:00am MST: **NPS Employee Meeting**

Location:	Large Conference - Flagstaff, AZ
Participants:	**SJ**
	TBD Others
Press:	Open
Staff:	Blake Androff
Advance:	Will McIntee
Set-up:	TBD
Format:	

9:00-9:15am MST: **HOLD for Media Availability**

9:15-9:30am MST: **Depart TBD Meeting Location en route Flagstaff**

10:20-11:15am MST: **Wheels up Flagstaff, AZ (FLG) en route Phoenix, AZ (PHX)**

Flight:	American 3084
Flight time:	55 minutes
SJ Seat:	8D (exit row, window seat, 8th row, 2-seat row)
AiC:	Sgt. (b) (6), (b) (7)(C)
Staff:	Blake Androff
Wifi:	Not Available

11:15am-12:40pm MST: Wheels down Phoenix Sky Harbor International Airport *(~1 hour 25 minutes layover)*

	Location:	3400 East Sky Harbor Boulevard Phoenix, AZ 85034

12:40pm MST- 8:03pm EDT:	**Wheels up Phoenix, AZ (PHX) en route Washington, DC (DCA)**	
	Flight:	American 680
	Flight time:	4 hours 23 minutes
	SJ Seat:	6A (window seat, 2nd row, 3-seat row)
	AiC:	Sgt. (b) (6), (b) (7)(C)
	Staff:	Blake Androff
	Wifi:	Available
	NOTE:	*TIME ZONE CHANGE MST to EDT (+3 hours)*

PLACEHOLDER FOR DOI/USDA SEALS

Date: July 11, 2016
Contacts: (DOI) Interior_Press@ios.doi.gov
(USDA)

Secretary Jewell, Under Secretary Bonnie To Join Utah Local Leaders at Public Meeting to Hear Community Visions for Public Lands Conservation

BLUFF, Utah – On Saturday, July 16, U.S. Secretary of the Interior Sally Jewell and Under Secretary of Agriculture Robert Bonnie will host a public meeting to hear about community visions for the management of the region's public lands, including Congressman Bishop and Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. The visit builds on the Administration's work to support locally-driven efforts to preserve and protect places that hold special meaning to communities across the country.

Jewell and Bonnie will be joined by tribal leaders, Bureau of Land Management Director Neil Kornze, National Park Service Director Jon Jarvis, and Acting Assistant Secretary for Indian Affairs Larry Roberts During their time in Utah, the Administration officials will tour various sites in the Eastern part of the state with community leaders, Utah delegation representatives and local land managers to better understand the local views related to the future of the area's public lands.

Southern Utah is a land of spectacular natural beauty, important historical resources, and areas of significance to local tribes. The area also contains thousands of currently unprotected cultural and archaeological sites, including well-preserved cliff dwellings and rock art. Home to recreation hubs like Moab, Utah, the region is a popular destination for outdoor enthusiasts, including off-highway vehicle travelers, hikers, and rock climbers, and hunters. Some public lands in the area also have a long history of being used for grazing, energy development, and other commercial activities.

WHO:	**U.S. Secretary Sally Jewell,** Department of the Interior **Robert Bonnie,** USDA Under Secretary for Natural Resources and Environment **Neil Kornze**, Bureau of Land Management Director **Jon Jarvis,** National Park Service Director **Larry Roberts,** Acting U.S. Assistant Secretary for Indian Affairs **Local leaders, stakeholders, and community members**
WHAT:	Community Meeting on Utah Conservation Priorities
WHEN:	Saturday, July 16 at 1:00– 4:00 p.m. PDT
WHERE:	Bluff Community Center Corner of Third and Mulberry Avenue Bluff, UT
RSVP:	Media interested in attending are encouraged to RSVP [here] by 5:00 p.m. PST on Friday, July 15.

###

JASON CHAFFETZ
3RD DISTRICT, UTAH

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
CHAIRMAN

COMMITTEE ON THE JUDICIARY

Congress of the United States
House of Representatives
Washington, DC 20515–4403

2236 RAYBURN HOUSE OFFICE BUILDING
(202) 225–7751

DISTRICT OFFICES:
PROVO
51 S. UNIVERSITY AVENUE
SUITE 318
PROVO, UT 84601
PHONE: (801) 851–2500

www.chaffetz.house.gov
@JasonInTheHouse

June 7, 2016

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Jewell:

It was a pleasure speaking with you on Thursday, June 23, 2016. As we discussed, Representative Rob Bishop is reviewing the Public Lands Initiative (PLI) legislative language with professional staff from the House Natural Resources Committee. I will share updates with your office as they become available.

I would also like to thank you for inviting me to participate in your upcoming visit to eastern Utah. Meeting with local Utahns and touring our state's resources is the best way to understand the needs and management tools required for the land and local communities. Unfortunately, I will not be in Utah during your visit. The House will be voting and then I will be traveling abroad on official Congressional business.

I am pleased that your office has extended an invitation to my Chief of Staff, Fred Ferguson, in my absence. Fred has been involved in Utah public lands issues for more than seven years and will gladly participate in your visit. He is available to facilitate meetings with various stakeholders and provide an overview of PLI. Please have your staff coordinate with him directly.

Thank you again, and I look forward to continued communication regarding public land management in Utah.

Sincerely,

Jason Chaffetz
Member of Congress

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Congress of the United States
Washington, DC 20515

July 7, 2016

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Jewell:

We are writing to provide an update on the Utah Public Lands Initiative (PLI). Since our meeting with Senior Obama Administration officials on April 29, 2016, much progress has been made on the PLI legislative text. We have received more than 50 detailed comments regarding the draft bill released in January.

We would like to thank participating mainstream non-governmental organizations, staff from the Council on Environmental Quality and the Department of the Interior (Department), and our partners at the state and county level, the bill text has been amended and strengthened.

The purpose of this letter is to provide the Department with an outline of the delegation's legislative strategy and next steps.

Bill Introduction: The Utah Public Lands Initiative Act will be formally introduced before the House of Representatives goes into the July/August District Work Period. Many stakeholders, including the Administration, have urged the delegation to introduce a bill to expedite discussions on legislative text and provisions. We agree. A formal bill will allow stakeholders, the Administration, and the public to review the language and associated maps to better prepare for Congressional hearings and bill markup.

Local Meeting: We understand that you will be holding a public meeting in southeast Utah with various Administration officials on July 16, 2016. We believe the best format to discuss land management is on the ground with local voices. We are pleased that you have chosen to visit Utah to discuss PLI.

PLI Field Hearing: Senator Mike Lee and the Senate Energy and Natural Resources Committee will hold a formal field hearing to discuss the PLI process and corresponding bill text during the last week in July. We regret that you could not attend and hope the Department will participate in this important discussion about the process, legislation, and path forward.

Bears Ears Hearing: Most, if not all, agree that the Bears Ears are deserving of a federal conservation designation. Major disagreements exist on how best to achieve this goal. The delegation intends to convene a formal hearing during the latter half of August. During this

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hearing, all sides of the debate will be represented in order to better understand the best path forward for the Bears Ears.

Legislative Hearing: The House Committee on Natural Resources will hold a legislative hearing on the Utah Public Lands Initiative Act during the September work period. The purpose of the hearing is to hear directly from local counties, impacted stakeholders, and the Administration concerning the multitude of provisions included in the final bill.

Legislative Markup: The House Committee on Natural Resources will hold a markup of the Utah Public Lands Initiative Act during the September work period. Legislative markups are necessary components of the legislative process. The markup will provide an opportunity for technical errors to be corrected, amendments to be offered, and language clarified before it goes to the House Floor.

Again, thank you for your commitment to a legislative approach to land management issues in eastern Utah. The above outline provides ample time for the public, the Administration, and other Members of Congress to review the bill in the lead-up to September's hearings and markup.

As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product. The delegation, local elected officials, and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah. We look forward to working together.

Sincerely,

Rob Bishop
Member of Congress

Orrin Hatch
U.S. Senator

Mike Lee
U.S. Senator

Jason Chaffetz
Member of Congress

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

The Opinion Pages | OP-ED CONTRIBUTOR

Grand Canyon Waters, at the Abyss

By MARK UDALL OCT. 14, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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M-Bears Ears

Bears Ears in the News

Thursday, March 17, 2016 – Protecting Bears Ears » Native America Calling
Native America Calling, March 11, 2016
http://www.nativeamericacalling.com/thursday-march-17-2016-protecting-bears-ears/

Tribes oppose effort to stop Bears Ears National Monument in Utah
Indianz.com, March 10, 2016
http://www.indianz.com/News/2016/020648.asp

Letter: The 'rightful owners' are the Native Americans
Salt Lake Tribune, March 5, 2016
http://www.sltrib.com/opinion/3617371-155/letter-the-rightful-owners-are-the

Op-ed: It's Time to Heal Bears Ears
Indian Country Media Today, March 4, 2016
From Regina Lopez-Whiteskunk, head councilwoman of Ute Mountain Ute Tribe
http://indiancountrytodaymedianetwork.com/2016/03/04/its-time-heal-bears-ears

Obama's Next National Monument Could Ignite "Fierce" Land Battle In The West
BuzzFeed News, March 4, 2016
http://www.buzzfeed.com/jimdalrympleii/bears-ears-and-the-sagebrush-election#.ylmDjlMzd

Guest editorial: Public Lands Initiative draft undermines Wilderness Act
Park Record, March 4, 2016
From National Parks Conservation Association (NPCA) opposes PLI, expresses support for Bears Ears Inter-Tribal Coalition proposal
http://www.parkrecord.com/letters-to-the-editor/ci_29596831/guest-editorial

Radio: Congressman Pushes New Land Management Plan In The West
Here & Now, WBUR (Boston NPR), March 4, 2016
(Bishop inaccurately states the level of support/opposition to the Bears Ears National Monument)
http://hereandnow.wbur.org/2016/03/04/utah-land-management-rob-bishop

Op-ed: Bears Ears must be protected
Moab Sun News, March 3, 2016
From Murray Cohen, small businessman
http://www.moabsunnews.com/opinion/article_757728e2-e158-11e5-9b90-3bc8231323d9.html

Letter: Public Lands Initiative only benefits a few
Statesman Journal, March 3, 2016
http://www.statesmanjournal.com/story/opinion/readers/2016/03/04/public-lands-initiative-benefits/81305142/

Bishop's public lands bill skewered in citizens hearing
Deseret News, March 2, 2016
(quote from former San Juan County Commissioner Mark Maryboy (Navajo) in support of Bears Ears proposal)
http://www.deseretnews.com/article/865649159/Bishops-public-lands-bill-skewered-in-citizens-hearing.html

Conservationists say Public Lands Initiative would do more harm than good in Utah
Salt Lake Tribune, March 2, 2016
(quote from former San Juan County Commissioner Mark Maryboy (Navajo) in support of Bears Ears proposal)
http://www.sltrib.com/news/3602768-155/conservationists-say-public-lands-initiative-would

Unprecedented tribal call for national monument
The Examiner, March 2, 2016
http://www.examiner.com/article/unprecedented-tribal-call-for-national-monument

Letter: Bears Ears region needs national monument recognition *(from member of Utah Navajo Aneth Chapter House)*
Grand Junction Sentinel, March 2, 2016 (printed)
http://www.gjsentinel.com/opinion/articles/email-letters-february-29-2016

Immerse yourself in Cedar Mesa's wonders this weekend (campaign briefly mentioned)
Durango Herald, March 2, 2016
http://www.durangoherald.com/article/20160302/LIFESTYLE01/160309882/0/SEARCH/Immerse-yourself-in-Cedar-Mesa%E2%80%99s-wonders-this-weekend

Public Lands Battle Escalates in Utah
Roll Call, Feb. 29, 2016
http://www.rollcall.com/news/public_lands_battle_escalates_in_utah-246101-1.html?pos=oplyh

Celebrate Cedar Mesa event in Bluff (campaign briefly mentioned)
Cortez Journal, Feb. 29, 2016
http://www.cortezjournal.com/article/20160229/NEWS01/160229851

Op-ed: My view: Once it's gone, it's gone forever
Deseret News, Feb. 29, 2016
From Barbara Wise (opposes PLI, supports Bears Ears)
http://www.deseretnews.com/article/865648882/Once-its-gone-its-gone-forever.html?pg=all

Rep. Bishop Asks White House Official About a National Monument
Utahpolicy.Com, Feb. 28, 2016
http://utahpolicy.com/index.php/features/featured-articles/8667-rep-bishop-asks-white-house-official-about-a-national-monument

Op-ed: Herbert is wrong about Bears Ears monument, and it's not just Navajos who know it
From Herman Daniels, Navajo Nation Council Delegate
Salt Lake Tribune, Feb. 26, 2016
http://www.sltrib.com/opinion/3586236-155/op-ed-herbert-is-wrong-about-bears

Op-ed: Public Lands: Make Bears Ears a National Monument
The Durango Herald, Feb. 26, 2016
From Regina Lopez-Whiteskunk, head councilwoman of Ute Mountain Ute Tribe
no URL

Navajo Nation wins decision over voting districts in Utah county (campaign mentioned)
Indianz.com, Feb. 26, 2016
http://www.indianz.com/News/2016/020501.asp

Tribes and majority of Utahns want Bears Ears monument (references the Colorado College poll)
Moab Times-Independent, Feb. 25, 2016
http://moabtimes.com/view/full_story/27100781/article-Tribes---and-majority-of-Utahns---want-Bears-Ears-monument

Op-ed: Preservation Is a Civil Rights Issue
From Jonathan Bailey, author of *"Rock Art: A Vision of a Vanishing Cultural Landscape"*
Indian Country Media Today, Feb. 25, 2016
http://indiancountrytodaymedianetwork.com/2016/02/25/preservation-civil-rights-issue-163465

Op-ed: My view: Bears Ears and public lands
From Chris Frazer
Deseret News, Feb. 24, 2016
http://www.deseretnews.com/article/865648204/My-view-Bears-Ears-and-public-lands.html

Letter: Bears Ears should be a national monument
Albuquerque Journal, Feb. 23, 2016
http://www.abqjournal.com/728636/opinion/talk-of-the-town-210.html

Utah guv raises national monument concerns at White House meeting
Salt Lake Tribune, Feb. 22, 2016
http://www.sltrib.com/home/3568150-155/utah-guv-raises-national-monument-concerns

Op-ed: Bishop's PLI gives away public lands that belong to all Americans (specific to PLI)
Deseret News, Feb. 21, 2016
From Mitch Hescox is president of the Evangelical Environmental Network and George Handley is author of the memoir, "Home Waters," and a board member of LDS Earth Stewardship.
http://www.deseretnews.com/article/865648202/Bishops-PLI-gives-away-public-lands-that-belong-to-all-Americans.html

History shows century of angst over new national parks
Deseret News, Feb. 21, 2016
(references Center for Western Priorities' "The Wrong Side of History: 100 Years of Opposition to Our Nation's Natural Treasures" and support for Bears Ears)
http://www.deseretnews.com/article/865648261/History-shows-century-of-angst-over-new-national-parks.html?pg=all

Op-ed: Senate blocks poorly disguised assault on Native American heritage
The Hill, February 19, 2016
From Carleton Bowekaty, Councilman, Pueblo of Zuni
(references Sen. Lee's anti-Antiquities Act amendment)
http://thehill.com/blogs/congress-blog/energy-environment/269886-senate-blocks-poorly-disguised-assault-on-native

Utah politicians to Obama: Don't declare new monument
Moab Sun News, Feb. 18, 2016
http://www.moabsunnews.com/news/article_03dfdcda-d657-11e5-864c-e7a2ed6b0de9.html

Op-ed: To save their homeland, 25 Tribes in the Southwest unite
High Country News, February 17, 2016
From Stephen Trimble, author and photographer of *The People: Indians of the American Southwest*
http://www.hcn.org/articles/to-save-their-homeland-25-tribes-unite-in-the-southwest

Bears Ears region is at center of land debate
Farmington Daily Times, Feb. 17, 2016
(references small Navajo at Window Rock from Kayallii/Aneth Chapter)
http://www.daily-times.com/story/life/outdoors/2016/02/17/bears-ears-region-center-land-debate/79696672/

Op-ed: Why the PLI failed American Indians in San Juan County
Salt Lake Tribute, February 15, 2016
From Willie Greyeyes, Utah Dine Bikeyah
http://www.sltrib.com/opinion/3532447-155/op-ed-why-the-pli-failed-american

Letter: Chaffetz misleads on Bears Ears
Salt Lake Tribune, Feb. 12, 2016
http://www.sltrib.com/opinion/3524172-155/letter-chaffetz-misleads-on-bears-ears

Utah delegation urges Obama to refrain from monument creation
Deseret News, Feb. 12, 2016
http://www.deseretnews.com/article/865647575/Utah-delegation-urges-Obama-to-refrain-from-monument-creation.html

Obama weighs tribal request for Bears Ears National Monument
Indianz.com, Feb. 12, 2016
http://www.indianz.com/News/2016/020367.asp

In southeastern Utah, the Procession Panel speaks across time: Majestic rock art in southeastern Utah tells an elaborate, ancient tale
Cortez Journal, Feb. 10, 2016
http://www.cortezjournal.com/article/20160210/LIVING/160219974/In-southeastern-Utah-the-Procession-Panel-speaks-across-time

Letter: Chaffetz' op-ed condescending to Indian tribes
Salt Lake Tribune, Feb. 10, 2016
http://www.sltrib.com/opinion/3514404-155/letter-chaffetz-op-ed-condescending-to-indian

Hoodwinked in the hoodoos: Core Samples
Park Record, Feb. 9, 2016
http://www.parkrecord.com/opinion/ci_29496513/hoodwinked-hoodoos

Dear President Obama: Protect Bears Ears
American Anthropological Association (blog), Feb. 8, 2016
http://blog.americananthro.org/2016/02/08/dear-president-obama-protect-bears-ears/

Op-ed: Cedar Mesa land proposal good for all
From Kevin K. Washburn, Law Professor, University Of New Mexico
Albuquerque Journal, Feb. 7, 2016
http://www.abqjournal.com/719675/opinion/land-proposal-good-for-all.html

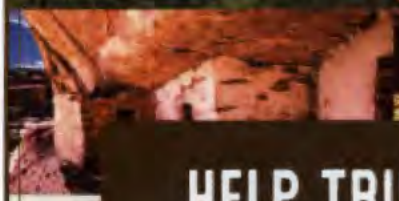
Op-ed: PLI fails to protect America's treasures, including Bears Ears, so Obama should
From Scott Groene, executive director of the Southern Utah Wilderness Alliance
Salt Lake Tribune, Feb. 6, 2016
http://www.sltrib.com/opinion/3499388-155/op-ed-pli-fails-to-protect-americas

Radio: Bear Ears Is The New Focus For Conservation and Tribal Groups
Utah Public Radio, Jan. 22, 2016
http://upr.org/post/bear-ears-new-focus-conservation-and-tribal-groups

Op-ed: It's time for Obama to make Bear Ears in Utah a national monument
Los Angeles Times, Jan. 21, 2016
From Bruce Babbitt
http://www.latimes.com/opinion/op-ed/la-oe-0121-babbitt-bears-ears-national-monument-20160120-story.html

Letter: Bishop misstates facts on Bears Ears
Salt Lake Tribune, January 14, 2016
From Regina Lopez-Whiteskunk, head councilwoman of Ute Mountain Ute Tribe
http://www.sltrib.com/opinion/3410860-155/letter-bishop-misstates-facts-on-bears

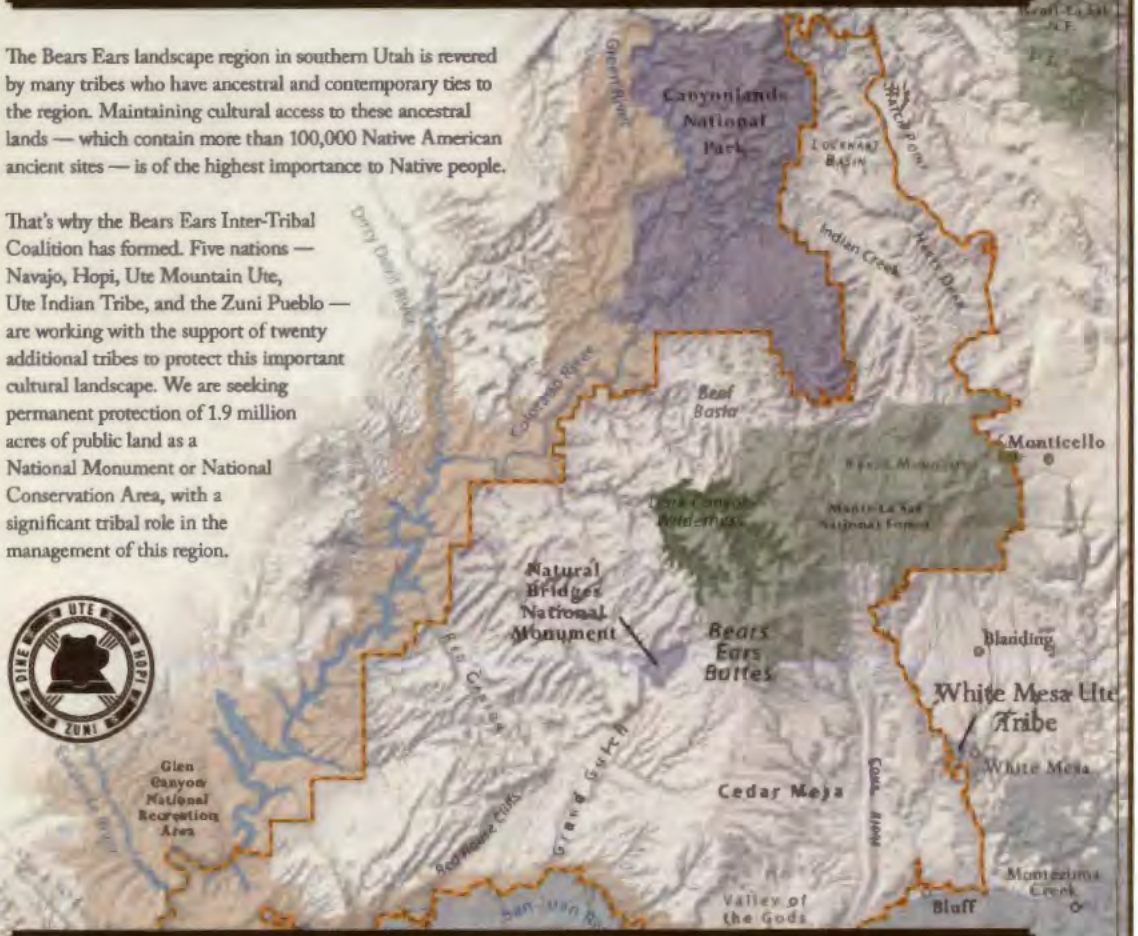
Op-ed: Our Turn: Tribes unite to protect lands
Arizona Republic, December 20, 2015
From Eric Descheenie (Navajo) and Alfred Lomahquahu (Hopi), co-chairs of the Bears Ears Inter-Tribal Coalition
http://www.azcentral.com/story/opinion/op-ed/2015/12/20/bears-ears-national-monument/77417258/



HELP TRIBES PROTECT BEARS EARS

The Bears Ears landscape region in southern Utah is revered by many tribes who have ancestral and contemporary ties to the region. Maintaining cultural access to these ancestral lands — which contain more than 100,000 Native American ancient sites — is of the highest importance to Native people.

That's why the Bears Ears Inter-Tribal Coalition has formed. Five nations — Navajo, Hopi, Ute Mountain Ute, Ute Indian Tribe, and the Zuni Pueblo — are working with the support of twenty additional tribes to protect this important cultural landscape. We are seeking permanent protection of 1.9 million acres of public land as a National Monument or National Conservation Area, with a significant tribal role in the management of this region.



GET INVOLVED. SIGN UP AT PROTECTBEARSEARS.ORG
AND LIKE US ON FACEBOOK AT FACEBOOK.COM/PROTECTBEARSEARS

NATIVE AMERICA CALLING
YOUR NATIONAL ELECTRONIC TALKING CIRCLE

Thursday, March 17 2016 – Protecting Bears Ears » Native America Calling

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The nearly two million acres in southeastern Utah is so important that five tribes are proposing an unprecedented collaboration with the federal government. The coalition wants President Barack Obama to establish the Bears Ears National Monument. A proposal in the Utah legislature would pre-empt that effort. We will get an update on the effort to protect Bears Ears. We'll also discuss the implications of national monument status.

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Tribes oppose effort to stop Bears Ears National Monument in Utah

Thursday, March 10, 2016

Indianz.com

Tribal leaders are speaking out against an attempt to prevent President Barack Obama from establishing the Bears Ears National Monument in Utah.

Sen. Mike Lee (R-Utah) submitted an amendment on Monday that bars the establishment of any national monument in the state unless Congress approves. Although there's no guarantee the provision will make it into S.2012, the Energy Policy Modernization Act, tribal leaders are already lobbying against it.

"This latest such attempt by Sen. Mike Lee (R-Utah) will eviscerate the very law that was originally passed to help protect Native American sacred religious and cultural sites – the Antiquities Act, said Regina Lopez-Whiteskunk, the head councilwoman of the Ute Mountain Ute Tribe. "These are not merely symbolic protections we seek. The ancestral lands of the Bears Ears region continue to face rampant and ongoing looting and destruction of artwork and gravesites. These are acts that literally rob Native American people of spiritual connections, as well as a sense of place and history. They are insults to the dignity of our societies and traditional knowledge."

The Ute Mountain Ute Tribe is part of the Bears Ears Inter-Tribal Coalition. The group is calling on Obama to protect 1.9 million acres of sacred and historic lands in Utah.

"Bears Ears is not just a beautiful place; it is a vibrant cultural landscape that is home to more than 100,000 sacred cultural sites including ancient villages, cliff dwellings, rock art, and the gravesites of our ancestors," the coalition said in a statement.

Despite support from the Ute Mountain Ute Tribe, the Navajo Nation, the Ute Tribe, the Hualapai Tribe and all 20 Pueblo governments, Republicans in Utah oppose a monument designation. They have tried to undermine tribal support and have refused to include Bears Ears in their Utah Public Lands Initiative.

S.2012 is a bipartisan energy bill that Sen. Lisa Murkowski (R-Alaska), the chair of the Senate Committee on Energy and Natural Resources, hopes to bring to the floor soon. According to Bloomberg BNA, Lee has placed a hold on the package due to concerns about a provision to address the lead water crisis in Flint, Michigan.

The text of Sen. Lee's amendment follows:

SEC. ____. REQUIREMENTS FOR ESTABLISHMENT OR EXPANSION OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Effective during the period beginning on the date of enactment of this Act and ending on the date that is 1 year after that date, no establishment or expansion of a National Monument in the State of Utah shall be carried out unless expressly authorized by Act of Congress.

The Salt Lake Tribune

Letter: The 'rightful owners' are the Native Americans

Salt Lake Tribune - First Published Mar 05 2016 05:00AM

The recent public meeting to discuss the proposed Public Lands Initiative was crowded with so many speakers that I had to leave without putting in my two cents:

Rep. Rob Bishop's goal is to, "Return lands to their rightful owners."

San Juan County Commissioner Phil Lyman suggests lands are best administered by those who live on them.

Ammon Bundy says, "Land and resources must be made available to its rightful owners."

It seems to me that all they are in full support of creating the Bears Ears National Monument and allowing it to be managed by the International Coalition of Native American Tribes in San Juan County.

Dudley McIlhenny

Indian Country
TODAY MEDIA NETWORK

It's Time to Heal Bears Ears

Editorial by Regina Lopez-Whiteskunk

Indian Country Today Media Network - 3/4/16

In the past, policies and laws have always been written as prescriptions for us Native American people to follow, including when it comes to protecting the lands, dwellings, art, and final resting places of our ancestors. But now, for the first time, Native American people are using the law of the United States—the Antiquities Act of 1906—to ask the president of the United States to protect our cultural and spiritual homeland: an area we call the "Bears Ears" in southeastern Utah.

Our elders have called for the Bears Ears, which sheltered our ancestors for thousands of years, to be protected, not only for us, but for all people. And our leaders have listened to this people's movement. A coalition of sovereign nations: the Ute Mountain Ute, Hopi, Navajo, Zuni, and Uintah and Ouray Ute, have brought a proposal to Washington D.C. to ask President Obama to protect 1.9 million acres around Bears Ears as a national monument. These 1.9 million acres are all public lands, held by the United States government, but right now, they are unprotected.

This first-of-its kind national monument proposal is a strong statement that we, as Native Americans, are a part of the solution. We are the circle that surrounds the box, where the policies and laws live. We are here to provide education, support, and solutions and we are also asking for our seat at the table, to help collaboratively manage the lands of our ancestors once a national monument is created. The Antiquities Act was passed to protect antiquities, but it should also honor the connections Native Americans still have to the land by giving us a voice in decisions about how our ancestral lands are managed.

Native Americans have always maintained a relationship with the land. Bears Ears is home to the dwellings of our ancestors, the final resting places of our people, and sacred areas where our people still collect traditional herbs and medicines today. But it is also home to oil and gas and potash. Like so many ancestral lands, the Bears Ears are threatened not only by looters and grave-robbers, but by mining and oil and gas companies, all of whom are inflicting wounds.

The land and its precious resources need to be healed, but there are other wounds as well, which is why healing forms the inner core of our Bears Ears movement. Relationships between tribal nations have been healed as we work together toward a common goal. And now the Bears Ears Inter-Tribal Coalition is looking to heal the relationship with the United States government. We are not wielding the hatchet of war, but rather extending our hand to say: join us in encouraging the spirit of healing.

We understand the work is vast, and disagreements are sure to come, but we are all seated at the same table, actively engaged, ready to learn from one another.

encouraged by our elders, ancestors, and the many tribes who support our efforts.

Once a national monument is created, we must work together to help educate visitors, locals and, most importantly, the younger generations. We must listen to the history of the early settlers and their stories and historical connections to this area to make sure existing and future management plans are founded on a clear understanding of the value of this land.

We believe Bears Ears should be protected, for all people; the laws to make this a reality exist. It is up to Native Americans to ask the United States government to use them to protect these lands, which are part of our past, and our present. We are all human beings at the end of the day, breathing in the same air, walking on the same land and citizens of the same United States of America.

Regina Lopez-Whiteskunk is the head councilwoman of Ute Mountain Ute Tribe and a member of the Bears Ears Inter-Tribal Coalition. She lives in Towaoc.

Obama's Next National Monument Could Ignite "Fierce" Land Battle In The West

The president has set aside more public lands than any administration in American history. Critics say these kind of proclamations subvert the democratic process and undermine local interests.

BuzzFeed News - Posted on Mar. 4, 2016, at 5:33 p.m.

Jim Dalrymple II

One hundred miles northwest of the Four Corners, two buttes rise out of the red dirt and scrubby brush. The buttes, named for their ursine appearance, are known as Bears Ears, but for visitors of this remote corner of Utah, the glowing sandstone and hawks gliding overhead might distract from what the area is becoming: a battleground.

This sprawling 1.9 million-acre parcel of land may soon become a new national monument — a protected space similar to a national park. There are a few ways for a place to obtain that status, but in the case of Bears Ears, all eyes are currently trained on President Obama, who can declare a national monument with the wave of his pen.

The president just created three new national monuments in California. Together with existing conservation areas in the region, the national monuments create the second largest desert preserve in the world. Last year, the president created a 704,000-acre national monument called Basin and Range in Nevada, as well as others in California and Texas. In 2013, Obama designated a handful of new monuments, including several in western states.

In each of these cases, Obama cited the Antiquities Act, a relatively obscure law dating back to 1906 that's designed to protect things like archeological sites. The law gives a president wide-ranging discretion to set aside public lands, and it has been used by chief executives of both political parties. Bill Clinton, for example, famously and controversially used to it create the Grand Staircase-Escalante National Monument in Utah. George W. Bush used the law to set aside the vast Papahānaumokuākea Marine National Monument in Hawaii.

But Obama has been more aggressive; according to the White House, the president "has protected more acres of public lands and water than any administration in American history."

Advocates of conserving these spaces often see a presidential proclamation as an advantage, a way to bypass the byzantine process that usually comes with getting things done in government.

But critics say these kind of proclamations subvert the democratic process and undermine local interests.

Battles over the federal government's ownership of large stretches of land in the West go way back. The 1970s and 80s saw the rise of the "Sagebrush Rebellion," and the Bundy-led standoffs in Nevada and Oregon were the latest iteration of that still-simmering conflict. Across the West people are still arguing, and occasionally fighting, over who should control the land.

And there's no place where that's more true than Bears Ears. A coalition of Native Americans wants the large stretch of land to become a national monument — but a special kind where they share control.

The push to turn Bears Ears into a national monument took off last fall. Though there had been talk of protecting the site before, a group of Native American tribes calling themselves the Bears Ears Coalition submitted a 66-page proposal for the site in October.

The group says the site is peppered with more than 100,000 Native American sites, some of which date back hundreds and thousands of years, and "we have been here the longest."

"Our ancestors variously inhabited, crossed, hunted, gathered, prayed, and built civilizations on these lands," it says. "Their presence is manifested in migration routes, ancient roads, great houses, villages, granaries, hogans, wikiups, sweat lodges, corrals, petroglyphs and pictographs, tipi rings, and shade houses."

Eric Descheenie, a coalition co-chair and senior advisor to the president of the Navajo Nation, said that Native Americans in the region see the land as something more than just a place of biological and geological interest. It's a sacred space, he said, that has "personhood and agency" and where ceremonies have "been practiced verbatim since time immemorial."

"It's more than simply saying that it's an important piece of land, it actually harbors our ability to heal," Descheenie added.

The proposal asks Obama to set aside 1.9 million acres. And with Obama's time in office winding down, along with his interest in monument designation, the coalition is optimistic it'll score a victory.

"Right now the tribes are incredibly hopeful," Descheenie said.

But given the contentious mood surrounding federal lands in the West, the nature of the coalition's proposal is significant.

According to Regina Lopez-Whiteskunk, a Ute Mountain Ute Tribal Council Member who has worked with the coalition, the tribes are asking not for a traditional declaration, but instead for one that would have them co-managing the site with the feds. It's a novel, and never-before-deployed idea.

"It's a means of us extending our hands out in partnership rather than asking for a handout," she explained. "We want to be a part of the solution."

Descheenie said this process is an essential part of the coalition's proposal, and would allow the site to evolve according to need. When asked if an ordinary proclamation and monument — in which the federal government retains full control of the site — would be problematic, Descheenie said he believed it would.

"I know it would be a problem," he added.

In other words, the coalition wants an Antiquities Act declaration, but appears reluctant to accept the kind of unilateral authority the typically characterizes national monuments.

But some locals and Utah lawmakers adamantly oppose turning Bears Ears into a national monument at all, and want the federal government completely out of the state.

After the Bears Ears Coalition finished it's proposal last fall, it took it to Utah Representatives Rob Bishop and Jason Chaffetz — Republicans who have been vocal critics of federal land use.

Neither Bishop nor Chaffetz responded to BuzzFeed News' request for comment, but both Descheenie and Lopez-Whiteskunk said reaching out to the lawmakers did not end well.

"There was no substantive engaged," Descheenie said. "They nodded along, they smiled and they were cordial, and at the end

of the day that was about it. It was kind of like talking to a wall that just wouldn't respond."

That may be because the lawmakers have created their *own* proposal for Utah's public lands.

The Utah Public Lands initiative would set aside some lands for conservation, and is billed as being based on the "belief that conservation and economic development can coexist and make Utah a better place to live, work, and visit." Still, it has been blasted by conservationists and the Bears Ears Coalition, which called it "woefully inadequate."

The public lands initiative is not limited to Bears Ears, but Chaffetz, Bishop, and all of Utah's U.S. representatives and senators sent a letter to Obama in January specifically opposing a national monument. The letter warned of "fierce local opposition" should the president move forward with a "veiled and unilateral" proclamation and argued that decisions should be made "with community involvement and local support."

"We believe the wisest land-use decisions are made with community involvement and local support," it added.

The initiative and accompanying resistance to a national monument spring from widespread angst, and anxiety, in the rural West over the way federal agencies manage land. Those feelings are particularly strong in Utah's San Juan County, the location of Bears Ears and where, according to County Commissioner Phil Lyman, only 8% of the land is privately owned.

Lyman told BuzzFeed News federal policies have slowly chipped away at the economy of his county and "for the most part people don't appreciate a unilateral executive order and I would certainly say that's the case with Bears Ears National Monument."

Many in the area are concerned a decision by Obama would restrict mining and grazing on the land. "If you're relying on those for any part of your economy," Lyman said, "you're just up a creek without a paddle."

Bruce Adams, also a commissioner in San Juan County, agreed with Lyman on the issue.

"For them to create a national monument feels like they're pulling the rug out from under us," Adams said. Both commissioners said some Native Americans in the region also share their concerns.

Sen. Mike Lee — who also opposes a presidential designation of a national monument — has pointed to the Kaayelii band of the Navajo, saying they believe it "would threaten their livelihood and destroy their way of life."

A representative of the Kaayelii did not respond to a BuzzFeed News request for comment.

Conn Carroll, a spokesman for Lee, told BuzzFeed News that when the federal government sets aside land it "puts a monkey wrench in the economic development of these rural counties." Carroll acknowledged that there are differing views on what should happen to Bears Ears, but argued everyone should have some say in what happens, not just the White House.

"The question is, how are we going to decide that?" Carroll added. "Is it going to be done in a democratic way?"

Obama has not said what plans, if any, he has for Bears Ears, and White House officials did not respond to a request for comment. But in the meantime, there is a long list of other potential places in the West that could also become national monuments, and points of conflict.

Observers have pointed to other areas in Utah, as well as New Mexico, Montana, and Idaho. In Nevada, there is a push to designate Gold Butte a national monument.

Located near the Arizona border, Gold Butte is filled with unique geological features and ancient petroglyphs, Annette Magnus, executive director of Battle Born Progress, an advocacy group that has pushed for a monument, told BuzzFeed News.

"It desperately needs to be preserved," she said.

Gold Butte is significant because its part of the region contested during the first Bundy standoff in 2014, when family patriarch Cliven Bundy faced off with federal authorities in southern Nevada over cattle grazing rights.

Following the standoff, the federal government pulled out of the Gold Butte area. There were later reports of shots fired at a survey team, prompting the Bureau of Land Management to warn its staff to stay away from the region.

The area remained hotly contested and largely unmanaged into this year, and the conflicts show how federal land generally, and candidates for monumentalization specifically, remain flash points.

Magnus — who said she had seen cows grazing the range during her visits to the area — pointed to the Bundys as one reason the area needs to be turned into a national monument. But she also explained that in Nevada there are two ways for that to happen: by legislation and presidential proclamation. Advocates for a monument will take either, Magnus said, adding that the legislative option has the benefit of consensus.

"We'd love to have everyone on board," she said.

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Public Lands Initiative draft undermines Wilderness Act

Guest editorial - Park Record (Park City, UT)

Erika Pollard, National Parks Conservation Association

Posted: 03/04/2016

Since the Utah Public Lands Initiative began, the National Parks Conservation Association, a nearly 100-year-old organization, has been an engaged stakeholder in the process, representing more than a million members and supporters nationwide. We long hoped for on the ground, collaborative solutions to eastern Utah's public lands issues. However, all semblance of compromise is overshadowed in the draft bill by broad policy provisions -- some of which were not shared or discussed with stakeholders, and others that NPCA identified as nonviable compromises from the beginning of the process.

While the discussion draft does include an expansion at Arches National Park, we are shocked by many other policy provisions in the bill and much of the draft bill language.

NPCA is disappointed that our long standing priority of Completing Canyonlands by expanding the park boundaries to reflect the original vision for the park was not addressed. A Bears Ears National Conservation Area, as proposed in the PLI draft, would be adjacent to the park but would not adequately protect the basin and its many natural and cultural resources from irresponsible off-road vehicle use and other potentially incompatible uses. The Bears Ears National Monument, as proposed to the Obama Administration by the Intertribal Coalition, would provide much stronger protections for our Canyonlands Completion area, and we are excited about its prospects.

Though we support new wilderness designation inside the national parks as proposed in the draft PLI, the stipulations attached to the wilderness administration language would essentially reduce the level of protection for lands inside national parks. The draft bill undermines the Wilderness Act, potentially the Clean Air Act, and ultimately the authority of the National Park Service to fully manage wilderness values as well as the parks' natural and cultural resources.

NPCA is also opposed to opening more than 2.5 million acres to expedited energy development. We strongly believe that Master Leasing Plans are more effective at creating certainty on the Utah landscape not only for energy development, but also for recreation and conservation. Prohibiting the application of this valuable management tool would nullify years of cooperative efforts invested in the MLP and prevent a similar level of consideration at other deserving public lands.

Finally, we are dismayed by the unacceptable giveaway of R.S. 2477 rights-of-ways inside national park boundaries and on the broader landscape. Within park boundaries, travel management by the National Park Service is critical to achieve the flow and volume of visitors into the

parks enabling them to meet goals for recreational access and long-term resource protection.

The discussion draft of the PLI does not represent a balanced approach to resolving Utah's public land issues and in fact includes many threats to the national parks and the broader landscape in eastern Utah that we all hold dear.

Congressman Pushes New Land Management Plan In The West

Here and Now, WBUR Boston (NPR) Friday, March 4, 2016

Listen at Link

President Obama has created or expanded more national monuments than any other American president, and he wants to add to that with the creation of the 2-million-acre Bears Ears National Monument. That land contains thousands of archaeological sites and is sacred to Native Americans.

Republican Congressman **Rob Bishop** of Utah says the federal government can't manage the land it already owns, so it shouldn't manage any additional land. *Here & Now's* Peter O'Dowd speaks with him about his plan, which he says would better manage public land.

Note: An earlier version of this story incorrectly stated that Bears Ears was not yet under the purview the federal government. We regret the error.

Guest

Rob Bishop, Republican U.S. congressman, representing Utah's 1st congressional district since 2003.

MOAB SUN NEWS

Letter: Bears Ears must be protected

Moab Sun News - Posted: Thursday, March 3, 2016

Murray Cohen, Denver

Dear Editor,

There are places in Utah so rich in heritage and stunning scenery that people consider them some of the most beautiful places on earth. People travel from near and far to view spectacular red rock scenery from Canyonlands and Arches down to the Four Corners. This native Westerner, small-business owner and family man is not an expert on Utah politics, but I do know that there are lands in the state that compare to no other and deserve protection. Bears Ears is such a place, and we have a chance to ensure cultural and historic lands, and recreational and spiritual opportunities are protected for generations to come.

I have lived in the West all of my life, and I've spent a lot of time traveling the back roads, anxious for their end and what lies beyond. These experiences have been some of the most meaningful experiences of my life — hiking, backpacking, boating, rafting, camping and exploring. To be honest, the greatest thrill, though, is just being on our public lands in Utah. Hanging out by the camp fire, gazing at the thousands of stars while the moon rises over a huge canyon wall — the simple pleasures in a land that contains hundreds of multilayered canyons, majestic mountains and azure blue skies. Here, time is measured in millions of years. There is an overwhelming wonder and silence here — the kind that makes you realize that we are all insignificant compared to what nature has achieved.

Among the silence is also a voice of those who came before us: the voice of ancient people. These were determined people who could build their homes hanging high off a canyon wall, walk for miles every day in the blistering heat of summer and conserve enough resources to survive the brutally cold winters. Many of the canyons are filled with reminders of their presence: ruins, pictographs, cliff houses, pottery and even echoes of their ancient wisdom. This vast landscape was their home and they had a special culture of their own that coexisted with nature, and they respected it. It remains a sacred place for them today. And it is to me, too, though I recognize not to the same original, generational depth. As Americans, we should show that same respect for these lands — lands that will continue to draw people to experience their amazement. We need ancient wisdom and natural wonders to bring us back into balance, and remind us in the digital age that we can't allow greed to continue wreaking havoc on this planet.

Protecting Bears Ears can help do that. 1.9 million acres of beautiful red rock canyons, striking mountain ranges, expansive plateaus, ancient ruins and so much more should be protected. I am inspired by the Bears Ears Intertribal Coalition's vision for this place — for protection, for collaborative management, for traditional knowledge, for commitment to the public good, for healing. While tribes have pushed forward the idea of protecting these sacred lands, there is strength in numbers and the numbers of those supporting the coalition's proposal continue to grow.

Rep. Rob Bishop's Public Lands Initiative could go before Congress, but his proposal would not provide adequate protection for

Bears Ears. In absence of a strong bill to do just that, we must come together as a community of supporters for these public lands, to ensure they are not developed, destroyed, looted or lined with drilling pads.

People don't come from around the world, or even from neighboring states, to visit lands that have lost their historic, scenic, ecological and divine values. We come here to experience the peace and beauty of this magnificent area. We come here to hike and camp and explore places such as Mule Canyon, Grand Gulch, Cedar Mesa, Dark Canyon, Comb Wash, Owl Canyon, Elk Ridge, Recapture Wash, and to raft the Colorado, climb canyon walls and bike the endless trails.

These lands should be protected as they were, as they are, and as they should remain. Bears Ears deserves national monument status for all of us — including those who came before us and have left their sacred mark in this region, and, especially, for future generations.

Public Lands Initiative only benefits a few

Letter to the Editor, Salem (OR) Statesman Journal - March 3, 2016

The recent occupation of Malheur National Wildlife Refuge reflects a larger struggle by right-wing groups, extractive industries and other special interests to wrest control of federal lands across the west.

Another place this battle is being played out is the Red Rock Canyon country of Utah, one of the most iconic landscapes in the world.

There, a process known as the Public Lands Initiative was supposed to bring together all interested parties in an effort to reach consensus concerning the fate of the region's public lands. Instead, it evolved into a wish list for the fossil fuel industry, and the only people being asked to compromise in this "grand bargain" were those who favored conservation.

The Navajo and other Native American tribes in the area realized their efforts to get sacred lands at the Bears Ears region set aside were being ignored and pulled out of the process.

The Public Lands Initiative would roll back existing protections for millions of acres of spectacular canyon country, encourage intensive industrial uses of public lands and allow mining and gas drilling near iconic national parks such as Arches and Canyonlands.

These lands belong to all of us and deserve better.

David Harrison

Salem

Deseret News

Bishop's public lands bill skewered in citizens hearing

Deseret News, **March 2, 2016**
(quote from former San Juan County Commissioner Mark Maryboy (Navajo) in support of Bears Ears proposal)

http://www.deseretnews.com/article/865649159/Bishops-public-lands-bill-skewered-in-citizens-hearing.html

Opponents of Rep. Rob Bishop's Public Lands Initiative eviscerated the bill in a "citizens hearing" Wednesday organized by the Utah Wilderness Coalition and attended by hundreds.

"It is truly a disaster," said Mark Maryboy of Utah Dine Bikeyah, renewing Native American tribes' call for the creation of the Bear Ears National Monument.

The hearing at the University of Utah's Orson Spencer Hall was recorded and videotaped and will be submitted to Washington, D.C., to be included in the official congressional record on the initiative, said organizer Tim Wagner from the group Utah Physicians for a Healthy Environment.

Other groups at the podium included the Sierra Club, Southern Utah Wilderness Alliance, the National Parks Conservation Association and Grand Old Broads For Wilderness.

"I am in the public in public lands," said Di Allison, chairwoman of the Grand Old Broads for Wilderness. She said the proposal by Bishop, R-Utah, decimates provisions of the Wilderness Act.

"It butchers the definition of wilderness after years and years of painful collaboration and compromise," she said.

Peter Metcalf, CEO of Black Diamond, said the initiative, touted as the fruits of a cooperative, grass-roots effort, instead is a "Pearl Harbor all-attack" on public lands.

Bishop unveiled his public lands planning bill in January after three years of working with a wide variety of groups, industries, county commissioners and local residents from eight eastern Utah counties. He warned throughout the process that his bill is one of compromise — that no one will get everything they want, but everyone will get "something."

Daggett County pulled out before the bill was released, and since then, Summit County voted to urge Bishop to rewrite that portion of the bill to reflect its public land planning desires.

The bill is an attempt to settle the contentious — and often litigious — fights that occur over how Utah's vast public lands should be managed by the Bureau of Land Management and the U.S. Forest Service. It sets up "wilderness" areas and creates energy zones, but environmental groups say the wilderness is in name only.

Juan Palma, former Utah director of the BLM, took to the podium at the event, emphasizing that his heritage has a deep connection to the land and the voices of Latino people should be included in the public lands planning process.

"Public lands are a salvation to me," he said.

After his remarks, he said he could not support Bishop's proposal as written, noting specifically that its provisions for grazing — allotments can only go up and not decrease — go against the reality of managing landscapes for droughts and other threats.

Organizers of Wednesday's hearing — which was standing room only — said they put on the citizen event to make sure Utah residents' voices were heard in the land planning process.

County.

Although Bishop said there would be opportunity for comment on his draft bill, Terri Martin with the Utah Wilderness Coalition said there's been no meaningful outreach.

Scott Groene, executive director of the Southern Utah Wilderness Alliance, said Bishop's measure has to be derailed before it gains any momentum.

"If we stop the Public Lands Initiative, we open the door for President Obama to protect the Bears Ears," he said.

An inter-tribal coalition has called for the designation of a new national monument to protect cultural resources in a 1.9 million acre area in San Juan

The Salt Lake Tribune

Conservationists say Public Lands Initiative would do more harm than good in Utah

By BRIAN MAFFLY | The Salt Lake Tribune March 2, 2016

First Published Mar 02 2016 10:12PM

Critics call bill "an all-out assault" on Utah's cultural heritage and quality of life.

While some rural communities are generally pleased with draft language in U.S. Rep. Rob Bishop's Utah Public Lands Initiative Act (PLI), many Native Americans and urban Utahns are seething that they were excluded from the process intended to resolve land-use controversies on 18 million acres of public land in eastern Utah.

That displeasure was on full-throated display Wednesday night at the University of Utah where at least 500 conservation-minded people packed a "citizens' hearing" to denounce various aspects of the 65-page draft Bishop and fellow Utah Rep. Jason Chaffetz released in January after more than two years of meetings with various "stakeholders."

Critics say the draft bill is "an all-out assault" on the state's natural heritage and landscapes that sustain its economic vitality and quality of life by stripping protections from millions of acres and allowing incompatible uses in designated wilderness.

"It's a disaster," said former San Juan County Commissioner Mark Maryboy in Navajo, then in English. A Navajo community leader, Maryboy is a proponent of the Bears Ears National Monument aimed at conserving the lands around Cedar Mesa which is rich in Native American antiquities.

"We tried to work with Chaffetz and Bishop to see if we could come up with a national conservation area. They refused to work with us and it was unfortunate to see this draft," Maryboy said. "It is more for energy development. We must not allow that legislation to pass. We are very disappointed that the county commissioners and the Utah leadership don't know how to work with Native Americans. Total disrespect."

Beside Maryboy on the stage were four empty seats bearing the names of Chaffetz, Bishop and Sens. Mike Lee and Orrin Hatch. The Republicans were invited to the event but either declined or did not respond.

Chaffetz said the Southern Utah Wilderness Alliance, which co-hosted the event with the U. Environmental Club and other groups, ignores the interests of rural Utahns and has distorted the initiative.

"I have been listening to this group for the past three years, and if they have anything new to offer, my door is still open," said Bishop, who could not attend because of a scheduling conflict.

"Not all stakeholders are able to receive 100 percent of what they want as part of PLI," he said through a spokeswoman. "We have received constructive — and at times critical — comments from every single participant involved in PLI, including all seven counties. But unlike SUWA, the counties and legitimate interest groups are still working with the delegation instead of buying misleading television ads and holding one-sided faux hearings."

The Utah Wilderness Coalition organized Wednesday's event to give Wasatch Front residents a platform for venting frustrations

with the PLI process. Bishop plans no hearings outside Washington, D.C., after he introduces a final version of the bill.

SUWA's David Garbett wondered why the delegation is avoiding feedback from Utah's urban residents, who have a powerful stake in the fate of these lands.

"All that shows is that they believe the whole Wasatch Front is stacked against them so they are not going to bother hearing what they have to say," he said. "They said they held 1,200 meetings, but they are talking to about 5 percent of the state's population, those who live in the seven counties. It's unfortunate that they are acting like petulant children rather than engaging in a public dialogue. I don't think it bodes well for the Public Lands Initiative."

Utah's political leaders have applauded the PLI for paving a path through the decades-long impasse over how Utah's scenic public lands should be used. Gov. Gary Herbert's energy policy adviser, Cody Stewart, attended the event — as much a rally as it was a hearing — but did not speak.

A diverse range of organizations and individuals, including the National Parks Conservation Association, outdoor industry businesses, and the Bears Ears Inter-Tribal Coalition denounced the draft Wednesday. Grand and Summit county residents who spoke said their counties are on record opposing the draft, which fails to incorporate conservation aspects of their proposals.

"They promised to be inclusive and hoped to reach a grand bargain," said moderator Tim Wagner, uttering the closest thing to a compliment in more than three hours of remarks. "This was a worthy endeavor and the conservation community participated in good faith. As the initiative played out inclusivity disappeared."

Wagner, director of Utah Physicians for a Healthy Environment, patted a stack of 2,000 citizen comments to be sent to Bishop.

Featured speakers included retired state Bureau of Land Management director Juan Palma; former Congresswoman Karen Shepherd, D-Salt Lake City; Black Diamond CEO Peter Metcalf; and Lauren Wood, a river guide and emerging Utah voice for conservation.

Author Terry Tempest Williams issued statement a through a friend, denouncing the initiative as a "fraud" for its failure to allow Utah citizens a meaningful opportunity to shape the proposal.

"It has little to do with protecting Utah' beloved wild lands, and a lot to do with protecting the corporate interests of oil and gas companies that are fueling the climate crisis," Williams said.

Latinos care deeply about public lands, yet this minority group was ignored, according to Palma.

"Why is it Latino voices are important? I give three reasons," asked Palma, now chief conservation officer for Hispanics Enjoying Camping and Hunting in the Outdoors. "We have deep roots in the West. We have some knowledge about these lands, and third, we might actually know what we are talking about."

Spanish explorers blazed many of the early trails across the Southwest.

"Many of our forebears are buried along these trails. We didn't just come out yesterday like some people want you to believe. Some of us have been here a long time and some are perfectly legal citizens," Palma said.

Metcalf gave a scathing assessment of the PLI's potential to harm the very assets that he says makes Utah's economy among the nation's most robust.

"What is driving Utah's economy is not the dying extractive industries, but outdoor tourism and film," Metcalf said. "Protecting wild landscapes and are absolutely integral to our state's vibrant economic future."

Many speakers described the PLI as a prelude to Utah's ultimate goal of "seizing" control of 31 million acres of public lands.

NPCA's Erika Pollard said her group was "shocked" by many items in the draft, which marks a dramatic departure from current law and land management norms. Bishop's draft would hamstring the National Park Service and other federal agencies' ability to protect wilderness and other natural values, as well as their cultural resources.

She highlighted a controversial provision that would resolve thousands of disputed road claims in favor of the counties, totaling some 10,000 miles of routes, many inside parks.

"Within park boundaries, travel management by the National Park Service is critical to achieve the flow and volume of visitors into the parks enabling them to meet goals for recreational access and long-term resource protection," Pollard said. "The discussion draft of the PLI does not represent a balanced approach to resolving Utah's public land issues and in fact includes many threats to the national parks and the broader landscape in eastern Utah that we all hold dear."

Unprecedented tribal call for national monument

Examiner.com March 2, 2016

In Utah, where two-thirds of the land is already owned by the federal government, native tribes have united in an unprecedented action of petitioning President Barack Obama to designate nearly two million acres as a national monument. The proposed Bears Ears National Monument is bordered by the San Juan River, the Colorado River, the Navajo Nation and White Mesa and contains more than 190,000 archaeological sites on land sacred to the petitioning tribes.

President Obama has announced intention to designate a number of monuments in his final year of office, the latest being preserves in the California desert. A sitting president may name public monuments without Congressional approval under the terms of the 1906 Antiquities Act. Former President Bill Clinton named the 1.9 million acre Grand Staircase-Escalante National Monument in 1996 without conferring with Utah lawmakers and ever since then state leaders have said the unilateral decision ignored the opinion of Utah's citizens.

Utah Gov. Gary Herbert opposes designation of Bears Ears and presented the President with a letter of opposition on Feb. 22 at the national governors' meeting in Washington, D.C. "I respectfully ask you to refrain from using the Antiquities Act to designate a national monument in Utah," reads the opening of the letter.

"History shows this sort of action will exacerbate an already tense situation and will further perpetuate the longstanding public lands conflict. Any unilateral action could set back progress, perhaps for decades," he warned.

At stake for Herbert is the future of the Utah Public Lands Initiative, spearheaded by Rep. Rob Bishop (R-Utah) and Rep. Jason Chafferty (R-Utah). This political initiative is meant to negotiate the best use of Utah's public lands, which can and has included off-road driving, mineral extraction, desecration of archaeological sites, building of roads in wilderness areas, timber harvesting and other activities.

The largest coalition of native tribes and the first ever to call for a monument designation, the Bear Ears Coalition, called upon leaders of the PLI to protect the lands in Bears Ears, but leaders say they were not allowed to participate in negotiations. Representing the Navajo, Hopi, Ute Mountain Utes, the Unitah and Ouray Utes, and the Zuni, and endorsed by 25 of the Pueblos of New Mexico, the Coalition is pressing to preserve the lands which "play a role in the cultural, spiritual and historical lives of all Native American people in the region."

The petition has been endorsed by the National Congress of American Indians, the oldest and largest group representing the interests of native Americans. According to the Coalition, more than 75 percent of Native Americans support the designation.

If President Obama designates Bears Ears as a national monument, the area will be jointly administered by an 8-member committee including one member from each of the five tribes and representatives from the three federal agencies which already have stakes in some of the land: the National Park Service, the Forest Service and the Bureau of Land Management.

Mining would be prohibited in the new monument, as would the building of new roads. Traffic on existing roads would be strictly monitored. Hunting, recreation and

enjoyment of the arches, canyons and other natural wonders would be permitted. Natives would be allowed to continue to gather traditional medicines, herbs and plants and to practice sacred ceremonies without public disturbance.

President Obama has not announced his decision yet.

THE DAILY SENTINEL

Letter to the Editor: Bears Ears region needs national monument recognition

Grand Junction Sentinel, 2-29-16

Nature is divine and worth protecting; protecting our sacred lands has been as much a part of me as my culture and heritage. My people have fought to keep and preserve our culture and land for hundreds of years, long before Utah became a state. I am a Navajo native of Montezuma Creek Utah, and part of the Aneth chapter. I have read Congressman Rob Bishop's purposed Public Land Initiative and it is nothing more than a deceptive tactic to open up oil and gas interests on our public lands and our sacred historical sites.

We have asked President Obama to protect Utah's Bears Ears region by designating the area as a national monument under the Antiquities Act of 1906. Working in unity as Native Americans our collective proposal includes 1.9 million acres of currently unprotected lands, encompassing more than 100,000 archeological sites. These sites not only possess unique historical and scientific landmarks, but most importantly irreplaceable spiritual and cultural significance. Our land is a vital part of our story; they are our scared places we share with our ancestors. This deep connection cannot be replicated or replaced, and Rep. Bishop's PLI goes too far.

Congressman Bishop's Public Land Initiative blatantly ignores our request to have our culture and heritage protected. The PLI not only seeks to keep Bears Ears from becoming a national park, but it also wants to keep the majority of areas open to oil and gas development, which would negatively impact our environment and change the scenic spiritual value in the worst way. Also, the PLI would appoint a four-person "management commission" to oversee the "conservation area" in and around the archeological, spiritual and unique sites. This management commission would be made up of representatives from Utah's Department of Natural Resources and the San Juan County Commission. The county commission is currently led by Phil Lyman, who was recently sentenced to jail for leading an illegal ATV ride that damaged Native American archaeological sites.

This land belongs to all of the American public; it is our land. We must protect it and say no to Congressman Rob Bishop's Public Land Initiative.

JOHN ROSS

Moab, Utah

THE Durango HERALD

Immerse yourself in Cedar Mesa's wonders this weekend (campaign briefly mentioned)

Durango Herald, March 2, 2016
http://www.durangoherald.com/article/20160302/LIFESTYLE01/160309882/0/SEARCH/Immerse-yourself-in-Cedar-Mesa%E2%80%99s-wonders-this-weekend

You can discover the natural and cultural wonders of southeastern Utah this weekend. The fifth annual Celebrate Cedar Mesa will be held from Friday to Sunday in Bluff.

Organized by Friends of Cedar Mesa, the event will feature service projects, research presentations, discussion groups, tours and educational films about archaeology and natural sciences in the region.

"It's a weekend full of events," said Executive Director Josh Ewing. "It draws in researchers and people who have an appreciation for the cultural and natural resources of Cedar Mesa."

Every year, the event grows, he said, with a record 200 attendees last year, a number organizers expect to exceed this weekend.

"We double the population of Bluff for a weekend," Ewing said.

On Friday, participants can sign up for service projects, including building fences, cleaning up trash, improving trails and installing educational signs.

The film "The River of Sorrows" about the Dolores River will play Friday night. Representatives from Dolores River Boating Advocates will be at the screening for a question-and-answer session.

If you can't make it to Bluff on Friday, don't worry. Saturday offers a full day of activities to enjoy. The main gathering, featuring presentations, slideshows and research updates, will be held at the Bluff Community Center.

Speakers will include Lance Porter, district manager for the Bureau of Land Management's Canyon Country District; Vaughn Hadenfeldt of Friends of Cedar Mesa; and Billy Shott, acting superintendent at Glen Canyon National Recreation Area.

Photographer RE Burrillo will present "The Lens of History: Documenting Impacts to Archaeological Sites on Cedar Mesa."

There will be updates about a campaign to have Cedar Mesa designated as the Bears Ears National Monument. A panel of Native American speakers will give its perspective on the proposal.

Author Craig Childs will moderate a panel about responsible recreation. Panel participants will include guides from Deer Hill Expeditions, Wild Rivers/4Corners Adventures, the Access Fund and Sam Mix of Osprey Packs.

"One of the campaigns we will be rolling out is 'Visiting with Respect,' an important message to leave artifacts where they are so they can be enjoyed by the next generation," Ewing said.

Kay Shumway will give a presentation about the historic Shumway Cabin in Recapture Canyon. Jonathan Till of Edge of the Cedars Museum will discuss Chacoan roads, their meaning and social tradition.

Other presentations will target the Cedar Mesa Perishables Project, wild plants, the history of the mesa and a study about structural wood sites.

Saturday night, there will be a chili potluck dinner and an after-party at Rusticks Gallery with live music by Durango band Running Out of Road.

Free guided hikes and workshops will be held Sunday.

Roll Call

Public Lands Battle Escalates in Utah

Roll Call, Washington DC, Feb. 29, 2016, 8:38 p.m.

As President Barack Obama considers expanding on his already record-breaking use of the Antiquities Act to protect federal lands as national monuments, pushback is coming from states such as Utah, where the latest battle is unfolding.

Since his election, Obama has designated or enlarged 22 national monuments, setting aside 4 million acres of land and adding 261.3 million acres of water and reefs in the Pacific Ocean near Hawaii for preservation under the Antiquities Act. The vast acreage being preserved in the Pacific puts Obama at the top of the list of presidents in terms of conservation, and he is pushing to do more.

But those efforts could be stalled by a fight over a request from Native American tribes and environmental groups to designate 1.9 million acres of federal land in southern Utah as the Bears Ears National Monument. The lands on sweeping plateaus east of the Colorado River are filled with ancient artifacts, burial grounds and sites considered sacred by the Navajos and other tribes, and they include scenic areas managed by three federal agencies, including the National Park Service.

Under the Antiquities Act, the president has the power to authorize the preservation of federal land that holds historic, scientific and/or archeological interest. Once designated, the land would be off limits to new development such as gas and oil exploration and grazing allotments, although existing leases would continue.

"Obama has an incredible opportunity before him with the Utah proposal," said Sharon Buccino, director for the Natural Resources Defense Council's Land and Wildlife program. The decision has the ability to "make or break" Obama's conservationist legacy, Buccino says, mainly because it would protect so many acres.

Republicans in the Utah congressional delegation, led by Reps. Rob Bishop and Jason Chaffetz, firmly oppose the Bears Ears proposal, still under Interior Department review.

"We believe the wisest land-use decisions are made with community involvement and local support," the lawmakers wrote in a Feb. 12 letter to Obama. "Use of the Antiquities Act within [Utah] will be met with fierce local opposition and will further polarize federal land-use discussions for years, if not decades."

Bishop and Chaffetz are proposing legislation they say would be an alternative to a monument designation, with some of the federal lands set aside for conservation, some for recreation and others for economic development, according to their discussion draft.

Much of the distrust of the national monument designation process in Utah stems from 20 years ago when the Clinton administration set aside 2 million acres as the Grand Staircase-Escalante National Monument despite state and local opposition. Since then, opposition has been building to the federal government's land

policy decisions, which affect about two-thirds of Utah's land area.

In 2012, Republican Gov. Gary Herbert signed legislation that would require the United States to transfer all federal lands to the state for management, excluding five national parks and 33 designated wilderness areas.

The law set a 2014 deadline for the transfer, and the state has already begun to look into legal action to enforce it.

"Gov. Herbert believes that the state of Utah has three paths forward on this issue: negotiation, legislation, and litigation," the governor's spokesman, Jon Cox, said in an email

"He would prefer a legislative resolution to the many public lands issues Utah faces, but unfortunately that isn't always possible," Cox said. "The state of Utah is actively pursuing several of these cases in court right now and reserves the right to pursue additional legal recourse in the future."

Since the beginning of last year, 14 states, mainly in the West, have either passed or introduced legislation to support the transfer of federal land to the states for management, according to a January analysis by the National Conference of State Legislatures.

"The biggest benefit the states are exploring is the economic benefit from land transfer, and whether administration costs make it worthwhile," said NCSL policy specialist Mindy Bridges. "Another trend within the legislation is it would be more geared toward Bureau of Land Management land, specifically not including congressionally delegated land," such as national parks and wilderness preserves.

The Public Lands Council, which represents ranchers and businesses that depend on federal land, has no problem with federal protection of tribal lands, said the group's executive director, Ethan Lane. But when it ties together millions of acres to protect the same site, it effectively shuts down economic development on lands peripheral to the monuments, he said.

"If you protect millions of acres of land, what does that do to the communities and local business that depend on the federal land? It kills them," Lane said.

As for the Bears Ears proposal, the Interior Department said there would be an extensive public comment period before any decision is made.

Celebrate Cedar Mesa event in Bluff

Three-day gathering features archaeology agenda

By Jim Mimiaga Journal staff writer

Article Last Updated: Monday, February 29, 2016 8:06am

John Peel/Durango Herald ¬ From Beef Basin, an area being considered for federal protection under one alternative being considered by San Juan County, one can see the canyons above the Colorado River and Lake Powell.

Discover the natural and cultural wonders of southeast Utah during the Celebrate Cedar Mesa event in Bluff, Utah, on March 4-6.

The fifth annual event organized by Friends of Cedar Mesa features three days of service projects, research presentations, discussion groups, tours, and educational films on archeology and natural sciences in the region.

Osprey Packs, of Cortez, is a main sponsor.

"It's a weekend full of events," said executive director Josh Ewing. "It draws in researchers and people who have an appreciation for the cultural and natural resources of Cedar Mesa."

Every year the event grows, he said, with a record 200 attendees last year, a number they expect to exceed this year.

"We double the population of Bluff for a weekend," Ewing said.

On Friday, participants can sign up for service projects, building fence, cleaning up trash, improving trails , and installing educational signs. Friday night, the film River of Sorrows will play.

Saturday is the main gathering with presentations, slideshows and research updates at the Bluff Community Center.

Some of the speakers include Lance Porter, District Manager Canyon Country District; Vaughn Hadenfeldt, of Friends of Cedar Mesa; and Billy Shott, Glen Canyon Acting Superintendent.

Photographer RE Burrillo will present "The Lens of History: Documenting Impacts to Archaeological Sites on Cedar Mesa.

There will be updates on a campaign to have Cedar Mesa designated as the Bears Ears national monument. A Native American panel will give their perspective on the proposal.

Author Greg Child will moderate a panel on responsible recreation. Panel participants include Deer Hill guides, Wild Rivers/4Corners Adventures, Access Fund, and Sam Mix of Osprey Packs.

"One of the campaigns we will be rolling out is Visiting with Respect, an important message to leave artifacts where they are so they can be enjoyed by the next generation," Ewing said.

Kay Shumway will give a presentation on the historic Shumway Cabin in Recapture Canyon. Jonathan Till, of Edge of the Cedars museum, will discuss Chacoan Roads, their meaning and social tradition.

Other presentations include the Cedar Mesa Perishables Project, wild plants, history of Cedar Mesa History, and a study on structural wood sites.

Saturday night there will be a chili potluck dinner, and an after party at Rusticks Gallery with live music by Durango band Running Out of Road. Sunday includes free guided hikes and workshops.

Deseret News

My view: Once it's gone, it's gone forever

By Barbara Wise

For the Deseret News

Published: Monday, Feb. 29 2016 12:00 a.m. MST

The draft public lands Initiative is no bargain and is not the product of a fair and inclusive process of negotiation and compromise.

No longer am I able to enjoy walking out in the middle of nowhere with nothing but vastness and tranquility to feed my soul. I have multiple sclerosis (MS) now and am limited in what I can physically do. But this does not deter my love and support of wilderness. Rather it deepens my appreciation for Utah's wild lands and desire to see wild places protected in perpetuity.

The anti-wilderness crowd often tries to argue that wilderness is a bad thing because wilderness is by definition "roadless" and the construction of new roads is prohibited. In other words, people can't drive their ATVs into it.

But the reality in Utah is that there is plenty of room for both landscape-size wilderness areas and designated ATV routes. Even if all the remaining wild lands in Utah were formally protected as designated wilderness, there would still be thousands of miles of dirt routes for ATVs.

But as someone with MS, I can testify firsthand that people of all abilities are comforted simply by knowing the stunning beauty of southern Utah's wild places endures. I don't need to reach every corner to experience the value of wilderness. As Wallace Stegner so poignantly wrote more than 50 years ago, "even if we never do more than drive to its edge and look in … it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope."

I was heartened when Rep. Rob Bishop began an effort to resolve public lands issues in eastern Utah through a "grand bargain." I liked the idea that negotiation and compromise among the counties and conservationists could provide a reasonable way to resolve conflicting interests.

But the draft Public Lands Initiative is no bargain and is not the product of a fair and inclusive process of negotiation and compromise. Rather, it is essentially a wish list from the rural county commissions in eastern Utah — counties that represent only a tiny fraction of Utah's total population.

The draft PLI designates more land as fossil fuel development zones (where oil, gas, tar sands and oil shale are prioritized over all other uses) than it designates as wilderness. This will not only destroy unspoiled wild lands, but also fuel climate change. This is outrageous, especially at a time when as a world community we have vowed to make the changes necessary to prevent the destructive havoc of global warming.

The draft PLI fails to protect some of our most spectacular wild places. This includes the Bears Ears region, which Native American tribes are asking President Obama to protect as a national monument. Huge

parts of the Bears Ears landscape are included in the fossil fuel development zones, such as the amazing labyrinth of canyons called White Canyon, even though they are laden with archaeological sites.

And roads? The draft bill gives them away like Halloween candy. The counties would receive highway "rights-of-way' for thousands of miles of now-disputed routes, many of which cross wildlands deserving of protection.

If the draft Public Lands Initiative becomes reality, our entire state will be transformed. Whether you are able-bodied and love to camp and hike in wild places, or not able-bodied and cherish the chance simply to drive to the edge and look in, you will lose something you love that can never be replaced. As someone with MS, I know what it is to face loss. But the loss of our wild places due to this terrible piece of legislation is not a loss any of us should tolerate.

Barbara Wise grew up in a small mining town in southwest Colorado where the environmental impact of extraction is visible. She currently lives in Salt Lake City.

Rep. Bishop Asks White House Official About a National Monument

28 February 2016. UtahPolicy.com (blog)

As Chairman of the House Committee on Natural Resources, Rep. Rob Bishop (UT-01) questioned the White House's Managing Director of the Council on Environmental Quality, Christy Goldfuss.

During the hearing of the Subcommittee on Oversight and Investigations, Rep. Bishop asked Ms. Goldfuss if her office was, "actively working on a national monument proposal for Bears Ears in San Juan County."

As an employee of President Obama's administration, Ms. Goldfuss said she couldn't talk about a National Monument.(Video of exchange is available HERE.)

The Salt Lake Tribune

Op-ed: Herbert is wrong about Bears Ears monument, and it's not just Navajos who know it

By Herman Daniels Jr.

First Published Feb 27 2016 03:09PM Salt Lake Trubune

Gov. Gary Herbert recently delivered a letter to President Obama urging him to refrain from designating a new national monument in the state.

The governor raised the specter of the controversial Grand Staircase-Escalante National Monument designated under the Clinton administration and warned that "history shows this sort of action will only exacerbate an already tense situation and will further perpetuate the longstanding public lands conflict."

In so doing, Herbert chose to conveniently ignore longstanding efforts by Native Americans, including Utah Navajos, to protect the Bears Ears.

Herbert's assessment of the repercussions of a possible Bears Ears National Monument is both biased and inaccurate. While national monuments do impact local communities, studies and experience show that most monuments spur economic growth, create jobs for locals and are a positive addition to communities. A Bears Ears National Monument would benefit local Native and non-Native American residents of San Juan County financially and practically, to say nothing of the natural and cultural resources it would protect. Additionally, the Bears Ears landscape is deserving of attention for the immense role it plays in the social, cultural and spiritual lives of Native American people in the region.

The Bears Ears Inter-Tribal Coalition — a partnership of Zuni, Navajo, Hopi, Uintah and Ouray Ute and Ute Mountain Ute Tribes — is seeking national monument status to protect the natural and cultural resources of the Bears Ears, including cliff dwellings, rock art and the gravesites of our ancestors, for generations of Americans to come. The Public Lands Initiative, unfortunately, fails to satisfactorily protect the region and does not respect Native American connections to the Bears Ears. Rather than including meaningful input from tribes, the PLI process has, on the whole, actively excluded the valuable opinions of Native Americans whose ancestral ties to this land date back thousands of years.

Despite false statements that seek to minimize the strong popular support for a Bears Ears National Monument, as a Navajo Nation council delegate who represents Utah Navajos, I know that we are not divided. The other tribes represented in the coalition are also firm in their support.

While a small handful of local Utahns oppose a national monument designation, we cannot ignore the large majority that supports one.

The Bears Ears region is already public land, and it should remain public for all Utahns and Americans to enjoy. This is a people's movement at its heart. The goal is to heal the land and people, to mend rifts between all, not to divide.

Presidential use of the 1906 Antiquities Act has been criticized for a century, primarily by those who wish to develop public lands instead of protect them. However, throughout the past century challenges have failed. The reality is that the Antiquities Act is an invaluable tool in the protection of public lands for the future.

These "longstanding public lands conflicts" are nothing new, and should not discourage the president from designating Bears Ears — the country's most significant unprotected cultural landscape — a national monument.

Herbert's views do not represent the majority of Utah's Navajos, who overwhelmingly support a Bears Ears National Monument. And with two out of three Utahns supporting permanent protection of a Bears Ears National Monument, according to the 2016 State of the Rockies poll, it seems the governor is out of touch with what most Utahns want, too.

Herman Daniels Jr. is a Navajo Nation Council Delegate representing Shonto, Naa'tsis'Áán, Oljato and Ts'ah Bii Kin.

indianz.com
your internet resource

Navajo Nation wins decision over voting districts in Utah county

Friday, February 26, 2016

Indainz.com

The Navajo Nation has won a major decision in a voting rights case in Utah.

When the lawsuit was filed in 2012, Native Americans represented 50.4 percent of the population in San Juan County, according to the U.S. Census Bureau. Yet Native voters were packed into one district, preventing them from asserting greater influence in a county where they are essentially the majority.

Recognizing the disparity, Judge Robert J. Shelby ordered the county to draw a new map for its districts. The decision was a complete victory for the tribe and the tribal members who served as plaintiffs.

"Because Navajo Nation has successfully shown that the county had race-based motives in maintaining the boundaries of District Three, and the county has failed to show that its plan for District Three was in pursuit of a compelling government interest, the court concludes that District Three is unconstitutional under the Equal Protection Clause and the boundary lines for the San Juan County Commission Districts must be redrawn," Shelby wrote in the 33-page ruling.

According to the decision, Native Americans represent 92.81 percent of the population in District Three. Although some Native Americans live in District One and District Two, they are outnumbered by non-Natives.

As a result, while Native voters in District Three have consistently elected a Native candidate since 1986, voters in District One and District Two have "invariably returned a white commissioner," Shelby noted.

The Native population in the county fell to 46.6 percent in 2014, according to the Census Bureau. But redrawing the county map could still increase Native representation on the commission, whose chairman, Phil Lyman, is a non-Native who has who has been convicted of leading an illegal ATV ride through Recapture Canyon, an area that's home to ancestral tribal villages and archaeological resources.

Lyman was sentenced to 10 days in jail and three years probation, The Deseret News reported in December. Incidentally, the illegal ride was promoted by the Bundy family and Ryan Bundy, who has been indicted with an illegal occupation of a federal wildlife refuge in Oregon, participated in the May 2014 incident.

The other two commissioners are Rebecca Benally, a member of the Navajo Nation, and Bruce Adams, who is non-Native.

The commission's non-Native majority has been cited as one of the reasons why Republican lawmakers in Congress won't support the proposed Bears Ears National Monument. Both Lyman and Adams are Republicans but an overwhelming majority of voters in the county , have supported protections for the land. Benally also has

voted in support of protections when the issue has come before the commission.

"Some officials are misinforming the public by stating that the proposal is not supported at the local level and this could not be further from the truth," Navajo Nation Council Delegate Herman Daniels, Jr., said last October. Daniels and his colleagues also note that six of the seven Navajo chapters in Utah support the monument designation.

The Navajo Nation was represented by the Navajo Nation Department of Justice and outside attorneys in the voting rights case.

Navajo Attorney General Ethel Branch credited the Navajo Nation Human Rights Commission and its executive director, Leonard Gorman, with helping push the issue to the forefront.

"The leadership of Leonard Gorman and the Navajo Nation Human Rights Commission was critical in initiating and pursuing this claim to ensure the fair and equal treatment of the Navajo residents of San Juan County, Branch said in a press release. "Their work should be commended."

The Times-Independent
Moab, Utah Est. 1896

Tribes – and majority of Utahns – want Bears Ears monument...

Letter to the Editor - Moab Times Independent 2-25-16

It's outrageous that Lynn Jackson claims out of state tribes are pushing "local" (San Juan County) tribes to adopt the Bear's Ears, saying that he knows they do not REALLY want a monument because they are too ignorant to know what monument designation means, while he does ("My View: Draft PLI really is about compromise, balance..."Feb. 11 edition of The Times-Independent).

How pompous — and overtly racist.

The principal tribes wanting the designation are local as it gets, far more than Jackson and his Bureau of Land Management administrator credentials. "White Mesa Utes" originated in Allen Canyon (Avikan) on the south side of the Abajos in view of the Bear's Ears in the heart of the monument proposal. They are the only tribe that has land inside the proposed monument.

The Times could have a field day with this, as many of the tribal representatives have been quite outspoken in their support of the monument and direct and specific in their criticism of the process Lynn calls "balanced," particularly the Maryboys (Diné in San Juan County) and Regina Lopez-Whiteskunk (a Ute). The Utah Diné Bikéyah and their chairman, Willie Grayeyes, have been vocal in their support of the monument, and frustration with the charade Bishop and Chaffetz have promulgated with the Public Lands Initiative.

How about local white people? I'm one of few people who have actually worked most of my adult life in the proposed monument, on the mountain and in the canyons, calling Elk Ridge my true home since 1979, fighting illegal grazing, old growth logging, and ORV and oil and gas encroachment.

Sixty-six percent of Utahns want the monument, according to a January poll by Colorado College.

So who is it Jackson feels is "extremist?" Apparently, we're the majority!

—Danny Kent

Moab

Indian Country
TODAY MEDIA NETWORK

Preservation Is a Civil Rights Issue

Jonathan Bailey Indian Country Today Media Network

2/25/16

When it comes to treating Native peoples and their ancestral lands with respect, some politicians and outdoor enthusiasts seem to have a double standard. When ISIS ravages the antiquities in the Middle East, it is a deplorable show of terrorism, when your neighbors, politicians, decision-makers, and even individuals you consider as friends and family are vandalizing, developing, and otherwise destroying the antiquities and heritage of Native American peoples, it is declared as progress.

We have politicians and decision-makers who believe that Native American heritage is not worthy of preservation. Utah congressman Rob Bishop is quoted saying that Native American sites, specifically in reference to prehistoric paintings and carvings, are "not antiquities." Utah also intends to spend fourteen million tax dollars on a conquest to eliminate federal management from Utah public lands—a move that Utah can only afford if thousands upon thousands of sacred Native American sites are bought, sold, and developed in favor of corporate and private interests.

Bottom line: we can start by listening to the many tribes who have allied to protect a region in southern Utah, known as the Bears Ears, as a National Monument. The 1.9 million acre proposal would provide better federal protections to a valued cultural landscape that would be otherwise vandalized, looted, and prospected for development.

We can continue by paving access for Native peoples to become a part of the political process by reforming a voting system that impedes many from voting. We must also become more inclusive to Native peoples with land management decisions, including full observance of the "good faith efforts" required by Section 106 of the National Historic Preservation act, to identify cultural sites and mitigate damages from undertakings on Bureau of Land Management land. We can also repair a land management system that has not grown up with the cumulative impacts of social media, illegal off-road trail pioneering, and the disclosure of sensitive locations. We should also no longer allow lease proposals to be recycled when they were pulled in favor of Native American heritage.

Another blatant disregard for Native American heritage comes in the form of the Public Lands Initiative (or PLI), working almost exclusively in favor of corporations and poorly managed off-road access. In short, the PLI would open loopholes within all special management designations therein, allowing for any and all protections to be significantly diminished. Furthermore, the bill would allocate all BLM lands within six counties, which is not currently protected or protected within the PLI, as open for energy development. The bill also blatantly acts against the 25 tribes requesting sacred lands to be preserved as the Bears Ears National Monument. Within the PLI, the tribes' proposal would be cut by nearly 800,000

acres, downgraded to a National Conservation Area, and would weaken the idea of cooperative management by relegating the Native American voice down to two "management advisors."

The bill also transfers massive amounts of BLM land into state management, including 156,000 acres of the culturally-rich San Rafael Swell. Considering that the state of Utah has historically unfavorable responses to cultural resources and a record which heavily favors development at any cost, land swapping in Utah's favor is, in essence, judicial murder to these fragile cultural environments. Finally, the bill encourages an increase in off-road vehicle use in landscapes where sensitive cultural resources are in danger of or currently being destroyed by trail pioneering. Many of these trails actively drive upon or access sacred sites, fracturing artifacts, increasing vandalism, and, at times, dismembering human burials.

We, as a people, must strive for better. Although preserving the treasured vestiges and landscapes of the ancestors to Native peoples is a blatant civil rights issue, these places also overwhelmingly inhabit public lands where it is each and every U.S. citizen's duty and opportunity to respect, treasure, and protect the past for the very same rights of their children and grandchildren.

Jonathan Bailey is an artist devoted to the protection and long-term preservation of cultural resources and the landscapes that enclose them. His work can be found in his latest book: "Rock Art: A Vision of a Vanishing Cultural Landscape" with essays by Lawrence Baca, Greg Child, Andrew Gulliford, James Keyser, William Lipe, Lawrence Loendorf, Lorran Meares, Scott Thybony, and Paul Tosa or via his website or Instagram.

Deseret News

Op-ed: My view: Bears Ears and public lands

From Chris Frazer

Deseret News, **Feb. 24, 2016**

http://www.deseretnews.com/article/865648204/My-view-Bears-Ears-and-public-lands.html

Let me take you on a trip to San Juan County in southeastern Utah in the region proposed for the Bears Ears National Monument. You can stop your car almost anywhere, walk into the canyons, step over sagebrush, and duck under juniper tree branches. You can breathe in the antiquity.

I like this description. It's adapted from a travel column published in the Salt Lake Tribune nearly 70 years ago (May 16, 1948). The reporter, C.R. Sundwall, beckoned the reader to this part of southern Utah, which he found aloof to time, untrammeled, and storied by indigenous people. This was a region of distinct beauty, serenity and honor.

But wait. The next sentences in Sundwall's article are every bit as descriptive, but not for the good of the people or the land and, maybe, defensible in retrospect of the time.

Sundwall invited readers to "knock on the door to the nearest log home." There, he writes, "you can witness the ancient culture of the Indians personified in personal belongings scrounged from the lands." These "unbroken vases, pots other objects made by the Indians" have been "exhumed from ancient homes or from the burying ground of the Indians who roamed the land at the time of the cliff dweller, about 1200 AD."

Articles about San Juan County, published over the next decade, segue from the valuable items stolen from on the land — or close to its surface — to gouging the land for what lies below. The business page of the Ogden Standard-Examiner (June 26, 1953) reported that more than 125,000 acres of land in Southeastern Utah were leased within 10 days of a "blow-out" in a gas well drilled in the Bears Ears area of San Juan County. Four years later, Sinclair Oil & Gas Co. drilled a 4,300-foot Mississippian formation wildcat in this exact same area. A portion of the land was acquired from Salt Lake oilmen.

Looting and gas, oil and mineral exploration are not confined to the past. These were not signs for the time.

You would think that sensible reasonable people know that it's wrong to loot and rob. Yet, people continue to plunder the vases, pots and other objects from the Bears Ears region for selfish, personal gain. It's kind of like the actions of the thief who broke into my mother's house after my father had died and scrounged through her dresser, stealing items she had set aside in his memory. WWII medals, his favorite watch, and Catholic Rosary given to him by his own mother were connections from his life that she cherished.

You would think that oil and gas developers would be mindful of areas rich in cultural, historical and aesthetic value. OK, so I'm naive. Currently in San Juan County, there are 23 oil and gas producing operators on 524 currently producing wells on file. In 2014, oil production was at its highest since 1985 (40,911,258 BBL and 41,079,871

BBL, respectively). Oil and gas companies are pushing for new leases in the Bears Ears region, particularly on Cedar Mesa and Tank Mesa.

So, here we have a history in the Bears Ears region of San Juan County marked by looting native artifacts and increasing oil and gas exploration in fragile surroundings.

We are also at a time in history when we have a chance to learn from past misuse; we have a chance to preserve into perpetuity the canyons, surrounding sage and tree sprinkled lands and to keep the remaining artifacts where they belong and with whom they belong.

The Bears Ears National Monument proposed by a coalition of five tribes would protect 1.9 million acres of unprotected land, 100,000 archeological sites and 18 wilderness study areas and inventoried roadless areas. We have a chance to make good to a people and a land.

Well, let me take you on a trip to San Juan County in southeastern Utah. It's a beautiful place. It's a culturally cherished place. Let us not surrender to the "melancholy feeling" that possessed Weber County engineer J.C. Brown, when in 1923, he stood and viewed caves in the ledges along a canyon, realizing that this spectacular land and these remnants of ancient people could be doomed by the failure to protect them. We can't let that happen. National monument status is clearly the direction to travel.

Chris Fraizer is the managing editor of a magazine published locally for an international audience of public safety dispatchers and calltakers.

ALBUQUERQUE JOURNAL

Bears Ears should be a national monument

Letter to the Editor: Albuquerque Journal, Published: Tuesday, February 23rd, 2016

I'D LIKE TO add a fervent second to Kevin Washburn's op-ed in the Journal of Feb. 7 on Cedar Mesa and Bears Ears in San Juan County, Utah.

As an archeologist, but perhaps more importantly as someone who grew up in Utah – a descendant of people who came to Utah with one of the handcart companies of 1860 and many later immigrants – I can attest not only to the magnificent beauty of the land but also to the importance of the ancient lifeways represented there.

This is perhaps one of the last areas in the entire world that is large enough to reveal not only an occasional isolated structure but also many of the details of prehistoric and historic life. Tiny villages next to fields and gardens are scattered over the landscape. Little granaries are perched high in seemingly unscalable rock faces. Panels of figures pecked into canyon walls represent stories and legends we will probably never understand, but here it is possible to comprehend the rough outlines of entire prehistoric and historic cultural systems.

Three years ago, a group of Utah citizens and many others, including Indian tribes in Utah, New Mexico and Colorado, approached Utah Rep. Rob Bishop, chairman of the House Natural Resources Committee, and Rep. Jason Chaffetz, about a way to conserve both the beauty and the archeological sites. This they agreed to do. A recent poll that found 66 percent of Utahns support the effort to make Bears Ears a national monument may have encouraged them.

However, the Public Lands Initiative released on Jan. 20, which purported to do this, has instead done the opposite and constitutes a plan that would result in a giveaway to those who would plunder both the natural and cultural resources. What seemed to offer a hopeful resolution of opposing values is instead a sad disappointment.

We can only hope that President Obama will rectify the impending tragedy by using the 1906 Antiquities Act to declare Bears Ears a national monument. I intend to urge President Obama to do this and hope that others will too.

CAROL J. CONDIE

Albuquerque

The Salt Lake Tribune

Utah guv raises national monument concerns at White House meeting

By THOMAS BURR | The Salt Lake Tribune

First Published 2/22/16

Washington • Utah Gov. Gary Herbert delivered a letter to President Barack Obama on Monday, urging him not to take unilateral action to name a new national monument in the state and noted in public remarks with the president the controversy caused by the 1996 designation of the Grand Staircase-Escalante National Monument.

After praising Interior Secretary Sally Jewell for working to reopen Utah's national parks during the 2013 government shutdown, Herbert said that hasn't always been the case in dealing with Washington.

"I do harken back to a failure, maybe an epic failure of lack of communication on a previous administration where a national monument was designated in Utah — larger than the state of Delaware, two and a half times larger than Rhode Island," Herbert told the president in front of most of the nation's governors.

"At any rate, the problem was that [then-]Gov. Mike Leavitt found out about that designation by reading The Washington Post," Herbert said. "That was the other side of the coin of not-good communication."

President Bill Clinton named the Grand Staircase monument at a news conference in Arizona, setting aside 1.9 million acres of public land in the middle of a general election. The move infuriated Utah leaders.

Herbert didn't directly ask Obama to promise not to name a new monument in Utah — he said later it wasn't the right place — but he did hand the president a letter that asks Obama to "refrain" from using the Antiquities Act to protect more public lands.

"History shows this sort of action will only exacerbate an already tense situation and will further perpetuate the longstanding public lands conflict," Herbert wrote in the letter. "Any unilateral action could set back progress, perhaps for decades."

A group of American Indian tribes has asked Obama to name the Bears Ears National Monument in southeastern Utah to preserve nearly 2 million acres containing historic and cultural areas. Obama has said he will name more monuments, but he has not said where.

Herbert said outside the White House that he spoke privately with the president about the letter and planned to follow up at a different time. The governor said he would raise it with Vice President Joe Biden when he visits Salt Lake City on Friday, but Herbert added that trying to exact a pledge in front of the news media and governors wasn't the appropriate setting.

"One, you don't have time," Herbert said in an interview. "You can't reduce a 30-40 minute discussion to just a one- or two-minute question. All that does is put people on the defensive."

Herbert is chairman of the National Governors Association and led the group's

conference in Washington over the weekend. He also offered a toast — as a self-described "teetotaler Mormon from Utah" — to the president during a black-tie dinner at the White House on Sunday.

Obama thanked Herbert and Virginia Gov. Terry McAuliffe, the NGA's vice chairman, for their work on behalf of their fellow governors and constituents.

"They're both doing outstanding jobs in their respective states," Obama said.

On Monday, Herbert joined McAuliffe and White House press secretary Josh Earnest for the regular press corps briefing and fielded a variety of questions on guns, refugees and transportation funding.

Standing behind the White House podium, Herbert said that he supported background checks for gun purchases and stressed ensuring mental-health databases are updated. And he said that states should be given transportation money that isn't filtered through the federal government.

A few minutes after the briefing, Herbert emerged from the West Wing grinning. He said it was a fun experience facing the White House press corps but also a little nerve-wracking.

"You see it on television, and you think, 'Well it should be easy,'" Herbert said. "But then you have to do it and you find out it is humbling and it's certainly intimidating to see all of those reporters and all the cameras going and thinking, 'Gee, I hope I said it the right way.'"

Deseret News

Bishop's PLI gives away public lands that belong to all Americans

By Mitch Hescox

By George Handley

Deseret News

Published: Sunday, Feb. 21 2016 12:00 a.m. MST

The PLI is motivated by the almost religious fervor for state's rights that has seized the West. There are certainly good reasons to distrust the federal government, but there is danger too in such categorical trust in the virtues of local control.

Congressman Rob Bishop's long-awaited Public Lands Initiative is especially disappointing to those who share increasing concern about our failure to take proper care of God's creation. It's not hard to look across the magnificent landscapes of Utah and feel awestruck by what God has given us and feel a desire to conserve the land's health and beauty as good stewards. These lands should remain safe in the public trust for future generations.

Such a guarantee, unfortunately, is not part of Congressman Bishop's plan. The PLI was advertised as a partnership, a collaborative, good-faith process to provide long-term certainty for the protection and balanced use of Utah's most precious resource — our bountiful lands. However, the PLI favors fossil fuel interests over all the other stakeholders involved. Five Native American tribes realized this before the rest of us when they left the "collaborative" process in disgust in December.

We have seen more criticism than praise of the proposal from such reputable conservation organizations such as the Grand Canyon Trust, the Center for Western Priorities, Conservatives for Responsible Stewardship (CRS), Backcountry Hunters & Anglers and others. Bishop conveniently dismisses them as the criticisms of "extremists." Stewardship, we believe, involves helping human well-being but in the broadest sense: working for our material and spiritual health and assisting present and future generations. Extraction for short-term gain at the cost of our health and the health of the earth is no "grand bargain."

The PLI is motivated by the almost religious fervor for state's rights that has seized the West. There are certainly good reasons to distrust the federal government, but there is danger too in such categorical trust in the virtues of local control. How can we trust advocates for private and state interests to live up to the high demands of our responsibilities for creation care when they so consistently ignore science or contradict the basic principles of ecological health? The proposed expediting of oil and gas leasing processes would prevent even the most minimal review of environmental impacts or potential destruction of irreplaceable cultural, historic or natural resources. Even in some areas designated as "recreation zones," the PLI promotes disruptive mineral and energy development.

While Congressman Bishop says he is balancing these reckless development plans with a portion of the bill dedicated to "conservation," these are designations in name only. The congressman's definitions of "wilderness," "national conservation areas" and "national monuments" make unprecedented changes to these protections, allowing grazing to continue in perpetuity and allowing industrial development right up to the edges of "protected" areas, like the Bush administration's effort to open drilling adjacent to Arches National Park.

"Wilderness Study Areas" are given up for development; according to Congressman Bishop, their virtues have been studied enough. The PLI undermines the integrity of important laws like the Wilderness Act that provide the highest levels of protection to our most treasured places.

In addition to its conservation shortcomings, Congressman Bishop's proposal deserves special criticism for its determination to give away public lands that belong to all Americans. While the PLI wants to give away hundreds of miles of trails and footpaths and tens of thousands of acres of national public lands to the development interests of the state of Utah, this is neither the wish of the majority of Utahns nor of Americans. These lands should be protected so that all who visit — from both inside and outside of Utah — can experience the beauty of God's creation.

Let Utahns keep sharing the wonder and awe of creation with future generations and with all Americans. Scrap this bill and come up with a plan that takes seriously our responsibility to reduce our impact on the planet and that values Utah's lands for their spiritual and not merely their extractive value.

We need a plan that answers the call to be stewards of God's gifts. Congressman Bishop's PLI is not that plan.

Mitch Hescox is president of the Evangelical Environmental Network and George Handley is author of the memoir, "Home Waters," and a board member of LDS Earth Stewardship.

Deseret News

History shows century of angst over new national parks

By Amy Joi O'Donoghue, Deseret News

Published: Sunday, Feb. 21 2016 4:10 p.m. MST

The Center for Western Priorities is pushing the creation of new national monuments in Utah and Arizona. In a new report, they highlight a history of what they say is the unproven angst over creation of places like Grand Canyon National Park.

SALT LAKE CITY — A group pushing for the establishment of new national monuments in Utah and Arizona released a report detailing a century of political opposition and angst to iconic parks like the Grand Canyon, the Redwoods and even Utah's own Canyonlands.

"The Wrong Side of History: 100 Years of Opposition to Our Nation's Natural Treasures" is a pictorial slideshow or PDF featuring quotes by those opposed, at the time, to protections afforded to multiple national parks.

It was compiled by the Center for Western Priorities after President Barack Obama established three new national monuments in California on Feb. 12 and Rep. Rob Bishop, R-Utah, reacted angrily, decrying the move as another usurp of local sentiments and control.

"Chairman Bishop is carrying on a proud tradition of anti-park naysayers that dates back to the founding of our first national parks, when critics warned that protecting the Grand Canyon from mining was a 'fiendish and diabolical scheme,'" said Greg Zimmerman, policy director for the Center for Western Priorities, which describes itself as a nonpartisan conservation and advocacy organization.

"As history has proven time and again, our newest national monuments will be good for California's economy, good for local communities and good for future generations," Zimmerman said.

The report notes that groups of trappers and other sportsmen were opposed to the creation of Yellowstone National Monument and notes that a Seattle tax commissioner said it would be foolhardy to tie up resources with the creation of Olympia National Park.

An Alaskan newspaper editorialized against designating Glacier Bay as a national monument in the 1920s, asserting: "This (designation) is a monstrous crime against development and advancement. It leads one to wonder if Washington has gone crazy catering to conservation faddists."

The report also quotes Ronald Reagan when he was the Republican Party's gubernatorial nominee for California, saying: "A tree is a tree. How many more do you need to look at?" in response to political pressure for a Redwood National Park designation.

In each of the segments on the parks, the report points out the number of park visitors, the jobs it supports and the amount of money it generates for the economy, from Redwood's $33 million to Glacier Bay's $160 million.

With Utah's Canyonlands, the report quotes Sen. Wallace F. Bennett, who in 1962 said,

"All commercial use and business activity would be forever banned and nearly all of southern Utah's growth would be forever stunted."

The report notes that more than a half-million people visit the park, injecting $37 million into the economy.

The center is using the report to renew its call for the creation of the Bears Ears National Monument in Utah and the Greater Grand Canyon National Monument in Arizona. The monument designation in Arizona would make permanent a ban on uranium mining around the existing park and institute prohibitions against other industrial development.

In Utah, an intertribal coalition has called for monument protection of nearly 2 million acres in San Juan County to protect an area called Bears Ears they say is rich with cultural artifacts.

Although Bishop and Rep. Jason Chafftez, R-Utah, have unveiled draft legislation that would set up a National Conservation Area for Bears Ears, the coalition said those protections don't go far enough.

County leaders have come out adamantly opposed to any more monuments in their neighborhood, pointing to San Juan County's private land ownership of just 8 percent. The rest is controlled by either the federal government or the state.

THE HILL

Senate blocks poorly disguised assault on Native American heritage

The Hill, February 19, 2016
Carleton R. Bowekaty, *councilman for the Pueblo of Zuni*

There is great enthusiasm in Indian Country for the preservation of our living cultures, the celebration of our history and the protection of our sacred sites. For more than a century, several Native American sites have been thoughtfully protected by Congress and presidents of both parties. Yet areas of great importance to our people still remain unprotected. This is why an unprecedented partnership of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute, and Zuni tribal governments has formed to honor, protect and preserve our heritage. The first such tribally led proposal, for a Bears Ears National Monument in Southeast Utah, reflects the shared history and deep connection our people have with these public lands.

While the response to our proposal in Native American circles, and with the public in Utah, has been heartening, some in Congress have resorted to centuries-old tactics to divide Native people – disingenuously pitting one tribal group against the other. The latest such attempt played out in the U.S. Senate recently where Sen. Mike Lee (R-Utah) pushed an amendment to eviscerate the very law that was originally passed to help protect Native American sacred religious and cultural sites – the Antiquities Act.

Places like Chaco Canyon in New Mexico, Chimney Rock in Colorado and Hovenweep in Utah are all examples of sites important to the Native American community that were protected through the Antiquities Act. The Antiquities Act is also responsible for the protection of more than half of what are now our National Parks.

Lee's amendment would not only block the protection of the Bears Ears National Monument, but all future sites of historic, cultural and natural wonder. Protecting public lands continues to have great support. In January, the Colorado College released a poll showing that 80 percent of Westerners, including Utahans, are in favor of future presidents protecting public lands with a national monument designation. People around the West continue to call on the president to use his authority to protect our heritage, wildlife habitat and access to outdoor recreation. Yet, despite this, Lee and others continue to pursue failed efforts to obstruct communities' efforts to safeguard important historic, cultural and natural sites.

These are not merely symbolic protections we seek. The ancestral lands of the Bears Ears region continue to face rampant and ongoing looting and destruction of artwork and gravesites. These are acts that literally rob Native American people of spiritual connections, as well as a sense of place and history. They are insults to the dignity of our societies and traditional knowledge.

When President Theodore Roosevelt used the Antiquities Act to protect the Grand Canyon he said, "Leave it as it is. You cannot improve upon it; not a bit. What you can do is to keep it for your children, your children's children, and for all who come after you." This is a sentiment that rings true for the Bears Ears. Our people have lived in the Bears Ears region since time began. Our traditional oral stories speak of this area and certain spiritual resources are found only here.

By visiting Bears Ears and giving our prayers and conducting our ceremonies, we heal our bodies and help heal the land itself. This is why we are working on a proposal to bring people together.

It is clear that the Native American community and the American people still understand the wisdom of allowing the president to directly protect public lands. And it is clear that there are places that are still in dire need of appropriate safeguards. Therefore, we are glad that the majority of senators opposed Lee's efforts to undermine a bedrock law that has allowed for the honor and protection of Native American sites across the country.

MOAB SUN NEWS

Utah politicians to Obama: Don't declare new monument

Posted: Thursday, February 18, 2016 8:47 am | *Updated: 8:51 am, Thu Feb 18, 2016.*

Eric Trenbeath Moab Sun News

Utah's congressional delegation is urging President Barack Obama not to use his powers under the Antiquities Act to designate a national monument on federal lands in San Juan County.

The calls from the state's four Republican congressmen and two U.S. senators come on the heels of the president's designation last week of three new national monuments in southern California's Mojave Desert. The move amplified the Utah delegation's fears that a 1.9-million-acre Bears Ears National Monument may be next on the president's agenda.

"Use of the Antiquities Act ... will be met with fierce local opposition and will further polarize federal land-use discussions for years, if not decades," the delegation says in a letter to Obama.

The representatives are urging the president to let legislative action determine the fate of public lands in this hotly contested corner of Utah known for its wild and scenic landscapes, cultural and archaeological resources, and deposits of oil, gas and minerals.

"The most effective land management policy is inclusive and engaging, not veiled and unilateral," the letter says. "Knowing this, we have collaboratively developed a proposal that would conserve more than 1.2 million acres of federal land in San Juan County—including iconic locations such as Cedar Mesa, Indian Creek, and the Bears Ears Buttes. We are prepared to work with the Administration to get this proposal signed into law."

The Bears Ears region contains many diverse ecosystems and thousands of Ancestral Puebloan archaeological sites. It is also home to modern traditional land uses such as grazing, uranium mining and wood harvesting, and is popular among off-road vehicle riders.

A poll conducted by Colorado College claims that 66 percent of Utahns support the designation. But the Bears Ears proposal is opposed by the Utah delegation, as well as oil, gas and mineral developers, and some rural residents who live in the affected area.

The designation of a Bears Ears National Monument is supported by multiple conservation groups and a coalition of Native American tribes that includes the Hopi, Navajo, Ute and Zuni.

Eric Descheenie, a senior adviser to Navajo Nation President Russell Begaye, said that sending the letter shows a lack of commitment toward the protection of indigenous cultural resources. The protections that the delegation are offering for the Bears Ears region fall short, he said.

"Never once did they ask why these lands are so important to us," Descheenie said. "Since 2010, our grassroots leadership and traditional practitioners have cataloged in great detail where and why these lands are so special."

Descheenie also said that the delegation's proposal doesn't give adequate representation to regional tribes.

"Creating only two seats for tribal representation and overlooking one of two local tribes is simply unacceptable," he said.

In order to avert the designation, Republican Congressmen Rob Bishop and Jason Chaffetz have been drafting the eastern Utah Public Lands Initiative (PLI), which they hope will settle federal public land-use issues once and for all in the region.

Dubbed the "Grand Bargain" by Bishop, the PLI has been touted as a bottom-up process. The delegation says that stakeholders representing diverse interests have voiced their opinions to their respective elected leaders, who have then forwarded their recommendations on to Congress.

The recommendations are meant to represent a compromise vision for land use on federal public lands that sets some areas aside for conservation, while designating others for energy development.

The congressmen released a draft of the bill on Jan. 20, and it came under swift condemnation from conservation groups.

"The draft PLI is far from a compromise between land protection and development," Southern Utah Wilderness Alliance (SUWA) staff attorney Neal Clark of Moab said. "Rep. Bishop has drafted a fossil fuels development bill that gives away our shared public resources."

Clark said that the draft PLI rolls back existing protections for wilderness-quality lands, and that it includes loopholes and exceptions for development on lands it proposes for conservation.

Also at issue for SUWA and other conservation organizations is a provision that gives the state ownership of all contested road rights-of-way under the RS 2477 statute.

"We know what compromise looks like, as we had reached it in both Daggett and Summit counties," Clark said. "Much to our dismay, the delegation completely failed to honor those compromises by excluding nearly every aspect of the Daggett County agreement and grossly distorting the Summit County agreement."

But Grand County Council member Lynn Jackson said the draft PLI is a reasonable first step toward compromise.

"Although I support parts of the draft PLI and not others, I absolutely support this process for making such significant long-term decisions for public lands in our region," Jackson said. "Some groups, unfortunately, don't seem to fully grasp or accept the concept of compromise in which not everyone gets what they want."

Jackson said that he believes the delegation's letter is meant to counter the demands of environmental organizations, but that if the PLI fails, there will be a strong possibility for the creation of a national monument in Utah.

"President Obama seems to be on a monument-creating roll during his last year in office after his actions in California last week," he said. "Those actions send a pretty strong message."

The Grand County Council is currently preparing a response to the draft initiative, which includes significant changes to its recommendations, including its opposition to the so-called Book Cliffs Highway. Boosters of that proposal are touting it as a way to connect oil-rich Uintah County with Grand County, while promoting it as a transportation corridor that would connect national parks in Utah and Wyoming.

Western Energy Alliance Vice President for Government and Public Affairs Kathleen Sgamma said she thinks the draft PLI is a good first step. One addition that she'd like to see is a provision that would reduce what

she calls "red tape" from the federal government in Indian Country.

Sgamma said that the Ute Tribe is just as interested in responsible development of oil on tribal lands as industry is.

"That would be one way to get the tribe on board," she said.

In the end, however, Sgamma expressed little confidence that the PLI will sway Obama from designating a national monument.

"As a president beholden to the environmental lobby, and with a disregard for hardworking Americans whose livelihoods depend on responsible economic activity on public lands, he sees no political downside to a large monument designation in Utah," she said.

Congress passed the Antiquities Act, and former President Theodore Roosevelt signed it into law, in June 1906. The law gives the president the authority to create national monuments on federal public lands to protect areas of significant natural, cultural or scientific resources.

Presidents from both sides of the political spectrum have since used the act more than 100 times, resulting in the creation of many of the nation's most beloved national parks, including Arches, Grand Canyon and Grand Teton – all of which were first designated as national monuments.

But use of the unilateral, presidential proclamation has often been criticized, particularly by Western representatives and some rural residents who resent the intrusion of the federal government. Critics fear it restricts access to public lands, and prohibits resource development.

"Federal land-use policy has a major impact on the lives of those within and near federal lands," the delegation's letter says. "We believe the wisest land-use decisions are made with community involvement and support."

High Country News
For people who care about the West

To save their homeland, 25 tribes unite in the Southwest

Stephen Trimble Opinion Feb. 17, 2016 Web Exclusive, High Country News, Writers on the Range

Native peoples in the Southwest take the long view. They have lived in the redrock canyons of the Colorado Plateau for 12,000 years and have shown astonishing resilience in the face of devastating change in the last 500 years. Now, they bring this ancestral perspective to the management of public lands in the canyons and mesas of southern Utah.

For the first time in conservation history, the primary advocates for a new national monument are the tribes themselves. This historic Native coalition is trying to protect the wildlands that sweep southward from Canyonlands National Park toward the Navajo Nation.

The tribes' allies include travelers, hikers, and river-runners who don't want to see oil rigs and endless networks of off-road vehicle tracks here. But the visitors who gaze awestruck across the buttes of Greater Canyonlands, who boat through the canyons of the San Juan River, and who stand enthralled by rock art and cliff dwellings on Cedar Mesa, may not realize how deeply all of these lands matter in the daily lives of Native people.

The tribes worked for six years with Utah congressmen to find common ground. Native people sought joint stewardship of this landscape. In January, however, when Rep. Rob Bishop, Republican of Utah, revealed the details of a Public Lands Initiative he touted as a grand compromise, the tribes found his draft "woefully inadequate in addressing our needs in the areas of collaborative management and land preservation."

For the Bears Ears Coalition, the unacceptable language in Bishop's proposal confirmed 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." The development proposals in Bishop's Initiative have led coalition members to focus on President Obama, who could use the Antiquities Act to proclaim a Bears Ears National Monument in southern Utah.

Led by the Navajo, Ute Mountain, Hopi, Zuni, and Uintah and Ouray Ute nations, a coalition of 25 tribes has asked the president to preserve 1.9 million acres of public lands surrounding the Bears Ears buttes. The Intertribal Coalition proposes co-management of this monument through an eight-member commission. One person would come from each tribe, and one representative could come from each federal agency that manages land within the boundaries – the National Park Service, Forest Service and Bureau of Land Management.

The Native leaders emphasize community over commodity. As Eric Descheenie, Navajo co-chair of the Bears Ears Coalition, says, this land is a "who," not a "what" or a "that." It is a living land that Native people "relate to in a religious way," loving the Bears Ears no differently than they would a family member. He emphasizes this "indigenous truth" as the foundation for all

discussions about "healing, a people's movement, and collaborative management."

Hopi Tribal Vice Chairman Alfred Lomahquahu Jr. calls this new approach a breakthrough for Native Americans. He sees it as a return to the original intent of the Antiquities Act and an approach that could serve as a template for national monuments elsewhere in the country. Co-management creates a new "tool of self-determination and sovereignty to benefit the tribes," he said.

This extraordinary landscape deserves protection for all the reasons that we typically think of as imperatives — its ecological and wilderness values, all of which are threatened by destructive oil and gas development. Cedar Mesa, in the heart of the Bears Ears proposal, shelters more than 56,000 cultural sites that reach more than 12,000 years into the past. This unbroken cultural record makes this remote corner of southeastern Utah among the richest archaeological districts in the United States. Yet Bears Ears, the nation's most significant unprotected cultural resource, is also starkly threatened today by vandals who ransack prehistoric graves.

For all of these reasons, the Bears Ear coalition has urged the president to act. By elevating these lands to national monument status, we protect canyons actively consecrated and blessed by Native prayers and preserve living libraries of indigenous traditional knowledge. All of us, Indian and non-Indian, would benefit as we come to know and participate in these sacred landscapes.

As Willie Grayeyes of the Bears Ears Coalition puts it, the new monument would help us "come to the table of equality." This historic Native vision of reconciliation and healing nourishes us all, and I hope the president acts boldly in response.

Stephen Trimble is a contributor to Writers on the Range, an opinion service of High Country News. *He teaches writing at the University of Utah Honors College and is the author and photographer of* The People: Indians of the American Southwest.

THE DAILY TIMES
FARMINGTON NEW MEXICO
THE FOUR CORNERS INFORMATION LEADER

Bears Ears region is at center of land debate

Hannah Grover, hgrover@daily-times.com 2:14 p.m. MST February 17, 2016

Farmington (New Mexico) Times

Native American groups and lawmakers have clashed over proposals for how to best protect the land in southeastern Utah

Story Highlights

- More than 100,000 archaeological sites are contained in the nearly 2 million acres of land.
- An inter-tribal coalition has petitioned the president to designate the land a national monument.
- Utah lawmakers have drafted a bill to make the southeast Utah land a national conservation area.
- Vandalism, looting and off-road vehicles threaten the fragile archaeology of the land.

FARMINGTON — As management of Western public lands has again become the center of a heated controversy, an area in the Four Corners known as "Bears Ears" is taking its place in the spotlight.

The land borders the Navajo Nation, as well as the White Mesa Ute community south of Blanding in southern Utah. Bears Ears includes 1.9 million acres that start just south of Moab and stretch to Bluff. Within the boundaries are more than 100,000 archaeological sites, including ancestral Puebloan structures, Navajo hogans and Navajo and Ute rock art.

The land is also where the Navajo and Ute people have traditionally performed ceremonies, gathered medicinal plants and collected pine nuts and firewood.

Over the years, several of the archaeological sites have been looted or vandalized, leading to a movement to protect the land. And while the involved parties agree the land needs to be protected, the details of how to do that have been divisive.

In 2013, U.S. Rep. Rob Bishop, R-Utah, formed the Public Lands Initiative to evaluate how to best protect the region. More than 1,200 people attended meetings and various proposals were considered under the initiative.

Dozens of plans have been proposed that offer varying degrees of protection for the area's archaeological sites. Some proposals advocate turning the region or portions of it into a national conservation area. Others advocate stricter regulations through national monument designation.

Several tribes with ties to the area felt they were left out of the conversation about how to protect the land. That led to the formation of the Bears Ears Inter-tribal Coalition, which includes members of the Navajo Nation; Hopi Tribe; Ute Mountain Ute Tribe, which includes the White Mesa Ute; Pueblo of Zuni; and Ute Indian Tribe.

In October, the coalition petitioned President Barack Obama to designate the nearly 2 million acres as a national monument.

This is not the first time the federal government has been asked to make the area a national monument. In July 2011, then Navajo Nation President Ben Shelley asked the U.S. Secretary of the Interior to designate the lands as a national monument.

But this is the first time Native American tribes have formed a coalition to make such a request.

The tribes are not just seeking a national monument designation, according to Eric Descheenie, co-chair of the Bears Ears Inter-tribal coalition.

"We are asking for equal distribution of authority," he said, explaining that under the coalition's proposal, each of the five tribes would have a representative on a commission that makes decisions about managing the national monument.

In January, Bishop and U.S. Rep. Jason Chaffetz, R-Utah, released a discussion draft of a bill that would create a National Conservation Area to protect Bears Ears. Lee Lonberg, a spokesman for Bishop, said there is no date set for when the bill will go before Congress, however the congressmen hope to move it through quickly.

"The decision to protect the land in that fashion comes from Utah Navajos and residents of San Juan County (Utah)," said Lee Lonberg, a Bishop spokesman.

Lonberg said comments from Navajo who are members of the Aneth chapter — who made their concerns about possible limitations on traditional activities in the area known through protests and petitions — influenced the decision not to support a national monument.

Lonberg said it has been Bishop's stance from the beginning that the bill will please everyone and upset everyone.

"Everyone has to give something up," Lonberg said.

The bill has drawn opposition from the inter-tribal coalition, which sent a letter to the congressmen on Jan. 20, the coalition says the boundaries proposed for the conservation area fail to protect cultural sites and wildlife habitat.

The coalition also expressed concerns the bill would leave too much land open to mineral extraction.

National Monument vs. National Conservation Area

The inter-tribal coalition's proposal for a national monument is unique because it would include Native American input about land management and it includes a larger area. The coalition wrote a letter in response to the proposed bill stating that the boundaries of the national conservation area fail to protect some of the cultural sites and wildlife habitat areas. While the coalition is asking for 1.9 million acres, the draft bill calls for a little more than 1.1 million acres to be put aside.

The coalition also opposed the management plan included in the bill. The bill would create a management commission comprised of four appointed members — a representative from the Navajo tribe who currently resides in San Juan County, Utah, a representative from one of the four other tribes in the coalition, a representative from the Utah Department of Natural Resources and a designee from San Juan County, Utah. In its letter to the congressmen, the coalition said the proposed bill fails to give tribes adequate representation.

In contrast, the coalition's commission — with supervisory authority over the national monument — would include eight members, a representative from each of the five tribes and each of the federal agencies, which includes the Bureau of Land Management, the U.S. Forest Service and the National Parks Service. This commission would

oversee hiring the monument's manager and preference would be made in the hiring process for Native American candidates.

The coalition also stated in its letter that the proposed national conservation area leaves too much land open to mineral extraction, such as oil and gas development. It is asking in its petition that existing mineral rights be honored, but no new mineral rights be developed. This would mean that current oil and gas wells would continue to operate, but no new wells could be drilled.

Lonberg said the draft bill allows a level of certainty for people in the county who use the land. He said that local residents, including members of the Navajo Nation, supported including possibilities for oil and gas development.

"This is a new approach to things," said Lonberg.

He added that the bill demonstrates that "economic development and conservation can exist hand in hand."

Protests

While the petition to create a national monument has garnered support from dozens of tribes as well as environmentalists, some Navajo residents of the Aneth, Utah, area are concerned that the designation would hurt their ability to use the land for ceremonies and plant gathering.

In late January, members of the Descendants of Kayallii — a group of Navajo people with ties to the Bears Ears region — traveled to Window Rock, Ariz., to protest the national monument petition during the Navajo Nation council session.

"If it becomes a monument, everybody will be shut out of this place," said Gilbert Ben, the group's president, during a telephone interview.

Chester Johnson, another protester, echoed Ben's concern. He said a national monument designation would restrict access to the natural resources, such as firewood and medicinal plants. The National Conservation Area would also leave the possibility of mineral leasing, which could raise money that could help the schools in the rural area, Johnson said.

Both Johnson and Ben said they support the bill also because it was created based on input from people who live in the area who will be directly impacted by the designation.

History

The Bears Ears region has been used by Native American tribes for thousands of years and numerous tribes claim connections to the region. Creation stories of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute, and Zuni tribes all connect them with the region, according to the Bears Ears Inter-tribal Coalition. Today, Navajo and Ute Mountain Ute have reservations near the Bears Ears.

The section of Navajo Nation near Bears Ears was added to the reservation in 1933 and residents like Ben say the extension, known as the Aneth extension, was added after the U.S. government recognized the presence of Navajo in the region.

During the 1860s, as white people moved into the Four Corners area settling on traditional Navajo land, fighting broke out. The U.S. government forced tribal members to relocate to land near Fort Sumner in what is known as "The Long Walk." Rather than leave their homeland, several leaders with ties to the Bears Ears region resisted.

The most famous leader of the resistance, Chief Manuelito, was born in the Bears Ears area, but he was not the only leader to refuse to leave. Another, Chief Kaayalii, led a group of people into the Bears Ears region.

"They hid in Bear Ears country for 10 years," said Gilbert Ben, the president of

Descendants of Kaayalii Inc., a group of Navajo from the Aneth area that has been vocal against the proposed national monument.

The Navajo who were in the Bears Ears region were given land in what is known as the Aneth extension through the 1933 act that expanded the reservation.

The region also has historical significance for members of the Church of Jesus Christ of Latter-day Saints, who settled there in 1880.

To get their horses and wagons down the canyons to Bluff, Utah, the settlers created a hole through the sandstone, now known as Hole-in-the-Rock. The draft congressional bill would set aside this trail as a historic trail marking the journey of the first Latter-day Saint settlers to southeast Utah.

Geography

Located on the Colorado Plateau, the Bears Ears region includes numerous canyons, many of which have picturesque scenes, such as House on Fire, an ancestral Puebloan site whose name stems from the coloring above the site, which resembles flames.

Comb Ridge — a series of sandstone hills reaching up to 800 feet high — offers views over the region, including several side canyons. The highest point of the region is in the Abajo Mountains, located in the Manti-La Sal National Forest near Monticello and Blanding. The mountains reach more than 11,000 feet.

The name of the lands comes from two neighboring hills.

"Looking at it from a distance, it looks like bear ears," Ben said. "But once you get close, it's a large area."

Threats

Over the years, many of the archaeological sites, including burial sites and ancestral Puebloan structures such as cliff dwellings, have been vandalized, looted or destroyed.

"A lot of damage has already been done," said Descheenie, the Bears Ears Inter-tribal Coalition co-chairman.

Descheenie cited two high-profile cases highlighting the need for protection of the Bears Ears region — an illegal ATV ride near archaeological sites and a federal investigation into looted Native American sites in San Juan County, Utah.

In December, San Juan County Commissioner Phil Lyman was convicted of illegally riding an ATV in Recapture Canyon north of Blanding. The commissioner led the ride in 2007 to protest federal land management practices after the Bureau of Land Management closed the area to off-road vehicles to protect cultural artifacts. Lyman appealed his conviction.

"Monument status for Bears Ears will lead to better management of off-road vehicle use and will improve the recreational experience for everyone who visits, including off-roaders," the coalition wrote in its petition to Obama.

In the other case, federal agents conducted a 2009 raid on eight homes, confiscating thousands of illegally collected artifacts and arresting residents. During the raids, 24 people were arrested, including 16 Blanding residents.

A prominent Blanding doctor, who had collected a small bird effigy, was arrested during the raids and later committed suicide. In May 2011, the doctor's family filed a wrongful death lawsuit in connection to the raids. The family alleged that the doctor, James Redd, committed suicide while reflecting "on the excessive, overreaching and abusive treatment he had been subjected to." The family also alleged that Redd's

constitutional rights were violated during the raid. In December, a federal judge ruled that excessive force had not been used during the raid. The family appealed the court's decision in January.

The thousands of artifacts collected during the raids were placed in federal warehouses, but the looting of archaeological sites has continued.

"From small-scale theft to ancestral remains being tossed around when graves are plundered, these deplorable acts defile the past and wound the present, which for us is so directly connected to the past," the coalition says in its petition.

The Salt Lake Tribune

Op-ed: Why the PLI failed American Indians in San Juan County

By Willie Grayeyes Salt Lake Tribune

First Published Feb 15 2016 05:36PM

The op-ed by Rep. Jason Chaffetz ("PLI gives tribes more of what they want in Bears Ears," Feb. 7) demonstrated exactly why Native Americans have been failed by the Public Lands Initiative and by members of Congress who continue to tell us they know what is best for tribes.

While it is disappointing that Chaffetz and Rep. Rob Bishop ignored the Bears Ears conservation proposal developed by their own constituents and tribal governments, it is far more insulting that they now argue it is good for tribes.

Utah Diné Bikéyah is a grassroots Native American nonprofit that created the Bears Ears proposal and has engaged with Chaffetz's office at every step of the PLI. We are saddened that after the effort and ambition that went into trying to resolve entrenched land-use challenges in Utah, the result is a widely disdained proposal that has little or no chance of passing Congress.

The premise of Chaffetz's hollow argument is instructive as to the roots of this failure. Chaffetz presumes a Bears Ears National Monument signed into law by President Obama would require management of the area by the National Park Service and that management would disregard tribes' concerns. Had he read our detailed proposal that we hand-delivered to him, he would know that the five tribes of the Inter-Tribal Coalition are asking for a national monument managed by the Bureau of Land Management and U.S. Forest Service. Our proposal gives tribes a seat at the table in management decisions to avoid the kind of past conflicts that have occurred. In fact, many of President Obama's national monuments are managed by the BLM and Forest Service and explicitly guarantee Native American access for gathering and traditional uses.

Just as alarming is Chaffetz's claim that the PLI proposal to transfer Native American sacred sites and tribal reservation lands to the state of Utah for development is "good" for tribes. These are our ancestral lands and our reservations, which are to be held in "trust" by the federal government. The PLI would throw all trust out the door and transfer tribal lands to oil and gas developers.

Finally, Chaffetz fails to even contemplate the question of how the PLI gets signed into law, given the broad opposition from tribes, conservationists, recreationists and others.

It is not surprising that the draft PLI is so problematic. Tribes were forced to walk away from the PLI because it repeatedly failed to respect Native Americans who are the majority of citizens in San Juan County. The Bears Ears proposal received 64 percent of all of the San Juan County citizen comments of support during the public comment process, yet the county and Bishop and Chaffetz ignored this result. We

strongly suspect others were similarly failed by the false promise of the PLI.

Utah Diné Bikéyah cares deeply about the future of San Juan County, whose majority of citizens are Native American, but we view land conservation and cultural preservation as the foundations of a strong local economy for generations to come. We believe that depleting public lands of their natural resources is an economic dead end.

We don't yet know if President Obama is willing to act on behalf of tribes, but we do know that the PLI has failed to listen to Native Americans in San Juan County and has completely ignored those tribes outside Utah who trace their ancestors to these lands. Simply put, we believe that the Obama administration may do a better job of listening to tribes through respectful government-to-government dialogue than the Utah delegation has done.

Native Americans look forward to advancing a Bears Ears National Monument that will protect our public lands, strengthen all people and promote the kind of healing our country needs.

Willie Grayeyes is chairman of Utah Diné Bikéyah and lives in Navajo Mountain.

The Salt Lake Tribune

Letter: Chaffetz misleads on Bears Ears

First Published Feb 12 2016 05:39AM

Salt Lake Tribune

Rep. Jason Chaffetz's op-ed ("PLI gives tribes more of what they want in Bears Ears," Feb. 7) is profoundly misleading. His broadside critique of the National Park Service ("not friendly to tribes") is deceitful. The congressman puts more than a few quarters in the way-back machine to dredge up policies and issues from a time when the overall policy of the U.S. government towards Indian tribes was moving from "kill them all" to the more "humane" vision of destroying Indian culture by busting up tribal lands and making everyone speak English and get haircuts. Context here, as in all things, is key.

Beyond that, what Chaffetz does not acknowledge is that the potential Bears Ears National Monument as proposed does not envision a National Park Service unit but collaborative management of multiple parties that is inclusive, representative and respectful of values, traditions and cultures. The objective, as I understand it, is to move towards a place of healing.

David Nimkin

Salt Lake City

Deseret News

Utah delegation urges Obama to refrain from monument creation

By Amy Joi O'Donoghue, Deseret News

Published: Friday, Feb. 12 2016 12:25 p.m. MST

All six members of Utah's congressional delegation put their names to a letter to President Barack Obama on Friday, urging him to refrain from creating a Bears Ears National Monument in Utah. Obama designated three new monuments Thursday.

SALT LAKE CITY — President Barack Obama's Thursday designation of three national monuments in California amplified fears by Utah's congressional delegation that San Juan County's Bears Ears could be next on his list, spurring a strongly worded letter urging the president to leave Utah alone.

"Federal land-use policy has a major impact on the lives of those residing within and near federal lands," the letter dated Friday reads. "We believe the wisest land-use decisions are made with community involvement and local support. This principle is true whether skyscrapers or sagebrush surround the community."

The letter was signed by all four of Utah's representatives and its two senators, reiterating strong opposition to any creation of a new national monument and specifically a nearly 2 million acre-swath of land in San Juan County pushed by a tribal coalition and environmental groups.

"Use of the Antiquities Act within (Utah) will be met with fierce local opposition and will further polarize federal land-use discussions for years, if not decades," the letter stresses.

The delegation adds that protections for the area are being sought through the creation of a National Conservation Area that will still allow Native American uses of the land to continue. That designation is contained in the hefty Public Lands Initiative draft legislation unveiled last month by Reps. Rob Bishop and Jason Chaffetz.

While a coalition of Utah Navajo tribal members have voiced opposition to any new monument designation, other members of the Navajo Nation, joined by Ute, Hopi and Zuni tribal leaders, have jockeyed for a new national monument because they say the Bishop bill does not go far enough.

Polarization of tribal sentiment on monument designation has created confusion over Bears Ears protections and what type of organizational oversight would be most effective at stopping desecration of cultural artifacts or outright looting. The land is currently under the purview of the Bureau of Land Management, which is short staffed in that region and elsewhere in the state.

The letter urges Obama to let the Public Lands Initiative process play out and adhere to locally generated land use plans for the area.

"We plan to work with the administration to get this proposal signed into law," the letter said.

Utah's delegation said the plans contained in the draft legislation honor local wishes for the Bears Ears area.

"Make no mistake, both the state of Utah and San Juan County value our public lands. With that said, public participation in land-use decisions is critical to their long-term acceptance and success; the most effective land management policy is inclusive and engaging, not veiled and unilateral," the letter states.

The three-year crafting of the Bishop lands bill involved multiple and diverse groups at the table, including ranching interests, the mining industry, recreation groups and environmental organizations.

Many of those environmental groups, however, have slammed the proposal for the weight they say it gives to industry and ranchers over conservation. Summit County, one of seven counties involved in the process, also signaled this week leaders there cannot support the bill as drafted because it contains too many provisions contrary to what they sought in the legislation.

"We are reiterating we would like our original proposal included in the legislation," said Lisa Yoder, the county's director of sustainability.

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Obama weighs tribal request for Bears Ears National Monument

Indianz.com, Feb. 12, 2016
http://www.indianz.com/News/2016/020367.asp

President Barack Obama could establish the Bears Ears National Monument in Utah before he leaves office, The Washington Post reports.

The Navajo Nation, the Ute Tribe, the Ute Mountain Ute Tribe, the Hualapai Tribe and all 20 Pueblo governments are seeking stronger protections for the land. They still use the area for hunting, gathering and ceremonies and it is home to ancestral tribal villages.

"We've had the looting and grave robbing and destruction of sacred sites," Eric Descheenie, the co-chair of the Bears Ears Inter-Tribal Coalition, told the Post.

Republicans, though, have been trying to discredit the effort. They have claimed that not all Navajo citizens want to see a monument even though six of the seven Navajo chapters in the state support a designation.

Tribes reached out to those Republicans -- Rep. Rob Bishop (R-Utah), the chairman of the House Natural Resources Committee, and Rep. Jason Chaffetz (R-Utah) -- in hopes of including Bears Ears in the Utah Public Lands Initiative. But they said their concerns were ignored by the lawmakers.

The proposal in fact punishes the Ute Tribe, Kevin Washburn, the former head of the Bureau of Indian Affairs, wrote in The

Albuquerque Journal on Sunday. He said the draft bill takes land that is part of the Uncompahgre Reservation and gives it to the state.

"Though the archeological resources don`t have a measurable price tag like coal, oil and gas, many people agree that the archeology is far richer than any mineral resources that could be extracted," Washburn wrote. "And the ancient art needs much stronger protection from looters."

The debate comes as Obama declares three new national monuments with tribal connections in the desert of southern California. The Sand to Snow National Monument borders the Morongo Reservation and the Mojave Trails National Monument and Castle Mountains National Monument are home to ancestral tribal sites.

"The California desert is a cherished and irreplaceable resource for the people of southern California," Interior Secretary Sally Jewell said in apress release. "It is an oasis of nature's quiet beauty just outside two of our nation's largest metropolitan areas. Its historic and cultural resources tell the stories of armies, travelers, ranchers, and miners, and of the original caretakers of this land. Today's designation by the President furthers the longstanding work of public land managers and local communities to ensure these areas will remain preserved and accessible to the public for future generations.

In southeastern Utah, the Procession Panel speaks across time: Majestic rock art in southeastern Utah tells an elaborate, ancient tale

Cortez Journal, February 10, 2016
http://www.cortezjournal.com/article/20160210/LIVING/160219974/In-southeastern-Utah-the-Procession-Panel-speaks-across-time

Andrew Gulliford

This view of the Procession Panel shows another mesa in the distance. The panel is within a large section of southeastern Utah that has been proposed as the Bears Ears National Monument. The Utah Legislature, however, believes the highest and best use for the area is oil and gas development.

A millennium ago individual ceremonies and rituals gave way to group events. On a massive sandstone wall, 179 carved human figures march in three lines toward a circle that probably represents a great kiva. To stand before the Procession Panel is to feel the power of ancestral Puebloan villagers coming together to dance, sing, feast and to become one.

As I stood there the first time, warm from a late afternoon sun and the hike up from the dry wash below, the silence of the rock contrasted with the movement etched upon it. Everywhere on this huge Navajo sandstone panel figures move, flow and emerge out of a tall crack and across space and time.

As heat radiated off the west-facing rock, I took off my pack, stripped down to a T-shirt

and jeans and quietly stared. Motionless. The figures walked in front of me around two large mule deer bucks and assorted anthropomorphs or human/animal images. It was difficult to take it all in.

Hiking across the Southwest, I seek painted pictographs or petroglyphs carved by the ancients. Early artists carved dozens of desert bighorn sheep with their distinctive hoofs and horns; exotic warriors and their headdresses from the Basketmaker III period; splayed Lizard Man figures with outstretched arms, legs and genitalia; and hundreds of handprints.

Many petroglyphs seem to be a random animal here, a hunter there, perhaps a reclining flute player or two, knees bent, enjoying their own music. But the Procession Panel stands out depicting an annual or semi-annual group event of great import and majesty. Runners have arrived carrying symbolic canes or crook-necked staffs to lead families and friends. Ancestral Puebloans carved the 40-yard-long, 8-foot-high panel between 500 and 700 A.D. Like all great rock art, it tells a story, which, centuries and centuries later, we try to understand.

Among tumbled and jagged rock, interspersed with cacti, bunchgrass, small juniper trees and the occasional sagebrush and ephedra or Mormon tea, the rock art panel rises above the sandy soils and speaks across time. I wonder if some of the participants wore small copper bells from Casas Grandes in Mexico. Did they carry sacred scarlet macaw feathers traded north thousands of miles from the jungles of Meso-America or did they bring the parrots themselves?

Surely, they walked in rhythm. Small children running. Babies carried in cradleboards. Elders shuffling along with walking sticks. Everyone talking, laughing, feeling safe. Together now, after months apart planting corn, hunting deer, waiting for the call to come, to join in.

Animals, too, are carved into the smooth dark desert varnish on the rock. Mountain sheep, coyote, a long-horned serpent as well as atatl darts from prehistoric spear throwers. Basking in the sun, the Procession Panel stood for centuries until teachers discovered it in February 1990. Just hiking along, they found one of the great Basketmaker III depictions of group ritual from 1,300 years ago.

Durangoan Robert L. Powell, a member of the San Juan Basin Archaeological Society, in a 17-page report, wrote the first description of the Procession Panel site for the Bureau of Land Management and the Utah state archaeologist.

Powell described figures on the rock and noted unique characteristics. After explaining groups of converging marchers he stated: "The next five men are special: each one has his left arm hanging down and his right elbow bent so that his right hand is even with his head. Each raised hand has tiny incised figures (or ceremonial wands?); the lower hands do not have fingers. They all have clearly separated legs and are larger."

There's a "bird man" shaman, men wearing backpacks grasping ceremonial staffs and a desert bighorn whose front two feet seem to be rotating a wheel, yet the ancestral Puebloans had no wheels.

"An ambiguous figure is directly under the rear of the coyote and in front of the first large deer," Powell noted. "It may be a mask with a headdress, two eyes, a large nose and whiskers. Or it may represent two men holding hands with a square artifact above them."

He added that one of the buck deer "in a rare and realistic manner is shown with a penis ... but unrealistically he has five toes on his

feet. Like most of the other animals he has deep indentations in his face, heart, hooves. A spear protrudes vertically from the bottom of his belly."

I hope this meant venison was served at the celebration, at the great kiva represented by the circle where the etched figures seem to be heading.

Powell spent hours studying intricate details of the Procession Panel. I can only stare and wonder, caught up in the movement, realizing that where this panel stands near the top of the ridge is one of the few crossover places between drainages. Perhaps a group of ancestral Puebloans came up the same incline, climbed over and around the same rocks, stood beneath the panel created to honor and remember them.

In Crucible of Pueblos: The Early Pueblo Period in the Northern Southwest, the editors suggest that perhaps "procession panels do not depict actual events but are instead representations of cultural concepts and narratives." Either way, the imagery represents "public gatherings" and "the role of ritual in uniting individuals into bands or larger communities."

"These gatherings would also have facilitated the long-term vitality of local residence groups by providing opportunities for the exchange of information, marriage partners, and material goods, and by providing a framework for the resolution of disputes," says former Colorado State Archaeologist Richard H. Wilshushen and other researchers.

Translation – a party. The Procession Panel represents a party. I want to go.

I can feel the movement of the dancers, the steps in unison. I can hear the chanting, the singing. Maybe it's only the wind coming up and over the steep escarpment, blowing out of Monument Valley, across the Navajo Reservation, to this place of awe.

The Utah Legislature thinks the highest and best use for the region should be oil and gas development. Five Southwestern tribes are urging President Barack Obama to protect the area as Bears Ears National Monument. I believe in the monument proposal. We have so much to learn from the Hisatsinom, the Hopi word for those who came before.

Descending the ridge, my pack felt lighter. My dog's tail wagged more often. Just why did that bighorn have its hooves on a wheel? How many figures, arms up, hands waving, are emerging from the elongated crack in the Navajo sandstone?

I've returned again and again to answer questions and to ask new ones. The ancient ones call me. I want to go to the party.

Andrew Gulliford is a professor of history and Environmental Studies at Fort Lewis College.

The Salt Lake Tribune

Letter: Chaffetz' op-ed condescending to Indian tribes

Salt Lake Tribune, Feb. 10, 2016
http://www.sltrib.com/opinion/3514404-155/letter-chaffetz-op-ed-condescending-to-indian

Rep. Jason Chaffetz' s op-ed (Feb. 7) on the proposed Public Lands Initiative is condescending and insulting to our area's Indian tribes.

Several months ago, a multi-tribal coalition pushing the Bears Ears conservation initiative cut off discussions with Utah's congressional delegation for what it characterized as inauthentic lip service to its interests, noncommittal assurances, refusal to engage its representatives and failures to meet deadlines.

In response to the tribes' position and the public's criticism of the congressmens' proposed legislation, Chaffetz decided that a condescending strategy of disrespect towards the tribes and an insinuation of their council's ignorance was an appropriate rebuttal. Our local Indian tribes and the public deserve more from their elected, public officials.

Elections have consequences. Unfortunately, our local Indian tribes, hundreds of thousands of Utahns and millions of Americans will have to accept that our elected politicians have decided to ignore their opinions and submit their own PLI as legislation. Their PLI legislation was not a compromise as we all hoped.

Because of our congressmens' rebuke, the multi-tribal Indian coalition already encouraged President Obama to ignore their legislation and have him to declare the Bears Ears as a National Monument. Utahns and Americans who care about our national heritage and their public land should do the same.

Yes, Reps. Chaffetz and Bishop, elections do have consequences.

John Trout

Salt Lake City

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Hoodwinked in the hoodoos: Core Samples

Park Record, Feb. 9, 2016
http://www.parkrecord.com/opinion/ci_29496513/hoodwinked-hoodoos

One can only hope that the abject failure of the recently released fossil-fuel-industry-driven Public Lands Initiative (PLI) to coalesce much more than scorn will spur President Obama to designate the 1.9-million acre Bears Ears National Monument sooner rather than later.

A month or so back, when the "Bears Ears Inter-Tribal Coalition" ceased interaction with the proposals being drawn up by Congressmen Rob Bishop and Jason Chaffetz and their drill-baby-drill playmates, they could tell which direction the Peabody coal train was heading.

They saw the writing on the wall. The Coalition, made up of the Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute, and Zuni Tribes and formally supported by 19 additional Sovereign Tribes as well as the National Congress of American Indians, had collective perspective. This wasn't their first powwow.

That their issues were ignored to the extent they were might have surprised some in the Coalition. But for an indigenous community that had been running the pompous old-boys gauntlet of the San Juan County Commission going back to the backhoe-diplomacy days of Cal Black and beyond, they no doubt suspected that what lay behind the collective smirk of the local Feds would be more of the same.

With the tribes and the conservation lobby being the only ones at the table asked to compromise, the Bears Ears Coalition saw little recourse other than taking their proposal for meaningful protection of their ancestral homelands directly to the Executive Branch.

Call me naïve but I'm the kind of guy who actually believed that the PLI would be less obvious.

Why I thought their end game wouldn't be a slight-of-hand, loophole-rich land grab that also rolled back existing National Park air-quality standards is anybody's guess.

Of course, I also believed the preservation of Grizzly Gulch as part of the Mountain Accord agreement had been nailed down. Have I mentioned the breadth of my naiveté? But I digress!

Although the PLI is a net gain for the extractive industry, opening up more public land than it protects, its custodians continue to take bows for its magnanimous and inclusive approach, hauling out fractions and ratios to buttress their claims.

Even if we, as a planet, hadn't already reached the point of no return as far as immediately turning all our resources toward renewable energies, there is the spiritual side of land that is totally ignored by the collective corporate profit motive.

That concept is made most evident by the manner in which the Bears Ears Coalition's proposals have been ignored throughout the process, forcing them to seek redress from the Obama administration.

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

It's a concept that comes easily to those who have become one with the sacred landscape of the Colorado Plateau, especially southern Utah. There's nothing quite like the blessings and epiphanies inherent to trekking the red-rock. It's all about hiking boots, however. ATV excursions just don't get you there!

Speaking of which, the PLI miraculously morphs cow trails into "highways" that can legally support further off-road desecrations of ancestral homelands while, at the same time, contributing vast areas of public land to the state for its amusement. The Recapture Canyon and Cliven Bundy mindsets must be drooling about now.

Luckily for us, most all of the important players on the land conservation side of the equation don't rant and rave and threaten to jump ship, as seems to be my default position. They keep their eye on the prize, ever willing to resume negotiations.

I would offer a word of caution to our Honorable Representatives, however, that they are not easily hoodwinked. They have negotiated mazes of hoodoos and learned their secrets. They certainly won't get lost amid the convolutions of corporate logic when the future is at stake.

So, Mr. President, the ball's in your court and you've got the moral high ground. Designate the Bears Ears National Monument now. It's the right thing at the right time and a very special place that should be set aside. Plus, your children will thank you for it!

Jay Meehan is a culture junkie and has been an observer, participant, and chronicler of the Park City and Wasatch County social scenes for more than 40 years.

Dear President Obama: Protect Bears Ears

American Anthropological Association (blog), Feb. 8, 2016
http://blog.americananthro.org/2016/02/08/dear-president-obama-protect-bears-ears/

My first backpacking trip in south-central Utah at age 14 was a defining moment.

Some earth science teachers took my classmates and me to San Rafael Swell for hands-on learning. A fossilized dinosaur print, ancient sandstone layers, and the body of a decomposing wild horse ignited my curious teenage mind. The most memorable image from that trip, however, is a crimson petroglyph of horned beings with wings.

This image, and subsequent encounters with archaeology, led to a fascination with the field, ultimately motivating me to pursue a PhD at the University of Arizona. Archaeology allows me to practice the scientific field work that I love. In addition, it provides the opportunity for me to study my ancestors through the things they left behind. Importantly, archaeology enables me to be an advocate for the protection of sites with both cultural and scientific value.

The Antiquities Act of 1906 gives the President the authority to protect historic and scientific objects through the declaration of national monuments.

Americans across the country are calling for national monument or conservation area designation of Bears Ears. This 1.9 million acre area is located 150 miles south of San Rafael Swell. Wild desert landscapes, ancient Indian ruins, and the spirits of many tribes' ancestors reside in this breath-taking space.

Bears Ears holds immense value to me as an Indigenous archaeologist and part-Utahn.

As an Ojibwe woman, these sites with kivas, cliff dwellings, petroglyphs, and more hold cultural value. I am not a member of one of the 25 tribal nations supporting the protection of Bears Ears. Yet I recognize the sacredness of these lands because of ancestral and contemporary ties to the land that fellow Indigenous peoples hold. When Bears Ears is threatened, tribal members' ability to conduct ceremonies, collect medicinal plants, and practice healing rituals is at risk. In order to continue our way of life, our traditional homelands must be preserved.

As an archaeologist, I recognize that the 100,000 archaeological sites within Bears Ears are reason enough to protect it. Without designation as a national monument or conservation area these sites face irreversible damage. Once an archaeological site is vandalized, much of its scientific value is lost.

And, because I spent much of my life in Utah, I know what makes Bears Ears worthy of conservation: the beautiful landscape, scientific wealth spread throughout, and sacredness of the land to multiple tribal nations and non-Native people alike.

With looting, off-road vehicles, and environmental degradation to this scientific- and culturally-rich area, Bears Ears will continue to be harmed. Further protection that allows collaborative management between tribal nations and federal agencies will keep this landscape safe.

It is your last year as president, Mr. President. You have the choice to protect Bears Ears by making it a national monument or national conservation area. Please, be an advocate for Native Americans, archaeologists, and others who recognize the worth of Bears Ears.

Miigwech (thank you),

Ashleigh

Ashleigh Thompson is a member of the Red Lake Band of Chippewa Indians and a first year PhD student of the School of Anthropology at University of Arizona.

ALBUQUERQUE JOURNAL

Cedar Mesa land proposal good for all

By Kevin K. Washburn / Law Professor, University Of New Mexico

Albuquerque Journal

Sunday, February 7th, 2016 at 12:02am

Just on the other side of the Four Corners, in Utah's San Juan County, there is an area known as Cedar Mesa, an amazing plateau that rises to 6,500 feet. It is the site of deep canyons and red rocks.

Just to the north is a strikingly beautiful feature that rises to nearly 9,000 feet called the Bears Ears, so named for the silhouette it produces when viewed from the south.

On Bears Ears are high-altitude forests filled with quaking aspens, tall pines and wild game of all sorts. Surrounding Cedar Mesa and Bears Ears is a landscape with more than 100,000 petroglyphs and numerous ancient Indian dwellings, proving that this land has been visited by Indian tribes, and their predecessors, for thousands of years.

The area is also a dream location for hikers, campers and hunters and other visitors to the public lands.

A coalition of tribes, led by the Hopi and the Navajo, and including the Utes of Colorado and Utah and several of New Mexico's pueblos have asked President Obama to use the Antiquities Act to declare this landscape a national monument to be protected alongside other nearby national treasures, such as Arches, Canyonlands, Bryce Canyon and Zion National Parks. Their request has been joined by national and regional conservation groups.

Protecting this sort of resource is precisely the reason Congress gave presidents this power in the Antiquities Act in 1906.

President Teddy Roosevelt used the law to protect New Mexico's own Chaco Canyon and Gila Cliff Dwellings as well as the Grand Canyon before it became a national park. All of these are national treasures.

The truth is that it would not be economically costly to protect Bears Ears. This area remains undeveloped largely because it has never been viewed as having especially rich mineral resources. Though the archeological resources don't have a measurable price tag like coal, oil and gas, many people agree that the archeology is far richer than any mineral resources that could be extracted. And the ancient art needs much stronger protection from looters.

In addition to approaching the White House for a national monument, interested citizens of the region have also encouraged congressmen Rob Bishop and Jason Chaffetz, both Utah Republicans, to develop legislation to protect the area. Tribes have been outspoken about the need for management of this land and have expressed frustration that both congressmen have seemed to ignore tribal concerns and have refused to engage with tribes even when they sat in the same room.

After much foot-dragging, Bishop and Chaffetz last month finally released a public

land initiative for this area that is focused more on facilitating mineral development and less on protecting archeological resources.

Bishop, who chairs the House Natural Resources Committee, has bristled at criticism from tribes. To punish the Ute Indian Tribe of the Uintah and Ouray Reservation for expressing past frustrations, Bishop has proposed to transfer thousands of acres of federal land within the tribe's Uncompahgre Reservation to the State of Utah in exchange for state lands outside the reservation. His stated purpose was to consolidate within the reservation the scattered parcels of state land held for the state education trust fund to facilitate mineral development and "maximize revenue for Utah's schoolkids."

Of all the federal land that exists throughout Utah, Bishop's decision to focus the consolidation effort on taking the land within the Ute Indian reservation is diabolically genius. It pits the Indian tribe against schoolchildren. Let's hope that our own congressional delegation opposes Bishop's cynical and vindictive strategy.

The fact is, all of us must compromise on the use and protection of federal public lands and resources. If partisan members of Congress are more interested in being vindictive than developing real negotiations, then the White House may have no choice but to lead the effort to develop a sensible plan

President Obama has angered the left for allowing drilling in the Arctic Ocean and angered conservatives – and even Indian tribes – for attempting to reduce our nation's reliance on coal-fired power. The president knows how to hear from all of the constituents and make hard but fair decisions. Bears Ears should be protected.

The Salt Lake Tribune

Op-ed: PLI fails to protect America's treasures, including Bears Ears, so Obama should

By Scott Groene - Salt Lake Tribune

First Published Feb 06 2016 03:00PM

Rep. Rob Bishop recently unveiled his draft legislation for the public lands of eastern Utah — what he calls the "Public Lands Initiative" (PLI). Unfortunately, it is a fossil fuel development bill that would roll back wilderness protection and further the state's land grab efforts.

The PLI actually grew out of a congressional hearing on America's Red Rock Wilderness Act in 2009. First introduced by Utah Rep. Wayne Owens, the act would designate roughly 9.5 million of the 23 million acres of Bureau of Land Management land in the state as wilderness.

At the 2009 hearing, the Utah senators and representatives testified in unison that the act should be put on hold while they were given a chance to resolve Utah's wilderness issues.

Seven years later, the PLI shows that the delegation has failed.

The draft PLI is an assault on our public lands. It dedicates more land to permanent fossil fuel development than it conserves as wilderness. It opens up lands currently managed like wilderness for coal mining and oil and gas drilling. In fact, less public land would be managed as wilderness than is the case today. The land it does designate as wilderness includes unprecedented caveats and loopholes.

It also completely fails the Bears Ears region. Parts of Bears Ears would be dedicated to oil and gas, uranium or potash development. And the bill designates a vast network of dirt trails for off-road vehicles that would facilitate more vandalism of cultural resources.

Finally, the PLI shamelessly furthers the state of Utah's land grab fever by giving away thousands of miles of dirt roads, two-tracks, and cow trails as "highways." And it gifts the state and counties tens of thousands of acres of public lands for pet projects.

This one-sided affair is opposed by Native American tribes, outdoor recreation interests and conservation organizations. Support is mustered only from the usual anti-wilderness suspects such as the fossil fuel lobby.

What we have is déjà vu all over again.

In other words, we've seen such bills before. Over a dozen times across two decades, in fact, the Utah congressional delegation has conjured up bills written for a small number of southern Utah's local politicians representing less than 5 percent of Utahns. All were bills that failed to recognize that these lands belong to all Americans — to you and to me. For that reason their efforts have always crashed in Congress.

In contrast, during the same period two Utah wilderness bills have succeeded: both recognized the public's role in land management and both had the conservation community's support.

While the PLI's vision might be red meat for a few, its radical provisions will not pass Congress and would not escape a presidential veto.

But there is a silver lining to all of this. The PLI's failure is likely to result in President Obama designating the Bears Ears National Monument, as requested by the Navajo, Hopi, Zuni, Northern Ute, and Uintah and Ouray Ute nations. Twenty-five Native American tribes with ties to the Bears Ears region have expressed their support for protecting this living cultural landscape.

The Utah delegation knew that a one-sided proposal would force the president to act. Now that we have seen the failed PLI attempt, we urge President Obama to act quickly to conserve the Bears Ears.

This is an outcome that two-thirds of Utahns and large numbers of San Juan County residents have already said they want. If it happens, state political leaders should join with us in celebrating the protection of America's most significant threatened cultural landscape.

If they choose to rant and rave instead, it will only add to the poisonous political atmosphere reflected by Phil Lyman's illegal off-road vehicle protest ride or the seizure of Malheur by armed extremists. That will also make it unlikely that there will be future agreement on Utah wilderness because their rhetoric will not allow it.

The time has come for Utah's politicians to recognize that these lands belong to all Americans and that ideologically-driven, anti-public-land legislation like the PLI is, and always has been, doomed to failure. With this turn, then we can truly start the difficult work of resolving differences to benefit Utah and America's red rock wilderness.

Scott Groene is executive director of the Southern Utah Wilderness Alliance.

Bear Ears Is The New Focus For Conservation and Tribal Groups

By Jon Kovash • 21 hours ago Utah Public Radio – Audio online

In the center of the proposed almost two-million-acre monument are the actual "bears ears," a prominent pair of buttes that are sacred to the Navajos. This mostly BLM land contains more than 100,000 cultural sites and includes place names familiar to most of Utah's back country enthusiasts: Cedar Mesa, Comb Ridge, Indian Creek, Valley of the Gods, Dark Canyon and Grand Gulch. Leonard Lee, who lives in Aneth, says tribal members are concerned about continued looting of archeological sites.

"Bears Ears and Cedar Mesa is something that hasn't been really taken care of, because of the BLM was saying that they're limited to their law enforcement. And there was a lot of looting and desecration and grave robbery, and a lot of these sites were destroyed, damaged."

The tribes also object to San Juan County's designation of "energy corridors" to promote uranium mining and oil and gas. Lee says the conservation ethic runs deep among Navajos and Utes.

"And a lot of stories about the Bears Ears by the elders, where there's sacred places where the holy springs are. The wind has a home in those caves and those canyonlands, and the talking rocks into those cliffs. And our belief as a tradition, we respect anything with the mother nature and within the base of the mountain to the top of the mountain, and also the wildlife."

Bill Boyle, editor of the San Juan Record, supports the commissioners' decision to stick with the Bishop/Public Lands initiative.

"The Bears Ears, I don't know who dreamed it up, but it wasn't anyone local, a group of people who'd never been here before primarily, comes rolling in in July, and announces that they've decided what's going to happen."

Commissioner Phil Lyman, defends the county's decisions.

"You can look at the proposals that were put out by all the different entities, and you'll see that they're not that different. For me an overriding element of all the planning was that we agree on so much. Some people have a different agenda and maybe they want to see some controversy that's not really there. Again, you can look at the proposals and see that Bears Ears has not been excluded or neglected."

Rebecca Benally, the only Navajo on the commission, has come to agree that Bears Ears is being proposed by outsiders.

"It's not about being true Navajo, it's about representation of the true Utah grass roots people that are Navajo, they are in this county, and they just felt that, whether it's Dineh Bikeyah or the Bears Ears coalition wasn't a true representation of the Utah grass roots Navajo people."

Meanwhile Bears Ears has the support of the Southern Utah Wilderness Alliance and other green groups, and according to a new poll, two thirds of Utah residents.

Los Angeles Times

Op-Ed: It's time for Obama to make Bear Ears in Utah a national monument

Los Angeles Times, January 21, 2016
Bruce Babbitt

Out west, there's a group proposing alternative ways of managing federal lands. It isn't the one occupying that wildlife refuge in Oregon; it's a coalition of Native American tribes that has proposed a new type of national monument in southern Utah.

Navajo, Hopi, Ute and Zuni tribal members — the original occupants of this region — are seeking, in their words, "to work constructively and respectfully with the Federal agencies" to protect nearly 2 million acres of their ancestral lands.

Navajo, Hopi, Ute and Zuni tribal members -- the original occupants of this region -- are seeking ... to protect nearly 2 million acres of their ancestral lands.

Across the centuries native groups have left evidence of their occupancy in the remains of thousands of stone villages, cliff dwellings, hogans, pit houses and granaries. In recent decades an increasing number of visitors have been drawn to the spectacular landscape in this remote corner of Utah, east of the Colorado River and south of Canyonlands National Park. The region also has attracted vandals intent on grave robbing and looting these prehistoric sites. Miners and ranchers have at times denied tribes access to sacred sites and areas for gathering medicinal herbs and plants.

Tribal leaders are not demanding return of these ancestral lands. They acknowledge that public lands are part of our national patrimony, and should be held in perpetuity for the use and enjoyment of all Americans.

The tribes are, however, seeking a larger role in the protection of their sacred sites and access to places of ceremonial importance. Management of the land, they contend, should incorporate traditional knowledge and respect for the spiritual values inherent in the natural world. In the words of a Ute tribal member, Malcolm Lehi, "We can still hear the songs and prayers of our ancestors on every mesa and in every canyon."

For nearly five years tribal representatives met with local residents, state officials and congressman Rob Bishop, a Utah Republican who claimed to be drafting consensus land-use legislation that would address their concerns. Talks failed to reach agreement.

So in October the tribes submitted a petition to President Obama, requesting he designate this area a national monument using his authority under the Antiquities Act. It would be called Bears Ears after a distinctive landform rising above Cedar Mesa in the center of the region.

It's a new model of national monument, however, that the tribes are proposing. Lands currently controlled mainly by the Bureau of Land Management, but also including some held by the Forest Service and the National Park Service, would be jointly administered by a partnership between the tribes and the federal agencies.

The secretaries of the Interior and Agriculture would retain final decision-making authority in the event that management issues could not be worked out

at the ground level. Differences would be subject to mediation before final decision by the secretaries. All existing uses and vested rights, including the grazing rights held by local ranchers, would be recognized and protected.

Bishop and the rest of the Utah congressional delegation voiced opposition to the tribal proposal right away. And Wednesday, Bishop finally released a draft of his land-use bill, which would clear the way for accelerated oil and gas leasing and road development.

The Bishop bill then drops a poison pill, by means of a "gag rule" so unusual that it is without precedent in land management legislation. It stipulates that federal agencies cannot consider or take into account any tribal recommendation that has not been endorsed in advance by either the state of Utah or a local county commission.

Bishop's legislation is a disappointing conclusion after five years of negotiations. Native Americans will certainly see it as a diversionary tactic, designed to forestall a monument declaration by the president.

The next move is Obama's. To be sure, he should request and consider responses and suggestions from all sides on the tribes' national monument proposal. He can shape or modify it on many points relating to boundaries, preparation of management plans, dispute resolution and the roles the Forest Service, the National Park Service and the Bureau of Land Management will play.

But these issues of enhanced land and cultural protection have festered long enough in Utah. The president should resolve them now by creating Bears Ears National Monument.

Bruce Babbitt was secretary of the Department of the Interior from 1993 to 2001.

The Salt Lake Tribune

Letter: Bishop misstates facts on Bears Ears

Salt Lake Tribune, January 14, 2016
From Regina Lopez-Whiteskunk, head councilwoman of Ute Mountain Ute Tribe
http://www.sltrib.com/opinion/3410860-155/letter-bishop-misstates-facts-on-bears

n a Dec. 31 article "Tribes cut off talks with Utah delegation over public lands bill," Rep. Rob Bishop declares that the Bears Ears Inter-Tribal Coalition is a "self-appointed coalition [that] has an agenda that we need to reconcile with the wishes of those who actually call Utah home."

First, the Bears Ears Inter-Tribal Coalition is not "self-appointed." The Bears Ears Coalition is comprised of five sovereign nations that each appointed one official representative to engage in negotiations with Bishop's office. The appointment of each person was done officially under the full authority of each tribal government. Our authority to exist as governments comes through treaties signed between our ancestors and Bishop's predecessors in the U.S. Congress.

Second, we have called Bears Ears home since time immemorial, since before Utah was a state. My tribe, the Ute Mountain Ute, has lands within the proposal. We still live here in Utah, and the Ute and Navajo community members who make up the majority of San Juan County citizenry have spoken and have been ignored by Utah officials.

This is why as sovereign nations we are asking the president to act multi-laterally (not unilaterally) on our behalf.

Regina Lopez-Whiteskunk

Ute Mountain Ute tribal representative on the Bears Ears Inter-Tribal Coalition

THE ARIZONA REPUBLIC

Our Turn: Tribes unite to protect lands

Arizona Republic, December 20, 2015
Eric Descheenie and Alfred Lomahquahu

At this month's United Nations Conference on Climate Change, there was increased recognition for the need for all leaders to work collaboratively with indigenous peoples, the original caretakers of the earth, to solve the world's problems.

The Indigenous Elders And Medicine Peoples Council released a statement emphasizing how, "we must work in unity to help Mother Earth heal so that she can bring back balance and harmony for all her children."

This is exactly what Native American tribes are doing to protect our ancestral lands - the Bears Ears, beautiful forest and high plateau lands located in San Juan County, Utah. This is a place of traditional religious significance to tribes of the southwest United States.

Our people have lived in the Bears Ears country since time began. The land is a unique place where we practice religious traditional rights for the purpose of attaining or restoring health for human communities and our natural world as an interconnected and inextricable whole.

Traditional leaders depend on the preservation of these lands for healing. Yet despite this connection, this landscape remains unprotected, leading to ongoing looting and rampant destruction of the structures, artwork and grave sites. These acts literally rob Native American people of spiritual connections, as well as a sense of place and history.

In Paris, the Indigenous Elders And Medicine Peoples Council talked about the shared responsibility to "create real solutions and do something right for the future of all life." In that vein, the five sovereign tribal governments of the Ute Mountain Ute Indian Tribe, Uintah and Ouray Ute Indian Tribe, Zuni Tribe, Hopi Tribe, and Navajo Nation delivered a formal proposal in October requesting U.S. President Barack Obama exercise his authority via the Antiquities Act to designate the Bears Ears a national monument.

Our proposal combines both Western science and Traditional Knowledge in establishing something never accomplished before; true collaborative management between the United States government and five Indian Nations. It has the potential to shape intergovernmental cooperation throughout the country and the world, as we help turn back the tide of the exploitation that injures us all.

This came from local tribal members' years of work living in southeastern Utah. In 2012 local tribal members tried to work with local county officials and Congressional leaders to protect Bears Ears. This effort was intended to participate in the Utah Congressional Public Lands Initiative aimed at resolving some of Utah's most challenging public land disputes, due in part to proposed development through mining and energy extraction.

After having their input routinely pushed to the side or not considered altogether, these leaders shifted their attention to neighboring tribes who also maintain traditional relationships with the Bears Ears. Responding to the injustice sustained, the people's torch was willfully handed to our

unified governments. In doing so, we evoke and elevate our people's rights to a true government-to-government relationship, an even stage earned on the backs of our ancestors.

The Bears Ears Inter-Tribal Coalition stands with our people. Our intention is to preserve and protect our ability to heal as a people. The land must be able to provide for a healthy and satisfying life now and into the future. Our children-all of our children-depend on it.

Eric Descheenie is an adviser to the Navajo Nation president and Alfred Lomahquahu is vice chairman of the Hopi Tribe. They co-chair the Bears Ears Inter-Tribal Coalition.

M - Bears Ears

OUTDOOR ALLIANCE

OUTDOOR INDUSTRY ASSOCIATION

Human-Powered Recreation in the Bears Ears, UT Region

ACCESS FUND OUTDOOR ALLIANCE

- Rock Climbing
- Mountain Biking
- Whitewater Paddling
- Backcountry Skiing

Moab

Colorado River

Canyonlands National Park

Indian Creek

Manti-La Sal National Forest

Bears Ears Buttes

Arch Canyon

Natural Bridges National Monument

Comb Ridge

Glen Canyon NRA

Valley of the Gods

San Juan River

Bluff

Monument Valley

Navajo Nation

UTAH

ARIZONA

0 10 20 30 40 50 Miles

- Proposed Bears Ears National Monument
- Proposed PLI National Conservation Area
- PLI Dugout Ranch Transfer

ACCESS FUND · ACA · AMERICAN WHITEWATER · IMBA INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION · WINTER WILDLANDS ALLIANCE · M · THE AMERICAN ALPINE CLUB

OUTDOOR ALLIANCE

OUTDOOR INDUSTRY ASSOCIATION

* * *

If the Administration uses the Antiquities Act to designate a Bears Ears National Monument, we request that the world-class recreational opportunities located within the Bears Ears proposal boundaries, including the specific contributions to the value of the area of climbing, mountain biking, river running, and skiing, be acknowledged in the presidential proclamation. Additionally, we hope that the proclamation will acknowledge the recreational importance of key locations like Indian Creek, Lockhart Basin, Arch/Texas Canyon, Comb Ridge, Valley of the Gods, and the San Juan, Colorado, and Green Rivers. Having this acknowledgment in the proclamation is essential to ensuring appropriate protection of recreation opportunities as a management plan for the monument is developed.

We greatly appreciate the opportunity to provide our perspective on the exceptional human-powered recreation resources of the Bears Ears region.

Best regards,

Adam Cramer
Executive Director
Outdoor Alliance

Amy Roberts
Executive Director
Outdoor Industry Association

cc: Brady Robinson, Executive Director, Access Fund
Wade Blackwood, Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Mike Van Abel, Executive Director, International Mountain Bicycling Association
Mark Menlove, Executive Director, Winter Wildlands Alliance
Elizabeth Lunney, Interim Executive Director, The Mountaineers
Phil Powers, Executive Director, American Alpine Club

Outdoor Alliance is a coalition of seven member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, the Mountaineers, and the American Alpine Club and represents the interests of the millions of Americans who climb, paddle, mountain bike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes.

Outdoor Industry Association is the leading trade association and voice serving more than 4,000 manufacturers, distributors, suppliers, sales representatives, and retailers in the active outdoor lifestyle. OIA supports the growth and success of the outdoor industry through its focus on government affairs, sustainability, outdoor consumer insights, industry trends, and youth participation.

ACCESS FUND ACA AMERICAN WHITEWATER IMBA WINTER WILDLANDS M THE AMERICAN ALPINE CLUB

[DISCUSSION DRAFT]
114th CONGRESS
1st Session

H. R. _____

To provide greater certainty and local management of federal land use in Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
Mr. Bishop introduced the following bill; which was referred to the Committee on _____

A BILL

To provide greater certainty and local management of federal land use in Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short Title

The Act may be cited as the Utah Public Lands Initiative Act.

SEC. 2. Table of Contents

Division A – Conservation
Title I – Wilderness
Title II – National Conservation Areas
Title III – Special Management Areas
Title IV – Arches National Park Expansion
Title V – Jurassic National Monument
Title VI – Wild and Scenic Rivers
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Division B – Opportunity
Title I – School Trust Land Consolidations
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Title III – Price Canyon State Forest
Title IV – Deer Lodge Land Exchange
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Title VI – Land Conveyances
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Title VIII – Canyon Country Recreation Zones
Title IX—Red Rock Country Off-Highway Vehicle Trail
Title X – Long-Term Native American Economic Development Certainty
Title XI – Long-Term Energy Development Certainty
Title XII – Long-Term Travel Management Certainty
Title XIII – Long-Term Land Use Certainty

SEC. 3. Definitions.

In this Act:

FEDERAL LAND. – Unless otherwise provided the term ''federal land'' means the lands or interests inland under the jurisdiction of the Department of the Interior or the Department of Agriculture.

Division A – Conservation

Title I – Wilderness

SEC. 101. WILDERNESS DESIGNATIONS

In furtherance of the purposes of the Wilderness Act, and subject to valid existing rights, the following areas of the State are designated as wilderness and as components of the National Wilderness Preservation System pursuant to the Wilderness Act (16 U.S.C. 1131 et seq.).

(A) CANDLAND MOUNTAIN.—Certain federal land in Emery County, Utah managed by the United States Forest Service comprising approximately 14,170 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Candland Mountain Wilderness".

(B) DESOLATION CANYON. --- Certain federal land in Duchesne, Uintah, Carbon, Emery, and Grand Counties managed by the Bureau of Land Management comprising approximately 488,993 acres, as generally depicted on the Utah PLI Wilderness Map and dated, which shall be known as the "Desolation Canyon Wilderness."

(C) HIGH UINTA. --- Certain federal land in Duchesne, Summit, and Uintah Counties, Utah managed by the United States Forest Service comprising approximately 26,699 acres, as generally depicted on the Utah PLI Wilderness Map and dated____, which shall be known as the "High Uintah Wilderness."

(D) MANCOS MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management and the National Park Service comprising approximately 95,604 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Mancos Wilderness."

(E) CHEESEBOX CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 14,860 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Cheesebox Canyon Wilderness."

(F) CROSS CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 1,983 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Cross Canyon Wilderness."

(G) BUTLER WASH.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 27,877 acres, as

generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Butler Wash Wilderness."

(H) DARK CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 73,190 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Dark Canyon Wilderness."

(I) BEHIND THE ROCKS.—Certain federal land in San Juan and Grand Counties in Utah managed by the Bureau of Land Management comprising approximately 13,064 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Behind the Rocks Wilderness."

(J) BRIDGER JACK MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 6,332 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Bridger Jack Mesa Wilderness."

(K) CEDAR MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 225,601 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Cedar Mesa Wilderness."

(L) MIKES CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management and the National Park Service comprising approximately 27,920 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Mikes Canyon Wilderness."

(M) MULE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 6,171 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Mule Canyon Wilderness."

(N) MARSH PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 15,031 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Marsh Peak Wilderness."

(O) CLIFF PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 9,153 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Cliff Peak Wilderness."

(P) BULL CANYON.—Certain federal land in Uintah County, Utah managed by the Bureau of Land Management comprising approximately 598 acres, as generally

depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Bull Canyon Wilderness."

(Q) WHITE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 20,603 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "White Canyon Wilderness."

(R) MEXICAN MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 85,149 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Mexican Mountain Wilderness."

(S) SIDS MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 82,405 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Sids Mountain Wilderness."

(T) MUDDY CREEK.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 72,399 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Muddy Creek Wilderness."

(U) SAN RAFAEL REEF.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 65,145 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "San Rafael Reef Wilderness."

(V) CRACK CANYON WILDERNESS.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 27,190 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Crack Canyon Wilderness."

(W) DEVILS CANYON.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 8,651 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Devils Canyon Wilderness."

(X) NELSON MOUNTAIN.—Certain federal land in Emery County, Utah managed by the United States Forest Service comprising approximately 15,942 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Nelson Mountain Wilderness."

(Y) WILLIAM GRANSTAFF CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately

8,982 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "William Granstaff Canyon Wilderness."

(Z) MILL CREEK CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 12,357 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Mill Creek Canyon Wilderness."

(AA) LABYRINTH CANYON.—Certain federal land in Grand and Emery Counties in the state of Utah managed by the Bureau of Land Management comprising approximately 52,968 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Labyrinth Canyon Wilderness."

(BB) CANYONLANDS.—Certain federal land in San Juan and Grand Counties in the State of Utah managed by the National Park Service comprising approximately 257,605 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Canyonlands Wilderness."

(CC) ARCHES.—Certain federal land in Grand County, Utah managed by the National Park Service comprising approximately 76,258 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Arches Wilderness."

(DD) FISHER TOWERS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 1,189 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Fisher Towers Wilderness."

(EE) MARY JANE CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 13,573 acres, as generally depicted on the Utah PLI Wilderness Map and dated ____, which shall be known as the "Mary Jane Canyon Wilderness."

(FF) GRANITE CREEK .—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 25,103 acres, as generally depicted on the Utah PLI Wilderness Map and dated ____, which shall be known as the "Granite Creek Wilderness."

(GG) BOOK CLIFFS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 175,490 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Book Cliffs Wilderness."

(HH) WESTWATER.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 32,954 acres, as

generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Westwater Wilderness."

(II) BEAVER CREEK.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 48,513 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Beaver Creek Wilderness."

(JJ) MOUNT PEALE.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,301 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Mount Peale Wilderness."

(KK) NOTCH CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 7,593 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Notch Canyon Wilderness."

(LL) ARCH CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,375 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Arch Canyon Wilderness."

(MM) RANGE CREEK.—Certain federal land in Carbon County, Utah managed by the Bureau of Land Management comprising approximately 4,061 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Range Creek Wilderness."

(NN) DINOSAUR.—Certain federal land in Uintah County, Utah managed by the National Park Service comprising approximately 52,348 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Dinosaur Wilderness."

SEC. 102 MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall file a map and legal description of the wilderness areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.
(b) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior and the Secretary of Agriculture as appropriate may make any minor modifications of any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, the National Park Service, and the United States Forest Service.

SEC. 103. WILDERNESS ADMINISTRATION.

(a) IN GENERAL .—Subject to valid existing rights, each wilderness area established under section 101 shall be administered by the Secretary of the Interior or the Secretary of Agriculture as appropriate in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(2) with respect to wilderness areas that are administered by the Secretary of the Interior, any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) FIRE, INSECTS, AND DISEASE .— In accordance with this section, the Secretary of the Interior or the Secretary of Agriculture as appropriate may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the wilderness; and

(2) coordinate those measures with the appropriate State or local agency.

(c) WILDFIRE MANAGEMENT OPERATIONS. - Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

(d) LIVESTOCK .—

(1) IN GENERAL .—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in wilderness shall continue at stocking levels at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on wilderness values, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

D) the construction of new improvements or replacement of deteriorated facilities in wilderness is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) Applicability of Certain Requirements

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this section.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior or the Secretary of Agriculture as appropriate, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior or the Secretary of Agriculture as appropriate to establish historic access, locations, or use.

(e) OUTFITTING AND GUIDE ACTIVITIES .—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas are authorized to the extent necessary for realizing the recreational purposes of the areas.

(f) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on public land in the State, including the regulation of hunting, fishing, and trapping and use of helicopters to maintain healthy wildlife populations within the wilderness areas.

(g) ACCESS .—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of the Interior or the Secretary of Agriculture as appropriate shall provide the owner of State or private property within the boundary of a wilderness area access to the property.

(h) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) are allowed in the wilderness areas designated by section 101 if—

(1) the structures and facilities will enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness can be minimized.

(i) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. - Within the wilderness areas, hunting, fishing, and recreational and target shooting, in areas where hunting, fishing, and recreational and target shooting has been allowed on lands and waters owned of managed by the Department of the Interior or Department of Agriculture before the date of enactment of this Act, shall continue.

(j) WITHDRAWALS- Subject to valid existing rights, all public land within the areas established under this title, including any land or interest in land that is acquired by

the United States within the wilderness area after the date of enactment of this Act, is withdrawn from--

(1) entry, appropriation or disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and
(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 104. WATER RIGHTS.

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;
(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.
(3) establishes a precedent with regard to any future wilderness designations.

(b) UTAH WATER LAW. –The Secretary of the Interior and the Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the wilderness areas designated by section 101.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in wilderness areas designated by section 101.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

SEC. 105. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over wilderness areas designated by section 101, including military overflights that can be seen or heard within wilderness areas;
(2) flight testing and evaluation; or
(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over wilderness areas.

SEC. 106. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wilderness area designated by section 101.

(b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The fact that an activity or use on land outside a wilderness area can be seen, heard or smelled within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

SEC. 107. NATIVE AMERICAN TREATY RIGHTS.

Nothing in this title diminishes the treaty rights of any Indian tribe.

SEC. 108. ACQUISITION OF LAND AND INTERESTS IN LAND.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture as appropriate may acquire land or interest in land within the boundaries of the wilderness areas designated by section 101 only by donation or exchange.

(2) LAND EXCHANGE.—At the request of the State, not later than 2 years after the date of enactment of this Act, the Secretary of the Interior or the Secretary of Agriculture as appropriate shall complete exchanges for State land located within the boundaries of the wilderness areas designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(b) INCORPORATION IN WILDERNESS AREA.—Any land or interest in land located inside the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the wilderness area.

SEC. 109. WILDERNESS REVIEW.

(a) NATIONAL FOREST SYSTEM LAND.—

(i) The 8,231-acre area known as West Fork of Blacks Fork, located in Summit County, Utah, as depicted on the map entitled Utah PLI Wilderness map dated _____, shall no longer be subject to the United States Forest Service 2001 Roadless Rule of January 12, 2001.

(b) PUBLIC LAND.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the following wilderness study areas, as depicted on the map entitled Utah PLI Wilderness map and dated _____, have been adequately studied for wilderness designation:

A. 43,322-acre area known as Winter Ridge Wilderness Study Area;

B. 7,203-acre area known as Jack Canyon Wilderness Study Area;

C. 6,560-acre area known as Squaw and Papoose Wilderness Study Area;

D. 8,769-acre area known as Desolation Canyon Wilderness Study Area included within the Desolation Canyon National Conservation Area as designated by this Act; and

E. 2,516-acre area known as Daniels Canyon Wilderness Study Areas.

(2) RELEASE .—Any land managed by the Bureau of Land Management within the areas described in paragraph (1) that is not designated as wilderness by this title—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712), provided the land management plans have been adjusted to reflect the new policies included in this Act; and

(C) shall no longer be subject to Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 110. AIRSHEDS.

The wilderness areas designated under section 101 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

Title II – National Conservation Areas

SEC. 201. NATIONAL CONSERVATION AREAS.

(a) ESTABLISHMENT.—Subject to valid existing rights, the following areas in the State are hereby established as National Conservation Areas:

(1) WHITE RIVER.—Certain federal land, comprising approximately 17,017 acres administered by the Bureau of Land Management in Uintah County, Utah as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "White River National Conservation Area."

(2) BEACH DRAW.—Certain federal land, comprising approximately 658 acres administered by the Bureau of Land Management in Uintah County, Utah as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Beach Draw National Conservation Area."

(3) DIAMOND MOUNTAIN.—Certain federal land, comprising approximately 30,390 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Diamond Mountain National Conservation Area."

(4) DOCS VALLEY.—Certain federal land, comprising approximately 8,543 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Docs Valley National Conservation Area."

(5) STONE BRIDGE DRAW.—Certain federal land, comprising approximately 2,415 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Stone Bridge Draw National Conservation Area."

(6) STUNTZ DRAW.—Certain federal land, comprising approximately 2,283 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Stuntz Draw National Conservation Area."

(7) SAN RAFAEL SWELL.—Certain federal land, comprising approximately 330,824 acres administered by the Bureau of Land Management in Emery County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "San Rafael Swell National Conservation Area."

(8) LABYRINTH CANYON.—Certain federal land, comprising approximately 35,048 acres administered by the Bureau of Land Management in Emery County and Grand County, Utah, as generally depicted on the map entitled Utah PLI National Conservation

Area Map and dated _____, to be known as the "Labyrinth Canyon National Conservation Area."

(9) MUDDY CREEK.—Certain federal land, comprising approximately 102,312 acres administered by the Bureau of Land Management in Emery County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Muddy Creek National Conservation Area."

(10) COLORADO RIVER.—Certain federal land, comprising approximately 116,155 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Colorado River National Conservation Area."

(11) DESOLATION CANYON.—Certain federal land, comprising approximately 8,769 acres administered by the Bureau of Land Management in Carbon County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Desolation Canyon National Conservation Area."

(12) NINE MILE CANYON.—Certain federal land, comprising approximately 41,299 acres administered by the Bureau of Land Management in Carbon County and Duchesne County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Nine Mile Canyon National Conservation Area."

SEC. 202 MAP AND LEGAL DESCRIPTION. –

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the National Conservation Areas established by sections 201, 205 and 206 of this Act with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.
(b) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior may make any minor modifications of any clerical or typographical errors in the map or legal description.
(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the United States Forest Service.

SEC. 203. ADMINISTRATION OF NATIONAL CONSERVATION AREAS

(a) PURPOSES. - In accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws, the Secretary of the Interior shall manage the National Conservation Areas established by section 201 in a manner that conserves and enhances the scenic, natural, historical, ecological,

educational, cultural, and motorized, mechanized, and primitive recreational resources of the National Conservation Areas.

(b) MANAGEMENT PLANS.

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of each conservation area.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with the State, local governments, and Native American tribes. If the Secretary of the Interior does not incorporate recommendations submitted by the State, local, and Native American tribes into the management plans, the Secretary of the Interior shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the state local governments and tribes.

(3) REQUIREMENTS- Each management plan shall--

(A) describe the appropriate uses, such as scenic, natural, historical, recreational, ecological, educational, and cultural, and for management of the conservation area; and

(B) include interpretive and educational materials regarding the cultural and biological resources of the region within which the conservation area is located.

(C) Complies with Sec. 203 and Sec. 204 .

(c) USES- The Secretary of the Interior shall allow only such uses of the conservation area that would further the recommendations put forth in the Management Plan

(d) ACQUISITION OF LAND AND INTERESTS IN LAND. -

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary of the Interior may acquire land or interest in land within the boundaries of the National Conservation Areas designated by section 201 only by donation or exchange.

(2) LAND EXCHANGE.—At the request of the State not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall complete exchanges for State land located within the boundaries of the National Conservation Areas designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(b) INCORPORATION IN CONSERVATION AREA.—Any land or interest in land located inside the boundary of a conservation area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the conservation area.

SEC. 204. GENERAL PROVISIONS.

(a) WITHDRAWALS-

(1) Subject to valid existing rights, all federal land within the National Conservation Areas established under sections 201, 205, and 206 , including any land or interest in land that is acquired by the United States within the conservation area after the date of enactment of this Act, is withdrawn from--

(1) entry, appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) EXCEPTION.—Notwithstanding the withdrawal in paragraph (1), for the Desolation Canyon National Conservation Area, White River National Conservation Area, and the Book Cliffs Sportsmens National Conservation Area, the Secretary of the Interior may lease oil and gas resources in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) subject to the following conditions:

(A) the area may be accessed only by directional drilling from a lease held on the date of enactment of this Act on land that is adjacent to, and outside of, the conservation area.

(B) the lease shall prohibit surface occupancy and surface disturbance for any mineral activities within the national conservation areas.

(b) FIRE, INSECTS, AND DISEASE .— In accordance with this title, in national conservation areas established under sections 201, 205, and 206 the Secretary of the Interior may—

(A) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the national conservation areas; and

(B) coordinate those measures with the appropriate State or local agency.

(c) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interferes with the authority of the Secretary of the Interior to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression in national conservation areas established under sections 201, 205, and 206 .

(d) LIVESTOCK .—

(1) IN GENERAL .—Within the national conservation areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management

plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior or the Secretary of Agriculture as appropriate, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior or the Secretary of Agriculture as appropriate to establish historic access, locations, or use.

(e) AIRSHED. - The national conservation areas designated under sections 201, 205, and 206 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

(f) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of the Interior from renewing easements or rights-of-way in national conservation areas established under sections 201, 205, and 206 in existence on the date of enactment of this Act, in accordance with this Act and existing law.

(g) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Conservation area designated by sections 201, 205 and 206 .

(b) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside a conservation area established under sections 201, 205, and 206 can be seen, heard, or smelled within the conservation area shall not preclude the activity or use outside the boundary of the Conservation area.

(h) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the national conservation areas established under sections 201, 205, and 206 are authorized.

(i) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State,

including the regulation of hunting, fishing, and trapping and use of helicopters to maintain healthy wildlife populations, within the national conservation areas established under sections 201, 205, and 206.

(j) ACCESS .—The Secretary of the Interior shall provide the owner of State or private property within the boundary of a conservation area established under sections 201, 205, and 206 access to the property.

(k) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the national conservation areas established under sections 201, 205, and 206 are authorized.

(l) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the national conservation areas established under sections 201, 205, and 206, hunting, fishing, and recreational and target shooting, in areas where hunting, fishing, and recreational and target shooting has been allowed on lands and waters owned of managed by the Department of the Interior or Department of Agriculture before the date of enactment of this Act, shall continue.

(m) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the national conservation areas designated by sections 201, 205, and 206 ;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future national conservation areas designations.

(b) UTAH WATER LAW. –The Secretary of the Interior shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the national conservation areas established under sections 201, 205, and 206 .

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in national conservation areas designated by sections 201, 205, and 206 .

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(n) WILDERNESS REVIEW. –

(a) Congress finds that the national conservation areas described in sections 201, 205, and 206 have been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and are no longer subject to the requirement of subsection (c) of such section pertaining to the management

of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The Secretary of the Interior may not promulgate or issue any system-wide regulation, directive, instruction memorandum or order that would direct management of the federal lands designated as national conservation areas in sections 201, 205, and 206 in a manner contrary to subsection (n) .

(o) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of the Interior from conducting vegetation management projects within the national conservation areas established under sections 201, 205, and 206 .

(p) MOTORIZED VEHICLES.

(1) IN GENERAL- Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles shall be permitted only on designated routes within the national conservation areas.

(2) DESIGNATED ROUTES

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized on January 1, 2016;

(ii) minimizes conflict with sensitive habitat or cultural or historical resources; and

(iii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING-

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of the Interior, in consultation with the State, and relevant local government within the State determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of the Interior shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the Conservation Area;

(ii) use of the internet and web resources.

(3) PERMANENT ROAD CONSTRUCTION-

(1) After the date of enactment of this Act, except as necessary for administrative purposes or to respond to an emergency, the Secretary of the

Interior shall not construct any permanent road within the conservation area designated under section 201, 205, or 206

(q) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

SEC. 205. – BOOK CLIFFS SPORTSMENS NATIONAL CONSERVATION AREA

(a) ESTABLISHMENT.—Subject to valid existing rights, certain federal land, comprising approximately 42,351 acres administered by the Bureau of Land Management in Uintah County in the State of Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, is established as "Book Cliffs Sportsmens National Conservation Area."

(b) PURPOSES.—The purpose of the Book Cliffs Sportsmen's National Conservation Area (referred to in this section as the ''NCA'') is to facilitate hunting and fishing opportunities and to provide for state management of wildlife habitat.

(c) MANAGEMENT PLAN. –

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of the NCA.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with the Advisory Council. If the Secretary of the Interior does not incorporate the recommendations submitted by the Advisory Council into the management plan the Secretary of the Interior shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the Advisory Council.

(3) REQUIREMENTS- The management plan shall be written in accordance with subsection (b)

(4) Uses- The Secretary of the Interior shall allow only such uses of the NCA that would further the purposes of the NCA.

(d) BOOK CLIFFS SPORTSMEN'S NATIONAL CONSERVATION AREA ADVISORY COUNCIL. –

(1) ESTABLISHMENT.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior shall establish the Book Cliffs Sportsmens National Conservation Area Advisory Council (referred to as the Advisory Council") to:

(A) advise the Secretary of the Interior with respect to development and implementation of the NCA management plan to the greatest extent allowable by law.

(B) encourage and promote local participation in the decision making processes affecting the NCA.

(2) MEMBERSHIP.— The Advisory Council shall consist of 11 members.

(3) MEMBERS.—The Secretary of the Interior shall appoint one member from each of the from the following groups:

(i) State fish and wildlife agencies.
(ii) Game bird hunting organizations.
(iii) Wildlife conservation organizations.
(iv) Big game hunting organizations.
(v) a cold water fishing organization.
(vi) the tourism, outfitter, or guiding industry.
(vii) the hunting or shooting equipment retail industry.
(viii) tribal resource management organizations.
(ix) The agriculture industry.
(x) the ranching industry.
(xi) the Uintah County Commission or its designee.

(4) ELIGIBILITY.—The Secretary of the Interior shall determine that all individuals appointed to the Advisory Council, and the organization or industry each individual represents, support sustainable-use hunting, wildlife conservation, and recreational shooting.

(1) TERMS.—

(A) IN GENERAL.— Except for the initial appointees, members of the Advisory Council shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

(2) TERMS OF INITIAL APPOINTEES.—The Secretary of the Interior shall appoint the initial members of the Advisory Council as follows:

(i) 5 members shall be appointed for a term of 4 years;
(ii) 4 members shall be appointed for a term of 3 years; and
(iii) 2 members shall be appointed for a term of 2 years.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a member of the Advisory Council while serving as an officer or employee of the Federal Government.

(6) VACANCY AND REMOVAL.—

(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

(B) REMOVAL.—Advisory Committee members shall serve at the discretion of the Secretary of the Interior and may be removed at any time for good cause.

(7) CONTINUATION OF SERVICE.—Each member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

(8) CHAIR.—The Chair of the Advisory Council shall be appointed to a 3-year term by the Secretary of the Interior from among the members of the Advisory Council. An individual appointed to the Advisory Council under (4)(2)(iii) shall be eligible to serve as Chair, but may serve for two years. An individual may not be appointed as Chair for

more than 2 consecutive or nonconsecutive terms.

(9) PAY AND EXPENSES.—Members of the Advisory Council shall serve without pay, but each member of the Advisory Council may be reimbursed for travel and lodging incurred through attending meetings of the Advisory Council (including approved workgroup or subgroup meetings) in the same amounts and under the same conditions as Federal employees in accordance with section 5703 of title 5, United States Code.

(10) MEETINGS.—

(A) IN GENERAL.—The Advisory Council shall meet at the call of the Secretary of the Interior, the chair, or a majority of the members, but not less frequently than twice annually.

(B) OPEN MEETINGS.—Each meeting of the Advisory Council shall be open to the public.

(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register and be submitted to publications of general circulation.

(D) SUBGROUPS.—The Advisory Council may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups or subgroups may not conduct business without the direction of the Advisory Council.

(11) QUORUM.—Nine members of the Advisory Council shall constitute a quorum.

(12) EXPENSES.—The expenses of the Advisory Council that the Secretary of the Interior determine to be reasonable and appropriate shall be paid by the Secretary of the Interior.

(13) ADMINISTRATIVE SUPPORT AND TECHNICAL SERVICES.—The Secretary of the Interior shall provide to the Advisory Council the administrative support and technical services.

(14) ANNUAL REPORT.—

(1) REQUIRED.—Not later than September 30 of each year, the Advisory Council shall submit a report to the Secretary of the Interior, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate. If circumstances arise in which the Advisory Council cannot meet the September 30 deadline in any year, the Secretary of the Interior shall advise the Chair of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

(2) CONTENTS.—The report required by paragraph (1) shall describe—

(A) the activities of the Advisory Committee during the preceding year;

(B) the reports and recommendations made by the Advisory Council to the Secretary of the Interior during the preceding year; and

(C) an accounting of actions taken by the Secretary of the Interior as a result of the recommendations.

(15) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Council shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(16) VEGETATION MANAGEMENT: Within the NCA, the Secretary of the Interior may authorize vegetation management including through mechanical means to the extent

necessary to control fire, insects, or disease to promote and improve wildlife habitat and diversity.

SEC. 206. - BEARS EARS NATIONAL CONSERVATION AREA

(a) ESTABLISHMENT.—Subject to valid existing rights certain federal land, comprising approximately 1,178,142 acres administered by the Bureau of Land Management and the United States Forest Service in San Juan County in the State of Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Bears Ears National Conservation Area of San Juan County".

(b) PURPOSE.—The purpose of the Bears Ears National Conservation Area (referred to in this section as the ''Bears Ears'') is to integrate greater local control, science and land management techniques, traditional knowledge, scientific expertise, and commitment of the Hopi Tribe, Navajo Nation, Uintah and Ourary Ute Tribe, Ute Mountain Ute Tribe, Zuni Tribe, San Juan County, and the State of Utah to the culturally significant landscape known as the Bears Ears and to manage the area in a way that conserves, protects, and enhances the scenic, biological, natural, historical, scientific, recreational, ecological, educational, scientific, and cultural resources of the area.

(c) MANAGEMENT PLAN. –

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall develop a management plan for the long-term management of the NCA.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior and the Secretary of Agriculture shall implement the management plan in consultation and coordination with the Bears Ears Commission. If the Secretary of the Interior and the Secretary of Agriculture do not implement the recommendations submitted by the Bears Ears Commission into the management plan, the Secretary of the Interior and the Secretary of Agriculture shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the Bears Ears Commission.

(3) REQUIREMENTS- The management plan shall be written in accordance with subsection (b) of this subsection.

(4) Uses- The Secretary of the Interior and the Secretary of Agriculture shall allow only such uses of the NCA that would further the purposes of the NCA described in subsection (b).

(D) BEARS EARS MANAGEMENT COMMISSION. –

(1) ESTABLISHMENT.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish the Bears Ears Management Commission, to:

(A) Advise the Secretary of the Interior and the Secretary of Agriculture with respect to development and implementation of the management plan.

(B) Encourage and promote local participation in the decision-making processes affecting the Bears Ears National Conservation Area.

(2) MEMBERS.—The members shall be appointed jointly by the Secretary of the Interior and Secretary of Agriculture from the following:

(i) One representative from one of the seven Utah Chapters of the Navajo Nation; and

(ii) One representative from the Hopi Tribe, Uintah and Ourary Ute Tribe, Ute Mountain Ute Tribe, or the Zuni Tribe; and

(iii) a representative from the Utah Department of Natural Resources; and

(iv) a designee of the San Juan County Commission.

(3) TERMS.— Members of the Bears Ears Management Commission shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

(4) TERMS OF INITIAL APPOINTEES.—The Secretary of the Interior and the Secretary of Agriculture shall appoint the initial members of the Bears Ears Management Commission as follows:

(i) The first tribal representative shall be appointed for a term of 4 years;

(ii) The second tribal representative shall be appointed for a term of 3 years; and

(iii) The Utah Department of Natural Resources representative and the San Juan County Commission representative shall each be appointed for a term of 2 years.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a member of the Bears Ears Management Commission while serving as an officer or employee of the Federal Government.

(6) VACANCY AND REMOVAL.—

(A) IN GENERAL.—Any vacancy on the Bears Ears Management Commission shall be filled in the manner in which the original appointment was made.

(B) REMOVAL.— Bears Ears Management Commission members shall serve at the discretion of the Secretary of the Interior and Secretary of Agriculture and may be removed at any time for good cause.

(7) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

(8) CHAIR.— The Chair of the Bears Ears Management Commission shall be appointed to a 3-year term by the Secretary of the Interior from among the members of the Bears Ears Commission. An individual appointed to the Bears Ears Management Commission under (4)(2)(iii) shall be eligible to serve as Chair, but may serve for two years. An individual may not be appointed as Chair for more than 2 consecutive or nonconsecutive terms.

(9) PAY AND EXPENSES.—Members of the Bears Ears Management Commission shall serve without pay, but each member of the Bears Ears Management Commission may be reimbursed for travel and lodging incurred through attending meetings of the Bears Ears Management Commission approved subgroup meetings in the same amounts and under the same conditions as Federal employees in accordance with section 5703 of title 5, United States Code.

(10) MEETINGS.—

(A) IN GENERAL.—The Bears Ears Management Commission shall meet at the call of the Secretary of the Interior or the Secretary of Agriculture, the chair, or a majority of the members, but not less frequently than twice annually.
(B) OPEN MEETINGS.—Each meeting of the Bears Ears Management Commission shall be open to the public.
(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Bears Ears Management Commission shall be published in the Federal Register and be submitted to publications of general circulation.
(D) SUBGROUPS.—The Bears Ears Management Commission may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups or subgroups may not conduct business without the direction of the Bears Ears Management Commission.
(11) QUORUM.—Four members of the Bears Ears Management Management Commission shall constitute a quorum.
(12) EXPENSES.—The expenses of the Bears Ears Management Commission that the Secretary of the Interior and Secretary of Agriculture determine to be reasonable and appropriate shall be paid by the Secretary of the Interior and the Secretary of Agriculture.
(13) ADMINISTRATIVE SUPPORT AND TECHNICAL SERVICES.—The Secretary of the Interior and Secretary of Agriculture shall provide to the Bears Ears Management Commission the administrative support and technical services.
(14) FEDERAL ADVISORY COMMITTEE ACT.—The Bears Ears Management Commission shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(e) MANAGEMENT PLAN.

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Bears Ears Management Commission shall develop recommendations for a management plan for the long-term management of the Bears Ears.
(2) REQUIREMENTS- The management plan shall--
(a) describe the appropriate uses and management of the Bears Ears;
(b) include a recommendation on interpretive and educational materials regarding the cultural and biological resources of the region;
(c) protect valid exiting rights;
(d) continue livestock grazing in places where livestock grazing was permitted on the date of enactment of this act;
(e) protect and preserve Native American historical uses, access to ceremonial sites, hunting and gathering, and other cultural uses and sites; and;
(f) enhance primitive recreation;
(g) promote scientific research;
(h) promote traditional knowledge; and
(i) be adopted by a majority vote of the Bears Ears Management Commission

(3) CONSULTATION- The Secretary of the Interior and the Secretary of Agriculture may prepare the management plan in consultation and coordination with the Bears Ears Management Commission.
(4) PLAN ADOPTION. – The recommendations for a management plan shall only be adopted and transmitted to the Secretary of the Interior and the Secretary of Agriculture except by a majority vote of the Bears Ears Management Commission.

SEC. 207- ADDITIONAL PROVISIONS FOR DOCS VALLEY, STONE BRIDGE DRAW, STUNTZ DRAW, BEACH DRAW, MCCOOK RIDGE, AND DIAMOND MOUNTAIN NATIONAL CONSERVATION AREAS

(a) Nothing in this title shall effect existing or future sage grouse conservation projects, including the management of vegetation through mechanical means within the Doc Valley, Stone Bridge Draw, Stuntz Draw, Beach Draw, and Diamond Mountain National Conservation Areas established under section 201.

Title III – Special Management Areas

SEC. 301. SPECIAL MANAGEMENT AREAS

(a) ESTABLISHMENT.—The following special management areas are hereby established in the State of Utah, subject to valid existing rights:

(1) ASHLEY SPRING.—The "Ashley Spring Special Management Area", consisting of approximately 10,950 acres of the Ashley National Forest in Uintah County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(2) DRY FORK.—The "Dry Fork Special Management Area", consisting of approximately 9,640 acres of the Ashley National Forest in Uintah County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(3) HIGH UINTAS.—The "High Uintas Special Management Area", consisting of approximately 20,682 acres of the Ashley National Forest in Uintah and Duchesne County, Utah as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(4) CASTLE VALLEY.—The "Castle Valley Special Management Area", consisting of approximately 34,247 acres of the Manti-LaSal National Forest in Grand County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(5) WIDDOP MOUNTAIN.—The "Widdop Mountain Special Management Area", consisting of approximately 8,024 acres of the Ashley National Forest in Summit County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(6) EAST FORK SMITHS FORK.—The "East Fork Smiths Fork Special Management Area", consisting of approximately 3,177 acres of the Ashley National Forest in Summit County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(b) MAP AND LEGAL DESCRIPTION. –

(1) IN GENERAL. – Two years after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Special Management Areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

SEC. 302. ADMINISTRATION OF SPECIAL MANAGEMENT AREAS.

(a) PURPOSE .—The purpose of the Special Management Areas is to conserve and protect for the benefit of present and future generations watershed, cultural, wildlife, and motorized, mechanized, and primitive recreational resources and to promote outdoor recreation within the Special Management Areas.

(b) ADMINISTRATION .—

(A) IN GENERAL .—The Secretary of Agriculture shall administer the Special Management Areas—

(i) in a manner that promotes, protects, and manages the resources of the Special Management Areas described in subsection (a); and

(ii) in accordance with—

(I) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(II) this Act; and

(III) other applicable laws.

(c) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall develop management plans for the long-term protection and management of the Special Management Areas—

(A) in consultation with State, local and tribal government entities; and

(B) that provides for recreational opportunities to occur within the Special Management Areas, including skiing, biking, hiking, fishing, hunting, horseback riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping.

(C) complies with Sec. 303 .

SEC. 303 GENERAL PROVISIONS.

(a) MOTORIZED VEHICLES.—

(1) IN GENERAL- Except in cases in which motorized vehicles and non-mechanized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles shall be permitted only on designated routes within the Special Management Areas.

(2) MANAGEMENT-

(A) IN GENERAL- The Secretary of Agriculture shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized on January 1, 2016;

(ii) minimizes conflict with sensitive habitat or cultural or historical resources; and

(iii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING.

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of Agriculture, in consultation with the State, or relevant local government within the State, subject to subparagraph (C), determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of Agriculture shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the Special Management Areas.;

(ii) use of the internet and web resources.

(b) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

(c) ROAD CONSTRUCTION- Except as necessary for administrative purposes or to respond to an emergency, the Secretary of Agriculture shall not construct any permanent road within the Special Management Areas after the date of enactment of this Act.

(d) OVERSNOW VEHICLES .—The Secretary of Agriculture shall authorize the use of snowmobiles and other oversnow vehicles within the Special Management Areas when there is at least six inches of snow coverage.

(e) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of Agriculture may—

(A) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the Special Management Areas; and

(B) coordinate those measures with the appropriate State or local agency.

(f) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interfere with the authority of the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(g) LIVESTOCK GRAZING .—

(1) IN GENERAL .—Within the Special Management Areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at levels at the time an area is designated. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of Agriculture, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of Agriculture to establish historic access, locations, or use.

(h) AIRSHED. - The Special Management Areas designated under section 301 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

(i) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this Act precludes the Secretary of Agriculture from renewing easements or rights-of-way in existence as of the date of enactment of this Act, in accordance with this Act and existing law.

(j) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Special Management area designated by section 301.

(b) ACTIVITIES OUTSIDE SPECIAL MANAGEMENT AREA.—The fact that an activity or use on land outside a Special Management area can be seen, heard,

or smelled within the Special Management area shall not preclude the activity or use outside the boundary of the Special Management area.

(k) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the Special Management Areas are authorized.

(l) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the Special Management Area.

(m) ACCESS .—The Secretary of Agriculture shall provide the owner of State or private property within the boundary of a Special Management Area access to the owner's property.

(n) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the Special Management Areas are authorized.

(o) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the Special Management Areas in where hunting, fishing, and recreational and target shooting on lands and waters owned of managed by the Department of the Interior or Department of Agriculture was allowed before the date of enactment of this Act, shall continue.

(p) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the Special Management Areas designated by section 301;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future Special Management Areas designations.

(b) UTAH WATER LAW. –The Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the Special Management Areas.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this title shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in Special Management Areas designated by section 301.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(q) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of Agriculture from conducting vegetation management projects within the Special Management Areas.

(r) COMMERCIAL TIMBER HARVEST.—Within the Special Management Areas, commercial timber harvest is not prohibited if the primary purpose is to restore or improve forest health and watershed function or to further the purposes described in this titlen

(s) WITHDRAWAL .—

(1) IN GENERAL .—Subject to valid rights in existence on the date of enactment of this title ,the Federal land within the Special Management Areas designated by section 301 are withdrawn from—

(a) all forms of entry, appropriation, and disposal under the federal land laws;

(b) location, entry, and patent under the mining laws; and

(c) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Title IV - ARCHES NATIONAL PARK EXPANSION

SEC. 401. ARCHES NATIONAL PARK EXPANSION

(A) Section 1 of Public Law 92-155 is amended—

(1) by inserting the following after paragraph (2)—

"(3) Effective on the date of enactment of the Utah Public Lands Initiative Act, the boundary of the park shall include the area consisting of approximately 19,255 acres and depicted as Arches Expansion on the map entitled "Utah PLI Park and Monument Map" and dated _____.";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) in paragraph (4), as so designated by paragraph (2) of this provision, by striking "(1) and (2)" and inserting instead "(1), (2) and (3)".

Title V - JURASSIC NATIONAL MONUMENT

SEC. 501. JURASSIC NATIONAL MONUMENT

(a) PURPOSES. - To conserve, protect, interpret, and enhance for the benefit of present and future generations the unique and nationally important paleontological, scientific, educational, and recreational resources, there is established in Emery County, Utah, subject to valid existing rights, the Jurassic National Monument (referred to in this title as the ''Monument'').

(b) BOUNDARIES .—The Monument shall consist of approximately 867 acres of federal land in Emery County, Utah as generally depicted on the map entitled "Utah PLI Park and Monument Map" and dated _____

(c) MAP ; LEGAL DESCRIPTION .—

(1) IN GENERAL. – Two years after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Special Management Areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (b) shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) ACQUISITION OF LAND .—

(1) IN GENERAL. – The Secretary of the Interior may acquire land or interests in land within the boundaries of the Monument only by donation or exchange.

(2) LAND EXCHANGE. – At the request of the State, not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall complete exchanges for State land located within the boundaries of the Monument designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(e) WITHDRAWALS .—Subject to valid existing rights, any land within the Monument or any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this section is withdrawn from—

(i) entry, appropriation, or disposal under the federal land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(f) MANAGEMENT PLAN. -

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of the Monument.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with

the State and relevant local governments. If the Secretary of the Interior does not incorporate recommendations submitted by the State and local governments the Secretary of the Interior shall submit a written explanation, before the effective date of the management plan, to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the State and local governments.

(3) REQUIREMENTS- The management plan shall--

(A) describe the appropriate uses, such as educational opportunities, recreation, and scientific research of the Monument; and

(B) include interpretive and educational materials regarding the scientific and paleontological resources of the Monument region; and

(C) address transportation issues to and from the Monument; and

(D) codify the current Special Recreation Management Area boundary.

(g) ADMINISTRATION .—The Secretary of the Interior shall administer the Monument in accordance with---

(1) the Management Plan; and

(2) any other applicable laws.

(h) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Monument designated by this Act.

(b) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside the Monument can be seen, heard, or smelled within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(i) AIRSHED. - The Monument designated under this title shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

TITLE VI - WILD AND SCENIC RIVERS

SEC. 601 - WILD AND SCENIC RIVERS

(a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(213) COLORADO RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 14.4 mile segment from Westwater Canyon from River Mile 125 to River Mile 112 as a wild river.
(B) The approximately 8 mile segment from River Mile 112 to Cisco Wash as a scenic river.
(C) The approximately 33.1 mile segment from the Confluence of the Colorado River with the Dolores River to River Mile 49 near Potash as a recreational river.
(D) The approximately 5.7 mile segment from River Mile 44.5 to River mile 38.5 as a scenic river.
(E) The approximately 3.7 mile segment from River Mile 37.5 to River Mile 34 at the Canyonlands National Park boundary as a scenic river.
(F) The approximately 5.5 mile river segment from River Mile 44 to River Mile 38.5 as a scenic river.
(G) The approximately 6.5 river segment of the Colorado River from River Mile 37.5 to the boundary of Canyonlands National Park at River Mile 31 as a scenic river.

"(214) DOLORES RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 5.9 mile segment from the Colorado State line to Fisher Creek as a recreational river.
(B) The approximately 6.3 mile segment from Fisher Creek to Bridge Canyon as a scenic river
(C) The approximately 9.9 mile segment from Bridge Canyon to the Colorado River as a recreational river.

"(215) GREEN RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 50 mile river segment from River Mile 97 at the confluence with the San Rafael River to Canyonlands National Park Boundary as a scenic river.
(B) The approximately 44.5 miles from Nine Mile Creek to Chandler Canyon as a wild river
(C) The approximately 8 miles from Chandler Creek to Florence Creek as a scenic river.

(D) The approximately 19 miles from Florence Creek to the Nefertiti Boat Ramp as a wild river.
(E) The approximately 27 miles from the Bureau of Land Management boundary south of Ouray to the Carbon County line as a scenic river.

"(216) DARK CANYON, UTAH. The approximately 6.4 miles of the Dark Canyon River from the forest boundary to Glen Canyon National Recreation Area below Young's Canyon to be administered by the Secretary of the Interior as a wild river.

"(217) SAN JUAN RIVER, UTAH. The approximately 17.3 miles of the San Juan River from River Mile 28 to Glen Canyon National Recreation Area at River Mile 45 as a to be administered by the Secretary of the Interior as a wild river.

(b) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wild and scenic river designated by this title.

(b) ACTIVITIES OUTSIDE WILD AND SCENIC RIVER.—The fact that an activity or use on land outside a wild and scenic river designated under this section can be seen, heard, or smelled within the wild and scenic river shall not preclude the activity or use outside the boundary of the wild and scenic river.

(c) The Secretary of the Interior may acquire land or interest in land within the boundaries of the wild and scenic river areas designated by this title only by donation or exchange."

(d) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(e) MAPS AND LEGAL DESCRIPTION

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of the Interior shall file a map, entitled Utah PLI Wild and Scenic Rivers, and legal description of the rivers with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

TITLE VII – ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA

SEC. 701. ASHLEY CREEK NATIONAL RECREATIONAL AND SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, the approximately 110,838 acres generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____, are hereby established as the "Ashley Creek National Recreation and Special Management Area".

(b) PURPOSES—The purposes of the Ashley Creek National Recreational and Special Management Area (referred to in this title as the Area) are to provide recreational opportunities, utilize commercial forest products, and withdraw minerals from development.

SEC. 702. – MAP AND LEGAL DESCRIPTION.

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

SEC. 703. ADMINISTRATION.

(a) ADMINISTRATION .—

(1) IN GENERAL .—The Secretary of Agriculture shall administer the Area in accordance with—

(a) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(b) this title; and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall develop a management plan for the management of the Area—

(A) in coordination with State, local and tribal government entities;

(B) that provides for recreational opportunities to occur within the Area including skiing, biking, hiking, fishing, hunting, horseback

riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping;
(C) that promotes an economically sustainable commercial forest products industry;
(D) that prohibits mineral development;
(E) that provides for new route and trail construction for motorized and non-motorized to further recreational opportunities; and
(F) that complies with Sections 801 and 804 .

SEC. 704 GENERAL PROVISIONS.

(a) MOTORIZED AND MECHANIZED VEHICLES.—
(1) IN GENERAL- The use of motorized and mechanized vehicles shall be permitted within the Area.
(2) MANAGEMENT-
(A) IN GENERAL- The Secretary of Agriculture shall designate existing routes in a manner that--
(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016 ;
(ii) minimizes conflict with sensitive habitat or cultural or historical resources;
(iii) does not interfere with private property or water rights.
(B) CLOSURE OR REROUTING-
(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of Agriculture, in consultation with the State, or relevant local government within the State determines that--
(I) the designated route is damaging cultural resources or historical resources;
(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.
(III) modification of the designated route would not significantly affect access within the conservation area.
(IV) all other options, other than a temporary closure or rerouting, have been exhausted.
(V) an alternative route has been provided, which can include routes previously closed.
(C) NOTICE- The Secretary of Agriculture shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--
(i) use of appropriate signage within the Area; and
(ii) use of the internet and web resources.
(b) TRAIL CONSTRUCTION.—
(1) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall

study the feasibility and public interest of constructing new routes as needed to further motorized recreational opportunities.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.— If the Secretary of Agriculture determines that the construction of a route is feasible the Secretary of Agriculture may provide for the construction of the route.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—A route may be constructed under this subsection through the acceptance of volunteer services and contributions from non-federal sources.

(c) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land located within the Ashley Creek Recreational and Special Management Area.

(d) OVERSNOW VEHICLES .—The Secretary of Agriculture shall authorize the use of snowmobiles and other oversnow vehicles within the Area when there is at least six inches of snow coverage.

(e) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of Agriculture may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the Area; and

(2) coordinate those measures with the appropriate State or local agency.

(f) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interfere with the authority of the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(g) LIVESTOCK GRAZING..—

(1) IN GENERAL .—Within the Area, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with

no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of Agriculture, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of Agriculture to establish historic access, locations, or use.

(h) AIRSHED. - The Area designated under this title shall not be designated as Class I airshed under the Clean Air Act (42 USC 7401-7661).

(i) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of Agriculture from renewing easements or rights-of-way in existence on the date of enactment of this Act, in accordance with this Act and existing law.

(j) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around the Area designated by section 801.

(b) ACTIVITIES OUTSIDE AREA.—The fact that an activity or use on land outside the Area can be seen, heard, or smelled within the Area shall not preclude the activity or use outside the boundary of the Area.

(k) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the Area are authorized.

(l) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the Area.

(m) ACCESS .—The Secretary of Agriculture shall provide the owner of State or private property within the boundary of the Area access to the property.

(n) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the Area are authorized

(o) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the Area in where hunting, fishing, and recreational and target shooting on lands

and waters owned of managed by the Department of the Interior or Department of Agriculture was allowed before the date of enactment of this Act, shall continue.

(p) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the Area designated by section 801;

(2) affects any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future designations.

(b) UTAH WATER LAW. –The Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the Area.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this title shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in the Area designated by section 801.

(d) DEFINITION. – The term ''water resource facilities" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(q) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of Agriculture from conducting vegetation management projects within the Area.

(r) WITHDRAWAL .—

(A) IN GENERAL .—Subject to valid rights in existence on the date of enactment of this Act the federal land within the Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the federal land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(s) FEES .—Within the Area the United States Forest Service is prohibited from the collecting or requiring fees for access or use.

(t) TRAIL AND OPEN AREA SNOWMOBILE USAGE .—Nothing in this title affects the use or status of trails authorized for motorized or mechanized vehicle or open area snowmobile use on the date of enactment of this Act.

(u) COMMERCIAL TIMBER SALES – Nothing in this title prevents the Secretary of Agriculture from:

(A) Permitting current or future forest management activities; and

(B) Constructing permanent or temporary roads as part of a commercial timber sale.

(v) DISPERSED CAMPING – Camping, including through the use of vehicles, where permitted prior to the establishment of the Area, shall be allowed.

Division B – Opportunity

Title I – School Trust Land Consolidations

SEC. 101. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain federal lands and federal mineral interests for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, and lands and mineral interests inheld within the conservation areas created under this Act.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "_____" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA") as a matter of federal law.

SEC. 102. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.
(b) PUBLIC AVAILABILITY .—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.
(c) CONFLICT .—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 103. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this title.

SEC. 104. SCHEDULE FOR CONVEYANCES.

All conveyances under the agreement shall be completed within 70 days after the date of enactment of this title.

SEC. 105. – BOOK CLIFFS CONSERVATION AREA. – The non-federal mineral estate acquired by the United States as a result of the agreement in section 101 and depicted on the map entitled the "Utah PLI Book Cliffs Federal Mineral Withdrawal Area map" and dated_____ is withdrawn from the operation of the mineral entry, leasing and mineral material disposal laws until otherwise determined by Congress.

Title II – Goblin Valley State Park

SEC. 201. LAND CONVEYANCE

(a) LAND CONVEYANCE. – At the request of the State of Utah, the Secretary of the Interior shall convey, without consideration, the approximately 9,994 acres of Bureau of Land Management land identified as "Utah PLI Goblin Valley State Park Map," on the map entitled Utah PLI Goblin Valley State Park Expansion Map and dated _____, to the Utah State Parks and Recreation Division of the Department of Natural Resources.

SEC. 202. COOPERATIVE MANAGEMENT OF GOBLIN VALLEY.

(a) IN GENERAL.—At the request of the State, in accordance with this section, the Secretary of the Interior shall enter into a cooperative agreement with the State for the management of the federal land described in subsection (b).

(b) DESCRIPTION OF LAND.—The area subject to the cooperative agreement is federal land managed by the Bureau of Land Management in Emery County, Utah comprising approximately 156,540 acres, identified as "Goblin Valley Cooperative Management Area" on the map entitled Utah PLI Goblin Valley State Park Map and dated _____.

(c) TERMS.—The cooperative agreement shall—

(1) clarify the roles, responsibilities, and limitations, of the Secretary of the Interior and the State with regard to recreation management within the federal land;

(2) extend only to recreational activities, including motorized and non-motorized, within the federal land, and shall not affect other land management within the federal land, or recreational activities outside the federal land;

(3) require that recreational activities within the federal land shall continue to be managed in accordance with—

(A) the San Rafael Swell National Conservation Area and Crack Canyon Wilderness Area established by this Act; and

(B) applicable federal laws.

(4) address the establishment, distribution, and uses of, any revenues generated by recreational activities (including entrance fees) on federal lands within the Goblin Valley Cooperative Management Area; and

(5) specify that the State agency administering the federal land shall be the Utah State Parks and Recreation Division of the Department of Natural Resources.

Title III – Price Canyon State Forest

SEC. 301. DEFINITIONS.

In this title:
(1) MAPS.—The term "Map" means the map titled Utah PLI Price Canyon State Forest Map.
(2) FEDERAL LAND. – The term ''federal land'' means the 13,321-acres owned by the Bureau of Land Management and identified as "BLM Lands Proposed for Transfer to State Sovereign Land" located in Carbon County, Utah, as generally depicted on the map entitled "Utah PLI Price Canyon State Forest Map" and date_____
(3) NON-FEDERAL LAND.—The term ''non-federal land'' means the 14,939-acres identified on the Map as "State Sovereign Land Proposed for Transfer to BLM" located in Grand, and San Juan Counties, Utah, as generally depicted on the
(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.
(5) STATE.—The term ''State'' means the State of Utah's Division of Forestry, Fire, and State Lands.

SEC. 302. EXCHANGE OF LAND.

(a) In General.-- It is the purpose of this title to consolidate intermingled State sovereign lands in an area of Carbon County, Utah to create the State of Utah's first State Forest.

(b) If the State offers to convey to the United States title to the non-federal land, the Secretary of the Interior shall--

(1) accept the offer; and

(2) on receipt of the right, title, and interest of the State in and to the non-federal land, convey to the State all right, title, and interest of the United States in and to the federal land.

(c) VALID EXISTING RIGHTS.--The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.--Title to the federal land and non-federal land to be exchanged under this section shall be in a format acceptable to the Secretary of the Interior and the State.

SEC. 303. LIVESTOCK GRAZING.

(a) LIVESTOCK GRAZING--- Within the lands acquired by the state under this tittle in which grazing is established before the date of enactment of this Act, the grazing of livestock shall continue at levels existing as of January 1, 2016

Title IV – Deer Lodge Land Exchange

SEC. 401 Definitions

In this title:

(a) ASSOCIATION.—The term ''Association'' means the Deer Lodge Homeowners Association.

(b) FEDERAL LAND.—The term ''federal land'' means the approximately 156 acres of National Forest System land in Daggett County, Utah, identified as ''Deer Lodge Cabin Site" on the map entitled "Utah PLI Deer Lodge Land Exchange Map" and dated _____.

(c) NON-FEDERAL LAND.—The term ''non-federal land'' means the parcel of approximately 77 acres of private land located in Uintah County, Utah and identified as ''Land to Be Acquired by USFS'' on the map entitled "Utah PLI Deer Lodge Land Exchange Map" and dated _____

(d) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 402 LAND EXCHANGE.

(a) CONVEYANCE OF LAND.—No less than two years after enactment of this title, if the Association offers to convey to the United States all right, title, and interest of the Association in and to the non-federal land, the Secretary of Agriculture shall convey to the Association, without consideration, all right, title, and interest of the United States in and to the federal land, subject to valid existing rights.

(b) COMPLIANCE WITH EXISTING LAW.— Except as otherwise provided in this title, the Secretary of Agriculture shall carry out the land exchange under this title in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

SEC. 403 CONDITIONS OF EXCHANGE.

(a) TITLE.—As a condition of the land exchange under this title, title to the non-federal land to be acquired by the Secretary of Agriculture under this title shall be acceptable to the Secretary of Agriculture.

(b) TERMS AND CONDITIONS.—As a condition of the land exchange under this title, the Association shall agree to retain as undeveloped open space the approximately 40 acres of meadow area identified as "Open Space" as generally depicted on the map entitled "Utah PLI Deerlodge Land Exchange" and dated _____."

Title V – Scofield Land Transfers

SEC. 501. DEFINITIONS.
In this title:

(1) CARBON COUNTY.—
The term ''Carbon County'' means Carbon County, Utah, within which the Scofield Reservoir property is located.

(2) CLAIMANT.—The term ''claimant'' means any person or entity (or a successor in interest to a person or entity) that, according to the records in the office of the Recorder for Carbon , Utah, as of the date of enactment of this Act, claims title to, or an interest in, the federal land.

(3) FEDERAL LAND.—
(A) IN GENERAL.—The term ''federal land'' means the land acquired by Price River Water Conservation District and transferred to the United States for use in the construction and operation of Scofield Dam and Reservoir located between the normal water surface elevation and the property boundary elevation in the Scofield Reservoir basin.

(B) EXCLUSIONS.—The term ''federal land'' does not include any mineral or subsurface rights to the land described in subparagraph (A); or the 205 acres of land adjoining the Scofield Reservoir, as adjudicated in the case styled United States v. Dunn (557F.3d 1165 (10th Cir. 2009)).

(4) LIFE ESTATE.—The term ''life estate'' means if the claimant is a person, an interest of the claimant in the federal land that will revert to the United States on the date of the death of the claimant; and (B) if the claimant is an entity, an interest in the federal land of a person designated by the claimant that will revert to the United States on the date of the death of the designated person.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. CONVEYANCE OF SCOFIELD PROJECT LAND.

(a) The Secretary of the Interior shall convey all right and title to the federal land, without consideration, to any valid claimant, or life estate, that submits a request to the Secretary of the Interior not later than 18 months after enactment of this Act. If the Secretary of the Interior does not act upon the request within 18 months from the date of enactment of this act, the federal land shall be transferred to the claimant.

(b) CONVEYANCE REQUIREMENTS- A conveyance under this title shall be subject to—

(A) provisions under which the claimant shall agree to indemnify and hold harmless the United States for all claims by the claimant or others arising from--

(i) the design, construction, operation, maintenance, or replacement of Scofield Dam and Reservoir;

(ii) the survey of claims, description of claims, delineation of boundaries, conveyance documents, conveyance process, and recording of deeds associated with the conveyance; and

(iii) any damages associated with any structure or chattel of the claimant that may be displaced in a flood event;

(B) the United States retaining a flood easement as well as an access easement for purposes of monitoring and enforcing the requirements of subparagraph (c) with respect to the entire portion of federal land conveyed; and

(C) deed restrictions requiring that--

(i) to prevent any structure on the portion of the federal land conveyed from being displaced during a flood event, the claimant shall--

(I) secure or tie down all existing structures; and

(II) if replacing or rebuilding such a structure, limit the replacement or rebuilding to the number and type of structures in existence on the date of enactment of this Act; and

(ii) all activities carried out by the claimant under clause (i) with respect to a structure to be carried out in accordance with applicable standards for structures that may be submerged, flooded, or inundated, as contained in--

(I) the International Building Code (as adopted by Utah Administrative Code R156-56); or

(II) any other building code or engineering standard that is--

(aa) similar to the International Building Code;

(bb) widely used; and

(cc) nationally recognized.

(c) If the claimant is a willing seller, the Secretary of the Interior may offer the claimant fair market value for the land in lieu of a conveyance of all right and title to the federal land.

Title VI – Land Conveyances

SEC. 601. Land Conveyances.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the specified local entity in the county in which the conveyance will occur, the Secretary of the Interior or the Secretary of Agriculture as appropriate shall convey the following federal land to that entity, without consideration:

(1) SAND FLATS. - The approximately 3,292 acres of land depicted as "Sand Flats Recreation Area" on the map entitled Utah PLI Land Conveyances Map and dated ____, to Grand County, Utah for use as an outdoor recreation area

(2) CANYONLANDS FIELDS AIRPORT - The approximately 561 acres of land depicted as "Canyonlands Fields Airport," on the map entitled Utah PLI Land Conveyances Map and dated ____, to Grand County, Utah for use as an airport

(3) MOAB TAILINGS PROJECT – Upon completion of the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project, the approximately 474 acres of land depicted as "UMTRA Conveyance," on the map entitled Utah PLI Land Conveyances Map and dated ____,' shall be conveyed, without consideration, to Grand County, Utah.

(4) HUNTINGTON AIRPORT EXPANSION.—The approximately 1,398 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Huntington Airport," to Emery County, Utah, for expansion of the Huntington Municipal Airport.

(5) EMERY COUNTY RECREATION AREA.—The approximately 79 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____ as "Emery County Recreation Area," to Emery County, Utah for public recreational purposes.

(6) EMERY COUNTY SHERIFF SUBSTATION.—The approximately 643 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____, as "Emery County Sheriffs Substation," to Emery County, Utah for a substation for the Emery County Sheriff's Office.

(7) BLANDING OUTDOOR RECREATION AREA.---The approximately 5,197 acres of land depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "Blanding Outdoor Recreation Area," to Blanding City, Utah for use as an outdoor recreation area.

(8) CAL BLACK AIRPORT.—The approximately 1,916 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Cal Black Airport," to San Juan County, Utah for a municipal airport.

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

(10) MONTICELLO WATER STORAGE AND TREATMENT PLANT.—The approximately 164 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Monticello Water Storage and Treatment Plant," to Monticello City, Utah, for a water storage and treatment plant.

(11) BLANDING SHOOTING RANGE.—The approximately 21 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ , as "Blanding Shooting Range," to San Juan County, Utah, for a public shooting range.

(12) HOLE-IN-THE-ROCK TRAIL- The approximately 694 acres of land generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "The Hole in the Rock Trail", to San Juan County, Utah for use as an outdoor recreation and historical trail.

(13) FANTASY CANYON.—The approximately 640 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ ,as "Fantasy Canyon" to the State of Utah, for public recreation.

(14) PARK CITY CONVEYENCE I – The approximately 2.5 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Park City Conveyance I," to Park City, Utah, for public recreation and open space.

(15) PARK CITY CONVEYENCE II – The approximately 1 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Park City Conveyance II," to Park City, Utah, for public recreation and open space.

(18) DUGOUT RANCH -- The approximately 15,379 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Dugout Ranch," to Utah State University, for education and research.

(16) LISBON VALLEY -- The approximately 398 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Lisbon Valley," to Utah State University, Utah, for education and research.

(17) WELLINGTON -- The approximately 645 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Wellington," to Utah State University, for education and research.

(18) RANGE CREEK RESEARCH STATION EXPANSION-- The approximately 1,663 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Range Creek Research Station Expansion," to the University of Utah, for education and research.

(19) ASHLEY SPRING ZONE.—The approximately 1,102 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Ashley Spring," to Uintah County, Utah, for use as open space and for watershed protection.

(20) SEEP RIDGE UTILITY CORRIDOR. – The approximately 4,437 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Seep Ridge Utility Corridor," to the State of Utah, for use as rights-of-way for transportation and public utilities.

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

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall file a map and legal description of the Land Conveyances with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior or the Secretary of Agriculture as appropriate may make any minor modifications of any clerical or typographical errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the United States Forest Service.

(c) REVERSION.—If any parcel conveyed under subsection (a) ceases to be used for the purpose for which it was conveyed or any other public purpose, the land shall revert to the United States, if the Secretary of the Interior or the Secretary of Agriculture as appropriate determines that the reversion is in the best interest of the United States.

Title VII – Land Disposals

SEC. 701. LAND DISPOSALS.

(a) Disposal. -- Subject to valid existing rights, the Secretary of the Interior shall dispose of federal lands identified as "Lands for Disposal" on the map entitled "Utah PLI Land Disposal Map" and dated_____ within two years.

Title VIII – CANYON COUNTRY RECREATION ZONES

SEC 801. ESTABLISHMENT

(a) ESTABLISHMENT.—Subject to valid existing rights, and to enhance existing and future recreational opportunities and use the following areas in Grand County and San Juan County, Utah are hereby established as Recreation Zones:

(1) KLONDIKE RECREATION ZONE.—Certain federal land, comprising approximately 24,968 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Klondike Recreation Zone."

(2) MONITOR AND MERRIMAC RECREATION ZONE.—Certain federal land, comprising approximately 17,370 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Monitor and Merrimac Recreation Zone."

(3) GOLDBAR RECREATION ZONE.—Certain federal land, comprising approximately 23,050 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Goldbar Recreation Zone."

(4) BIG FLAT RECREATION ZONE.—Certain federal land, comprising approximately 25,311 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Big Flat Recreation Zone."

(5) MINERAL CANYON RECREATION ZONE.—Certain federal land, comprising approximately 19,809 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Mineral Canyon Recreation Zone."

(6) DEE PASS AND UTAH RIMS RECREATION ZONE.—Certain federal land, comprising approximately 210,116 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Dee Pass and Utah Rims Recreation Zone."

(7) YELLOW CIRLCE.—Certain federal land, comprising approximately 7,040 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Yellow Circle Recreation Zone."

(8) CAMEO CLIFFS.—Certain federal land, comprising approximately 48,025 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Cameo Cliffs Recreation Zone."

SEC. 802. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the recreation zones established by sections 801 of this Act with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(b) FORCE AND EFFECT.—The map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior may make any minor modifications of any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 803. GENERAL PROVISIONS.

(a) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of the Interior may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the recreation zones; and

(2) coordinate those measures with the appropriate State or local agency.

(b) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interferes with the authority of the Secretary of the Interior to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(c) LIVESTOCK GRAZING. —

(1) IN GENERAL .—Within the recreation planning areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management

plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior to establish historic access, locations, or use.

(d) AIRSHED. - The recreation zones under this title shall not be designated as Class I airshed under the Clean Air Act (42 USC 7401-7661).

(e) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of the Interior from renewing easements or rights-of-way in existence as of the date of enactment of this Act, in accordance with this title and existing law.

(f) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around any recreation zone designated by this title.

(2) ACTIVITIES OUTSIDE THE RECREATION ZONES.—The fact that an activity or use on land outside a recreation zone can be seen, heard, or smelled within the recreation zone shall not preclude the activity or use outside the boundary of the recreation zone.

(g) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the recreation zones are authorized.

(h) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the recreation zones.

(i) ACCESS .—The Secretary of the Interior shall provide the owner of State or private property within the boundary of a recreation zones access to the property.

(j) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the recreation zones are authorized

(k) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the recreation zones in where hunting, fishing, and recreational and target shooting on lands and waters owned of managed by the Department of the Interior was allowed before the date of enactment of this Act, shall continue.

(l) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the recreation zones designated by this title;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future recreation zone.

(b) UTAH WATER LAW. –The Secretary of the Interior shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the recreation zones.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in recreation zones designated by this title.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(m) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of the Interior from conducting vegetation management projects within the recreation zones.

(n) WILDERNESS REVIEW. –

(a) Congress finds and directs that the recreation zones described in section 801 have been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and are no longer subject to the requirement of subsection (c) of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The Secretary of the Interior may not promulgate or issue any system-wide regulation, directive, instruction memorandum or order that would direct management of the federal lands identified in section 801 in a manner contrary to subsection (m).

SEC. 804. GOLDBAR RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Goldbar Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, and hiking, provide for the construction of new non motorized trails, and to prevent future energy and mineral leases or claims, and to manage and protect indigenous plants.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Goldbar Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Goldbar Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Goldbar Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and camping

(C) prohibits future mineral and energy leasing or claims.

(D) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) in a manner that protects and manages indigenous plants.

(F) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016..

(ii) allows for adjustment to the travel management plan within the regular amendment process.

(iii) allows for the construction of new non-motorized trails.

SEC. 805. MONITOR AND MERRIMAC RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Monitor and Merrimac Recreation Zone are to promote outdoor recreation. such as off-highway vehicle use, mountain biking, rock climbing, and hiking, provide for the construction of new motorized and non motorized trails, and to prevent future energy and mineral leases or claims,

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Monitor and Merrimac Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Monitor and Merrimac Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Monitor and Merrimac Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) prohibits future mineral and energy leasing.

(D) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated motorized routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.
(ii) allows for adjustment to the travel management plan within the regular amendment process.
(iii) allows for the construction of new motorized and non-motorized trails.

SEC. 806 KLONDIKE RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Klondike Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking, provide for the construction of new non motorized trails, and to prevent future energy and mineral leases or claims,

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Klondike Recreation Zone in accordance with----

(a) this title
(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
(c) other applicable laws

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Klondike Recreation Zone that—

(A) coordinates and consults with State and local government entities
(B) provides for recreational opportunities to occur within the Klondike Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing
(C) prohibits future mineral and energy leasing.
(D) provides for new route and trail construction for non-motorized use to further recreational opportunities.
(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.
(ii) allows for adjustment to the travel management plan within the regular amendment process.
(iii) allows for the construction of new non-motorized trails.

SEC. 807 BIG FLAT RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Big Flat Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking, to promote mineral development, and provide for new motorized route construction.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Big Flat Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Big Flat Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Big Flat Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) provides for future mineral leasing with No Surface Occupancy stipulations

(D) prevents the retirement of mineral leases.

(E) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(F) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) Allows for adjustment to the travel management plan within the regular amendment process.

(iii) Allows for the construction of new motorized trails.

SEC. 808 MINERAL CANYON RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Big Flat Recreation Zone are to promote non motorized outdoor recreation, such mountain biking, rock climbing, and hiking, to prevent future energy or mineral leases or claims, and provide for new non-motorized route construction, maintain boating access, maintain airstrip access, and maintain access and use of country borrow areas.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Mineral Canyon Recreation Zone:

(i) in accordance with----

(ii) this title;

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iv) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Mineral Canyon Recreation Zone that—

(A) coordinates and consults with State and local government entities;

(B) provides for non motorized recreational opportunities to occur within the Mineral Canyon Recreation Zone including, biking, and hiking,

(C) prevent future energy or mineral leasing or claims

(D) provides for new route and trail construction for non-motorized use to further recreational opportunities.

(E) maintains access for boating

(F) maintains access for aircraft to the existing airstrip

(G) maintains access and use to the county borrow areas.

(H) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) allows for adjustment to the travel management plan within the regular amendment process.

(iii) allows for the construction of new non-motorized trails.

SEC. 809. DEE PASS AND UTAH RIMS RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Dee Pass and Utah Rims Recreation Zones are to promote motorized recreation, such as off-highway vehicle use, motorcycle riding, mountain biking, to provide for the construction of new non motorized trails and non motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Dee Pass and Utah Rims Recreation Zones in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws;

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Dee Pass and Utah Rims Recreation Zones that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Dee Pass and Utah Rims Recreation Zones including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) promotes future mineral and energy leasing and development.

(D) provide for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) Allows for adjustment to the travel management plan within the regular amendment process.

(iii) Allows for the construction of new motorized and non-motorized trails.

(4) WHITE WASH CROSS COUNTRY TRAVEL AREA.— The approximately ____acres identified as the "White Wash Cross Country Travel Area", on the map entitled "Utah PLI Recreation Zones Map" and dated_____ is open to cross country motorized travel.

SEC. 810. YELLOW CIRCLE MINE AND CAMEO CLIFFS ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Yellow Circle Mine and Cameo Cliffs Recreation Zones are to promote motorized recreation, such as off-highway vehicle use, motorcycle riding, mountain biking, to provide for the construction of new non motorized trails and non motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Yellow Circle Mine and Cameo Cliffs Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Yellow Circle Mine and Cameo Cliffs that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Yellow Circle Mine and Cameo Cliffs including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) promotes future mineral and energy leasing and development.

(D) provide for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) complies with Section 1003 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated motorized routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) Allows for adjustment to the travel management plan within the regular amendment process.
(iii) Allows for the construction of new motorized and non-motorized trails.

TITLE IX -- RED ROCK COUNTRY OFF-HIGHWAY VEHICLE TRAIL.

SEC. 901 DEFINITIONS.—In this title:

(1) COUNTY.—The term "County" means Grand County, Utah.
(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(3) TRAIL.—The term "Trail" means the Red Rock Country Off-Highway Vehicle Trail established under subsection (b).
(4) FEDERAL LAND. – The term "federal land" means land owned by the Bureau of Land Management.

SEC. 902 DESIGNATION.—

(1) IN GENERAL.— the Secretary of the Interior shall designate a trail system in Grand County, Utah—

(A) for use by motorized off-highway vehicles; and

(B) to be known as the "Red Rock Country Off-Highway Vehicle Trail".

(2) REQUIREMENTS.—In designating the trail, the Secretary of the Interior shall prioritize a long distance route for off-highway vehicles that—

(A) as generally depicted on the map entitled Utah PLI Recreation Plans Map and date____;

(B) connects the federal land adjacent to Moab, Utah to the federal land adjacent to Grand Junction, Colorado through the Utah Rims Recreation Area;

(C) connects the federal land adjacent to Moab, Utah to the federal land adjacent to Green River, Utah through the Dee Pass Recreation Area;

(D) connects the federal land adjacent to Moab, Utah to the boundary with San Juan County, Utah east of Highway 191 and west of the Manti La Sal National Forest;

(E) utilizes existing routes, where feasible, including the Kokopelli's Trail and the Orange Trail, consistent with this paragraph;

(F) minimizes the use of graded roads;

(G) creates a recreational experience that provides—

(i) opportunities for scenic vistas;

(ii) challenging terrain for off-highway vehicle travel; and

(iii) connections to other existing trail systems or trails.

(3) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 903 MANAGEMENT-

(A) IN GENERAL- The Secretary of the Interior shall manage future designated routes in a manner that--

(i) is consistent with Section 902 ;

(ii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING-

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of the Interior, in consultation with the State, or relevant local government within the State determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of the Interior shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the trail;

(ii) use of the internet and web resources.

(3) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

(d) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall study the feasibility and public interest in constructing new routes as part of a the Red Rock County Off-Highway Vehicle Trail System to further motorized recreational opportunities.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.— If the Secretary of the Interior determines that the construction of a route is feasible, construction is authorized.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—A route may be constructed under this subsection through the acceptance of volunteer services and contributions from non-federal sources to eliminate the need for federal expenditures to construct the route.

(3) COMPLIANCE.—In carrying out this subsection, the Secretary of the Interior shall comply with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) this title; and

(C) other applicable law.

Title X – Long-Term Native American Economic Development Certainty

SEC. 1001. Native American Economic Development in San Juan County, Utah

(a) McCraken Mesa Mineral Transfer

SEC. 1002. Ute Indian Tribe Economic Development Area

ADDITIONAL SECTIONS TO BE ADDED BASED ON FEEDBACK FROM VARIOUS TRIBES

Title XI – Long-Term Energy Development Certainty

SEC. 1101. – ENERGY PLANNING AREAS.

(a) In General. - To promote domestic energy production and job creation in eastern Utah, certain lands owned by the Bureau of Land Management and identified on December 31, 2008 as being open to oil, gas, oil shale, bituminous sands, wind, solar, geothermal, potash, coal, uranium and other locatable minerals, within the covered lands of this Act, shall be managed for the production of energy and mineral resources as the highest management priority and shall be developed under the following requirements---

(a) The Secretary of the Interior shall not withdraw any covered energy project issued under this title without finding a violation of the terms of the lease by the lessee.
(b) The Secretary of the Interior shall not infringe upon lease rights on the lands identified by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.
(c) Not later than 18 months after an area is designated as open for energy or mineral development under the current land use plan the Secretary of the Interior shall make available nominated areas for lease.
(d) Leases shall be issued 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year.
(e) The Secretary of the Interior shall not cancel or withdraw any energy or mineral lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.
(f) Not later than 60 days after a energy or mineral lease sale occurs involving any parcel located in the planning areas described in this title the Secretary of the Interior shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.
(g) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee.
(h) Planning under Bureau of Land Management Instructional Memorandum 2010-114 shall have no force or effect within the counties referenced in subsection 1103 (2).

SEC. 1102. LEASING OUTSIDE OF THE ENERGY PLANNING AREAS

Nothing in this title precludes leasing or resource development of lands not described in subsection 1101 from occurring under regular order pursuant to the Mineral Leasing Act or other federal energy development laws.

SEC.1103. DEFINTIONS

(1) the term ''covered energy project'' means the leasing of federal lands of the United States for the exploration, development, production, processing, or transmission of oil, gas, oil shale, bituminous sands, wind, solar, geothermal, potash, coal, uranium and other locatable minerals, and any action under such a lease.
(2) the "covered lands" mean all federal lands managed by the BLM within Uintah, Duchesne, Grand, Carbon, Emery, and San Juan Counties in the State of Utah which have not otherwise been designated under this Act as wilderness, National Conservation Area, National Monument, National Park Expansion, Special Management Area, or Wild and Scenic River.

Title XII – Long-Term Travel Management Certainty

SEC. 1201. RIGHTS-OF-WAY FOR CERTAIN ROADS.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act (43 U.S.C. 1711), subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant rights-of-way to the State or relevant County for public transit nonexclusive rights-of-way on the following roads:

(1) all roads claimed as Class B highways by the State and the relevant county as of January 1, 2016, in Uintah, Duchesne, Carbon, Emery, Grand, and San Juan counties.

(2) all roads claimed as Class D highways by the State and the relevant county as of January 1, 2016 in Uintah, Duchesne, Carbon, Emery, Summit, Grand, and San Juan counties that are designated for general motor-vehicle travel in the governing Bureau of Land Management resource management plan valid as of January 1, 2016, as long as the claimed Class D highway does not pass through -United States Forest Service or National Forest System lands, Bureau of Land Management lands designated by Congress as wilderness, including lands designated as wilderness under this Act, or lands designated by Congress as a National Park as of the date of enactment of this Act.

(b) APPLICABLE LAW.—A right-of-way granted under subsection (a) shall be granted in perpetuity, except in the case of abandonment, and shall not require the payment of rental.

SEC. 1202. GRAND COUNTY COUNCIL RECOMMENDATIONS FOR CERTAIN ROADS.

The recommendations of the Grand County Council, as depicted on the map titled "Grand County PLI Final Map 4-17-2015", for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads shall be implemented by the Secretary of the Interior.

Title XIII – Long-Term Land Use Certainty

M-Bears Ears

[DISCUSSION DRAFT]
114th CONGRESS
1st Session

H. R. _____

To provide greater certainty and local management of federal land use in Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
Mr. Bishop introduced the following bill; which was referred to the Committee on _____

A BILL

To provide greater certainty and local management of federal land use in Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short Title

The Act may be cited as the Utah Public Lands Initiative Act.

SEC. 2. Table of Contents

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Title X – Long-Term Native American Economic Development Certainty
Title XI – Long-Term Energy Development Certainty
Title XII – Long-Term Travel Management Certainty
Title XIII – Long-Term Land Use Certainty

SEC. 3. Definitions.

In this Act:

FEDERAL LAND. – Unless otherwise provided the term "federal land" means the lands or interests inland under the jurisdiction of the Department of the Interior or the Department of Agriculture.

Division A – Conservation

Title I – Wilderness

SEC. 101. WILDERNESS DESIGNATIONS

In furtherance of the purposes of the Wilderness Act, and subject to valid existing rights, the following areas of the State are designated as wilderness and as components of the National Wilderness Preservation System pursuant to the Wilderness Act (16 U.S.C. 1131 et seq.).

(A) CANDLAND MOUNTAIN.—Certain federal land in Emery County, Utah managed by the United States Forest Service comprising approximately 14,170 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Candland Mountain Wilderness''.

(B) DESOLATION CANYON. --- Certain federal land in Duchesne, Uintah, Carbon, Emery, and Grand Counties managed by the Bureau of Land Management comprising approximately 488,993 acres, as generally depicted on the Utah PLI Wilderness Map and dated, which shall be known as the ''Desolation Canyon Wilderness."

(C) HIGH UINTA. --- Certain federal land in Duchesne, Summit, and Uintah Counties, Utah managed by the United States Forest Service comprising approximately 26,699 acres, as generally depicted on the Utah PLI Wilderness Map and dated____, which shall be known as the ''High Uintah Wilderness."

(D) MANCOS MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management and the National Park Service comprising approximately 95,604 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Mancos Wilderness."

(E) CHEESEBOX CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 14,860 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Cheesebox Canyon Wilderness."

(F) CROSS CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 1,983 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Cross Canyon Wilderness."

(G) BUTLER WASH.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 27,877 acres, as

generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Butler Wash Wilderness."

(H) DARK CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 73,190 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Dark Canyon Wilderness."

(I) BEHIND THE ROCKS.—Certain federal land in San Juan and Grand Counties in Utah managed by the Bureau of Land Management comprising approximately 13,064 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Behind the Rocks Wilderness."

(J) BRIDGER JACK MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 6,332 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Bridger Jack Mesa Wilderness."

(K) CEDAR MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 225,601 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Cedar Mesa Wilderness."

(L) MIKES CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management and the National Park Service comprising approximately 27,920 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Mikes Canyon Wilderness."

(M) MULE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 6,171 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Mule Canyon Wilderness."

(N) MARSH PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 15,031 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Marsh Peak Wilderness."

(O) CLIFF PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 9,153 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the "Cliff Peak Wilderness."

(P) BULL CANYON.—Certain federal land in Uintah County, Utah managed by the Bureau of Land Management comprising approximately 598 acres, as generally

depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Bull Canyon Wilderness."

(Q) WHITE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 20,603 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''White Canyon Wilderness."

(R) MEXICAN MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 85,149 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Mexican Mountain Wilderness."

(S) SIDS MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 82,405 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Sids Mountain Wilderness."

(T) MUDDY CREEK.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 72,399 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Muddy Creek Wilderness."

(U) SAN RAFAEL REEF.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 65,145 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''San Rafael Reef Wilderness."

(V) CRACK CANYON WILDERNESS.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 27,190 acres, as generally depicted on the Utah PLI Wilderness Map and dated_____, which shall be known as the ''Crack Canyon Wilderness."

(W) DEVILS CANYON.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 8,651 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Devils Canyon Wilderness."

(X) NELSON MOUNTAIN.—Certain federal land in Emery County, Utah managed by the United States Forest Service comprising approximately 15,942 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Nelson Mountain Wilderness."

(Y) WILLIAM GRANSTAFF CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately

8,982 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''William Granstaff Canyon Wilderness."

(Z) MILL CREEK CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 12,357 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Mill Creek Canyon Wilderness."

(AA) LABYRINTH CANYON.—Certain federal land in Grand and Emery Counties in the state of Utah managed by the Bureau of Land Management comprising approximately 52,968 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Labyrinth Canyon Wilderness."

(BB) CANYONLANDS.—Certain federal land in San Juan and Grand Counties in the State of Utah managed by the National Park Service comprising approximately 257,605 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Canyonlands Wilderness."

(CC) ARCHES.—Certain federal land in Grand County, Utah managed by the National Park Service comprising approximately 76,258 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Arches Wilderness."

(DD) FISHER TOWERS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 1,189 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Fisher Towers Wilderness."

(EE) MARY JANE CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 13,573 acres, as generally depicted on the Utah PLI Wilderness Map and dated ____, which shall be known as the ''Mary Jane Canyon Wilderness."

(FF) GRANITE CREEK .—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 25,103 acres, as generally depicted on the Utah PLI Wilderness Map and dated ____, which shall be known as the ''Granite Creek Wilderness."

(GG) BOOK CLIFFS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 175,490 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the ''Book Cliffs Wilderness."

(HH) WESTWATER.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 32,954 acres, as

generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Westwater Wilderness."

(II) BEAVER CREEK.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 48,513 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Beaver Creek Wilderness."

(JJ) MOUNT PEALE.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,301 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Mount Peale Wilderness."

(KK) NOTCH CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 7,593 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Notch Canyon Wilderness."

(LL) ARCH CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,375 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Arch Canyon Wilderness."

(MM) RANGE CREEK.—Certain federal land in Carbon County, Utah managed by the Bureau of Land Management comprising approximately 4,061 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Range Creek Wilderness."

(NN) DINOSAUR.—Certain federal land in Uintah County, Utah managed by the National Park Service comprising approximately 52,348 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the "Dinosaur Wilderness."

SEC. 102 MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall file a map and legal description of the wilderness areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.
(b) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior and the Secretary of Agriculture as appropriate may make any minor modifications of any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management, the National Park Service, and the United States Forest Service.

SEC. 103. WILDERNESS ADMINISTRATION.

(a) IN GENERAL .—Subject to valid existing rights, each wilderness area established under section 101 shall be administered by the Secretary of the Interior or the Secretary of Agriculture as appropriate in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(2) with respect to wilderness areas that are administered by the Secretary of the Interior, any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) FIRE, INSECTS, AND DISEASE .— In accordance with this section, the Secretary of the Interior or the Secretary of Agriculture as appropriate may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the wilderness; and

(2) coordinate those measures with the appropriate State or local agency.

(c) WILDFIRE MANAGEMENT OPERATIONS. - Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

(d) LIVESTOCK .—

(1) IN GENERAL .—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in wilderness shall continue at stocking levels at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on wilderness values, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

D) the construction of new improvements or replacement of deteriorated facilities in wilderness is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) Applicability of Certain Requirements

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this section.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior or the Secretary of Agriculture as appropriate, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior or the Secretary of Agriculture as appropriate to establish historic access, locations, or use.

(e) OUTFITTING AND GUIDE ACTIVITIES .—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas are authorized to the extent necessary for realizing the recreational purposes of the areas.

(f) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on public land in the State, including the regulation of hunting, fishing, and trapping and use of helicopters to maintain healthy wildlife populations within the wilderness areas.

(g) ACCESS .—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of the Interior or the Secretary of Agriculture as appropriate shall provide the owner of State or private property within the boundary of a wilderness area access to the property.

(h) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) are allowed in the wilderness areas designated by section 101 if—

(1) the structures and facilities will enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness can be minimized.

(i) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the wilderness areas, hunting, fishing, and recreational and target shooting, in areas where hunting, fishing, and recreational and target shooting has been allowed on lands and waters owned of managed by the Department of the Interior or Department of Agriculture before the date of enactment of this Act, shall continue.

(j) WITHDRAWALS- Subject to valid existing rights, all public land within the areas established under this title, including any land or interest in land that is acquired by

the United States within the wilderness area after the date of enactment of this Act, is withdrawn from--

(1) entry, appropriation or disposal under the public land laws;
(2) location, entry, and patent under the mining laws; and
(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 104. WATER RIGHTS.

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the wilderness areas designated by section 101;
(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.
(3) establishes a precedent with regard to any future wilderness designations.

(b) UTAH WATER LAW. –The Secretary of the Interior and the Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the wilderness areas designated by section 101.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in wilderness areas designated by section 101.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

SEC. 105. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over wilderness areas designated by section 101, including military overflights that can be seen or heard within wilderness areas;
(2) flight testing and evaluation; or
(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over wilderness areas.

SEC. 106. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wilderness area designated by section 101.

(b) ACTIVITIES OUTSIDE WILDERNESS AREA.—The fact that an activity or use on land outside a wilderness area can be seen, heard or smelled within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

SEC. 107. NATIVE AMERICAN TREATY RIGHTS.

Nothing in this title diminishes the treaty rights of any Indian tribe.

SEC. 108. ACQUISITION OF LAND AND INTERESTS IN LAND.

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary of the Interior or the Secretary of Agriculture as appropriate may acquire land or interest in land within the boundaries of the wilderness areas designated by section 101 only by donation or exchange.

(2) LAND EXCHANGE.—At the request of the State, not later than 2 years after the date of enactment of this Act, the Secretary of the Interior or the Secretary of Agriculture as appropriate shall complete exchanges for State land located within the boundaries of the wilderness areas designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(b) INCORPORATION IN WILDERNESS AREA.—Any land or interest in land located inside the boundary of a wilderness area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the wilderness area.

SEC. 109. WILDERNESS REVIEW.

(a) NATIONAL FOREST SYSTEM LAND.—

(i) The 8,231-acre area known as West Fork of Blacks Fork, located in Summit County, Utah, as depicted on the map entitled Utah PLI Wilderness map dated _____, shall no longer be subject to the United States Forest Service 2001 Roadless Rule of January 12, 2001.

(b) PUBLIC LAND.—

(1) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the following wilderness study areas, as depicted on the map entitled Utah PLI Wilderness map and dated _____, have been adequately studied for wilderness designation:

A. 43,322-acre area known as Winter Ridge Wilderness Study Area;

B. 7,203-acre area known as Jack Canyon Wilderness Study Area;

C. 6,560-acre area known as Squaw and Papoose Wilderness Study Area;

D. 8,769-acre area known as Desolation Canyon Wilderness Study Area included within the Desolation Canyon National Conservation Area as designated by this Act; and

E. 2,516-acre area known as Daniels Canyon Wilderness Study Areas.

(2) RELEASE .—Any land managed by the Bureau of Land Management within the areas described in paragraph (1) that is not designated as wilderness by this title—

(A) shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712), provided the land management plans have been adjusted to reflect the new policies included in this Act; and

(C) shall no longer be subject to Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 110. AIRSHEDS.

The wilderness areas designated under section 101 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

Title II – National Conservation Areas

SEC. 201. NATIONAL CONSERVATION AREAS.

(a) ESTABLISHMENT.—Subject to valid existing rights, the following areas in the State are hereby established as National Conservation Areas:

(1) WHITE RIVER.—Certain federal land, comprising approximately 17,017 acres administered by the Bureau of Land Management in Uintah County, Utah as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "White River National Conservation Area."

(2) BEACH DRAW.—Certain federal land, comprising approximately 658 acres administered by the Bureau of Land Management in Uintah County, Utah as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Beach Draw National Conservation Area."

(3) DIAMOND MOUNTAIN.—Certain federal land, comprising approximately 30,390 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Diamond Mountain National Conservation Area."

(4) DOCS VALLEY.—Certain federal land, comprising approximately 8,543 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Docs Valley National Conservation Area."

(5) STONE BRIDGE DRAW.—Certain federal land, comprising approximately 2,415 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Stone Bridge Draw National Conservation Area."

(6) STUNTZ DRAW.—Certain federal land, comprising approximately 2,283 acres administered by the Bureau of Land Management in Uintah County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Stuntz Draw National Conservation Area."

(7) SAN RAFAEL SWELL.—Certain federal land, comprising approximately 330,824 acres administered by the Bureau of Land Management in Emery County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "San Rafael Swell National Conservation Area."

(8) LABYRINTH CANYON.—Certain federal land, comprising approximately 35,048 acres administered by the Bureau of Land Management in Emery County and Grand County, Utah, as generally depicted on the map entitled Utah PLI National Conservation

Area Map and dated _____, to be known as the "Labyrinth Canyon National Conservation Area."

(9) MUDDY CREEK.—Certain federal land, comprising approximately 102,312 acres administered by the Bureau of Land Management in Emery County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Muddy Creek National Conservation Area."

(10) COLORADO RIVER.—Certain federal land, comprising approximately 116,155 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Colorado River National Conservation Area."

(11) DESOLATION CANYON.—Certain federal land, comprising approximately 8,769 acres administered by the Bureau of Land Management in Carbon County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Desolation Canyon National Conservation Area."

(12) NINE MILE CANYON.—Certain federal land, comprising approximately 41,299 acres administered by the Bureau of Land Management in Carbon County and Duchesne County, Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Nine Mile Canyon National Conservation Area."

SEC. 202 MAP AND LEGAL DESCRIPTION. –

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the National Conservation Areas established by sections 201, 205 and 206 of this Act with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.
(b) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior may make any minor modifications of any clerical or typographical errors in the map or legal description.
(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the United States Forest Service.

SEC. 203. ADMINISTRATION OF NATIONAL CONSERVATION AREAS

(a) PURPOSES. - In accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws, the Secretary of the Interior shall manage the National Conservation Areas established by section 201 in a manner that conserves and enhances the scenic, natural, historical, ecological,

educational, cultural, and motorized, mechanized, and primitive recreational resources of the National Conservation Areas.

(b) MANAGEMENT PLANS.

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of each conservation area.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with the State, local governments, and Native American tribes. If the Secretary of the Interior does not incorporate recommendations submitted by the State, local, and Native American tribes into the management plans, the Secretary of the Interior shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the state local governments and tribes.

(3) REQUIREMENTS- Each management plan shall--

(A) describe the appropriate uses, such as scenic, natural, historical, recreational, ecological, educational, and cultural, and for management of the conservation area; and

(B) include interpretive and educational materials regarding the cultural and biological resources of the region within which the conservation area is located.

(C) Complies with Sec. 203 and Sec. 204 .

(c) USES- The Secretary of the Interior shall allow only such uses of the conservation area that would further the recommendations put forth in the Management Plan

(d) ACQUISITION OF LAND AND INTERESTS IN LAND. -

(a) ACQUISITION.—

(1) IN GENERAL.—The Secretary of the Interior may acquire land or interest in land within the boundaries of the National Conservation Areas designated by section 201 only by donation or exchange.

(2) LAND EXCHANGE.—At the request of the State not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall complete exchanges for State land located within the boundaries of the National Conservation Areas designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(b) INCORPORATION IN CONSERVATION AREA.—Any land or interest in land located inside the boundary of a conservation area that is acquired by the United States after the date of enactment of this Act shall be added to, and administered as part of the conservation area.

SEC. 204. GENERAL PROVISIONS.

(a) WITHDRAWALS-

(1) Subject to valid existing rights, all federal land within the National Conservation Areas established under sections 201, 205, and 206 , including any land or interest in land that is acquired by the United States within the conservation area after the date of enactment of this Act, is withdrawn from--

(1) entry, appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) EXCEPTION.—Notwithstanding the withdrawal in paragraph (1), for the Desolation Canyon National Conservation Area, White River National Conservation Area, and the Book Cliffs Sportsmens National Conservation Area, the Secretary of the Interior may lease oil and gas resources in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) subject to the following conditions:

(A) the area may be accessed only by directional drilling from a lease held on the date of enactment of this Act on land that is adjacent to, and outside of, the conservation area.

(B) the lease shall prohibit surface occupancy and surface disturbance for any mineral activities within the national conservation areas.

(b) FIRE, INSECTS, AND DISEASE .— In accordance with this title, in national conservation areas established under sections 201, 205, and 206 the Secretary of the Interior may—

(A) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the national conservation areas; and

(B) coordinate those measures with the appropriate State or local agency.

(c) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interferes with the authority of the Secretary of the Interior to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression in national conservation areas established under sections 201, 205, and 206 .

(d) LIVESTOCK .—

(1) IN GENERAL .—Within the national conservation areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management

plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior or the Secretary of Agriculture as appropriate, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior or the Secretary of Agriculture as appropriate to establish historic access, locations, or use.

(e) AIRSHED. - The national conservation areas designated under sections 201, 205, and 206 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

(f) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of the Interior from renewing easements or rights-of-way in national conservation areas established under sections 201, 205, and 206 in existence on the date of enactment of this Act, in accordance with this Act and existing law.

(g) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Conservation area designated by sections 201, 205 and 206 .

(b) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside a conservation area established under sections 201, 205, and 206 can be seen, heard, or smelled within the conservation area shall not preclude the activity or use outside the boundary of the Conservation area.

(h) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the national conservation areas established under sections 201, 205, and 206 are authorized.

(i) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State,

including the regulation of hunting, fishing, and trapping and use of helicopters to maintain healthy wildlife populations, within the national conservation areas established under sections 201, 205, and 206.

(j) ACCESS .—The Secretary of the Interior shall provide the owner of State or private property within the boundary of a conservation area established under sections 201, 205, and 206 access to the property.

(k) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the national conservation areas established under sections 201, 205, and 206 are authorized.

(l) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the national conservation areas established under sections 201, 205, and 206, hunting, fishing, and recreational and target shooting, in areas where hunting, fishing, and recreational and target shooting has been allowed on lands and waters owned of managed by the Department of the Interior or Department of Agriculture before the date of enactment of this Act, shall continue.

(m) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the national conservation areas designated by sections 201, 205, and 206 ;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future national conservation areas designations.

(b) UTAH WATER LAW. –The Secretary of the Interior shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the national conservation areas established under sections 201, 205, and 206 .

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in national conservation areas designated by sections 201, 205, and 206 .

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(n) WILDERNESS REVIEW. –

(a) Congress finds that the national conservation areas described in sections 201, 205, and 206 have been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and are no longer subject to the requirement of subsection (c) of such section pertaining to the management

of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The Secretary of the Interior may not promulgate or issue any system-wide regulation, directive, instruction memorandum or order that would direct management of the federal lands designated as national conservation areas in sections 201, 205, and 206 in a manner contrary to subsection (n) .

(o) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of the Interior from conducting vegetation management projects within the national conservation areas established under sections 201, 205, and 206 .

(p) MOTORIZED VEHICLES.

(1) IN GENERAL- Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles shall be permitted only on designated routes within the national conservation areas.

(2) DESIGNATED ROUTES

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized on January 1, 2016;

(ii) minimizes conflict with sensitive habitat or cultural or historical resources; and

(iii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING-

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of the Interior, in consultation with the State, and relevant local government within the State determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of the Interior shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the Conservation Area;

(ii) use of the internet and web resources.

(3) PERMANENT ROAD CONSTRUCTION-

(1) After the date of enactment of this Act, except as necessary for administrative purposes or to respond to an emergency, the Secretary of the

Interior shall not construct any permanent road within the conservation area designated under section 201, 205, or 206

(q) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

SEC. 205. – BOOK CLIFFS SPORTSMENS NATIONAL CONSERVATION AREA

(a) ESTABLISHMENT.—Subject to valid existing rights, certain federal land, comprising approximately 42,351 acres administered by the Bureau of Land Management in Uintah County in the State of Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, is established as "Book Cliffs Sportsmens National Conservation Area."

(b) PURPOSES.—The purpose of the Book Cliffs Sportsmen's National Conservation Area (referred to in this section as the ''NCA'') is to facilitate hunting and fishing opportunities and to provide for state management of wildlife habitat.

(c) MANAGEMENT PLAN. –

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of the NCA.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with the Advisory Council. If the Secretary of the Interior does not incorporate the recommendations submitted by the Advisory Council into the management plan the Secretary of the Interior shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the Advisory Council.

(3) REQUIREMENTS- The management plan shall be written in accordance with subsection (b)

(4) Uses- The Secretary of the Interior shall allow only such uses of the NCA that would further the purposes of the NCA.

(d) BOOK CLIFFS SPORTSMEN'S NATIONAL CONSERVATION AREA ADVISORY COUNCIL. –

(1) ESTABLISHMENT.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior shall establish the Book Cliffs Sportsmens National Conservation Area Advisory Council (referred to as the Advisory Council") to:

(A) advise the Secretary of the Interior with respect to development and implementation of the NCA management plan to the greatest extent allowable by law.

(B) encourage and promote local participation in the decision making processes affecting the NCA.

(2) MEMBERSHIP.— The Advisory Council shall consist of 11 members.

(3) MEMBERS.—The Secretary of the Interior shall appoint one member from each of the from the following groups:

(i) State fish and wildlife agencies.
(ii) Game bird hunting organizations.
(iii) Wildlife conservation organizations.
(iv) Big game hunting organizations.
(v) a cold water fishing organization.
(vi) the tourism, outfitter, or guiding industry.
(vii) the hunting or shooting equipment retail industry.
(viii) tribal resource management organizations.
(ix) The agriculture industry.
(x) the ranching industry.
(xi) the Uintah County Commission or its designee.

(4) ELIGIBILITY.—The Secretary of the Interior shall determine that all individuals appointed to the Advisory Council, and the organization or industry each individual represents, support sustainable-use hunting, wildlife conservation, and recreational shooting.

(1) TERMS.—

(A) IN GENERAL.— Except for the initial appointees, members of the Advisory Council shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

(2) TERMS OF INITIAL APPOINTEES.—The Secretary of the Interior shall appoint the initial members of the Advisory Council as follows:

(i) 5 members shall be appointed for a term of 4 years;
(ii) 4 members shall be appointed for a term of 3 years; and
(iii) 2 members shall be appointed for a term of 2 years.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a member of the Advisory Council while serving as an officer or employee of the Federal Government.

(6) VACANCY AND REMOVAL.—

(A) IN GENERAL.—Any vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made.

(B) REMOVAL.—Advisory Committee members shall serve at the discretion of the Secretary of the Interior and may be removed at any time for good cause.

(7) CONTINUATION OF SERVICE.—Each member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

(8) CHAIR.—The Chair of the Advisory Council shall be appointed to a 3-year term by the Secretary of the Interior from among the members of the Advisory Council. An individual appointed to the Advisory Council under (4)(2)(iii) shall be eligible to serve as Chair, but may serve for two years. An individual may not be appointed as Chair for

more than 2 consecutive or nonconsecutive terms.

(9) PAY AND EXPENSES.—Members of the Advisory Council shall serve without pay, but each member of the Advisory Council may be reimbursed for travel and lodging incurred through attending meetings of the Advisory Council (including approved workgroup or subgroup meetings) in the same amounts and under the same conditions as Federal employees in accordance with section 5703 of title 5, United States Code.

(10) MEETINGS.—

(A) IN GENERAL.—The Advisory Council shall meet at the call of the Secretary of the Interior, the chair, or a majority of the members, but not less frequently than twice annually.

(B) OPEN MEETINGS.—Each meeting of the Advisory Council shall be open to the public.

(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Advisory Committee shall be published in the Federal Register and be submitted to publications of general circulation.

(D) SUBGROUPS.—The Advisory Council may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups or subgroups may not conduct business without the direction of the Advisory Council.

(11) QUORUM.—Nine members of the Advisory Council shall constitute a quorum.

(12) EXPENSES.—The expenses of the Advisory Council that the Secretary of the Interior determine to be reasonable and appropriate shall be paid by the Secretary of the Interior.

(13) ADMINISTRATIVE SUPPORT AND TECHNICAL SERVICES.—The Secretary of the Interior shall provide to the Advisory Council the administrative support and technical services.

(14) ANNUAL REPORT.—

(1) REQUIRED.—Not later than September 30 of each year, the Advisory Council shall submit a report to the Secretary of the Interior, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate. If circumstances arise in which the Advisory Council cannot meet the September 30 deadline in any year, the Secretary of the Interior shall advise the Chair of each such Committee of the reasons for such delay and the date on which the submission of the report is anticipated.

(2) CONTENTS.—The report required by paragraph (1) shall describe—

(A) the activities of the Advisory Committee during the preceding year;

(B) the reports and recommendations made by the Advisory Council to the Secretary of the Interior during the preceding year; and

(C) an accounting of actions taken by the Secretary of the Interior as a result of the recommendations.

(15) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Council shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(16) VEGETATION MANAGEMENT: Within the NCA, the Secretary of the Interior may authorize vegetation management including through mechanical means to the extent

necessary to control fire, insects, or disease to promote and improve wildlife habitat and diversity.

SEC. 206. - BEARS EARS NATIONAL CONSERVATION AREA

(a) ESTABLISHMENT.—Subject to valid existing rights certain federal land, comprising approximately 1,178,142 acres administered by the Bureau of Land Management and the United States Forest Service in San Juan County in the State of Utah, as generally depicted on the map entitled Utah PLI National Conservation Area Map and dated _____, to be known as the "Bears Ears National Conservation Area of San Juan County".

(b) PURPOSE.—The purpose of the Bears Ears National Conservation Area (referred to in this section as the ''Bears Ears'') is to integrate greater local control, science and land management techniques, traditional knowledge, scientific expertise, and commitment of the Hopi Tribe, Navajo Nation, Uintah and Ourary Ute Tribe, Ute Mountain Ute Tribe, Zuni Tribe, San Juan County, and the State of Utah to the culturally significant landscape known as the Bears Ears and to manage the area in a way that conserves, protects, and enhances the scenic, biological, natural, historical, scientific, recreational, ecological, educational, scientific, and cultural resources of the area.

(c) MANAGEMENT PLAN. –

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall develop a management plan for the long-term management of the NCA.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior and the Secretary of Agriculture shall implement the management plan in consultation and coordination with the Bears Ears Commission. If the Secretary of the Interior and the Secretary of Agriculture do not implement the recommendations submitted by the Bears Ears Commission into the management plan, the Secretary of the Interior and the Secretary of Agriculture shall submit a written explanation before the effective date of the management plan to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the Bears Ears Commission.

(3) REQUIREMENTS- The management plan shall be written in accordance with subsection (b) of this subsection.

(4) Uses- The Secretary of the Interior and the Secretary of Agriculture shall allow only such uses of the NCA that would further the purposes of the NCA described in subsection (b).

(D) BEARS EARS MANAGEMENT COMMISSION. –

(1) ESTABLISHMENT.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish the Bears Ears Management Commission, to:

(A) Advise the Secretary of the Interior and the Secretary of Agriculture with respect to development and implementation of the management plan.

(B) Encourage and promote local participation in the decision-making processes affecting the Bears Ears National Conservation Area.

(2) MEMBERS.—The members shall be appointed jointly by the Secretary of the Interior and Secretary of Agriculture from the following:

(i) One representative from one of the seven Utah Chapters of the Navajo Nation; and

(ii) One representative from the Hopi Tribe, Uintah and Ourary Ute Tribe, Ute Mountain Ute Tribe, or the Zuni Tribe; and

(iii) a representative from the Utah Department of Natural Resources; and

(iv) a designee of the San Juan County Commission.

(3) TERMS.— Members of the Bears Ears Management Commission shall be appointed for a term of 4 years. Members shall not be appointed for more than 3 consecutive or nonconsecutive terms.

(4) TERMS OF INITIAL APPOINTEES.—The Secretary of the Interior and the Secretary of Agriculture shall appoint the initial members of the Bears Ears Management Commission as follows:

(i) The first tribal representative shall be appointed for a term of 4 years;

(ii) The second tribal representative shall be appointed for a term of 3 years; and

(iii) The Utah Department of Natural Resources representative and the San Juan County Commission representative shall each be appointed for a term of 2 years.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No individual may be appointed as a member of the Bears Ears Management Commission while serving as an officer or employee of the Federal Government.

(6) VACANCY AND REMOVAL.—

(A) IN GENERAL.—Any vacancy on the Bears Ears Management Commission shall be filled in the manner in which the original appointment was made.

(B) REMOVAL.— Bears Ears Management Commission members shall serve at the discretion of the Secretary of the Interior and Secretary of Agriculture and may be removed at any time for good cause.

(7) CONTINUATION OF SERVICE.—Each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed.

(8) CHAIR.— The Chair of the Bears Ears Management Commission shall be appointed to a 3-year term by the Secretary of the Interior from among the members of the Bears Ears Commission. An individual appointed to the Bears Ears Management Commission under (4)(2)(iii) shall be eligible to serve as Chair, but may serve for two years. An individual may not be appointed as Chair for more than 2 consecutive or nonconsecutive terms.

(9) PAY AND EXPENSES.—Members of the Bears Ears Management Commission shall serve without pay, but each member of the Bears Ears Management Commission may be reimbursed for travel and lodging incurred through attending meetings of the Bears Ears Management Commission approved subgroup meetings in the same amounts and under the same conditions as Federal employees in accordance with section 5703 of title 5, United States Code.

(10) MEETINGS.—

(A) IN GENERAL.—The Bears Ears Management Commission shall meet at the call of the Secretary of the Interior or the Secretary of Agriculture, the chair, or a majority of the members, but not less frequently than twice annually.
(B) OPEN MEETINGS.—Each meeting of the Bears Ears Management Commission shall be open to the public.
(C) PRIOR NOTICE OF MEETINGS.—Timely notice of each meeting of the Bears Ears Management Commission shall be published in the Federal Register and be submitted to publications of general circulation.
(D) SUBGROUPS.—The Bears Ears Management Commission may establish such workgroups or subgroups as it deems necessary for the purpose of compiling information or conducting research. However, such workgroups or subgroups may not conduct business without the direction of the Bears Ears Management Commission.
(11) QUORUM.—Four members of the Bears Ears Management Management Commission shall constitute a quorum.
(12) EXPENSES.—The expenses of the Bears Ears Management Commission that the Secretary of the Interior and Secretary of Agriculture determine to be reasonable and appropriate shall be paid by the Secretary of the Interior and the Secretary of Agriculture.
(13) ADMINISTRATIVE SUPPORT AND TECHNICAL SERVICES.—The Secretary of the Interior and Secretary of Agriculture shall provide to the Bears Ears Management Commission the administrative support and technical services.
(14) FEDERAL ADVISORY COMMITTEE ACT.—The Bears Ears Management Commission shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(e) MANAGEMENT PLAN.

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Bears Ears Management Commission shall develop recommendations for a management plan for the long-term management of the Bears Ears.
(2) REQUIREMENTS- The management plan shall--

(a) describe the appropriate uses and management of the Bears Ears;
(b) include a recommendation on interpretive and educational materials regarding the cultural and biological resources of the region;
(c) protect valid exiting rights;
(d) continue livestock grazing in places where livestock grazing was permitted on the date of enactment of this act;
(e) protect and preserve Native American historical uses, access to ceremonial sites, hunting and gathering, and other cultural uses and sites; and;
(f) enhance primitive recreation;
(g) promote scientific research;
(h) promote traditional knowledge; and
(i) be adopted by a majority vote of the Bears Ears Management Commission

(3) CONSULTATION- The Secretary of the Interior and the Secretary of Agriculture may prepare the management plan in consultation and coordination with the Bears Ears Management Commission.
(4) PLAN ADOPTION. – The recommendations for a management plan shall only be adopted and transmitted to the Secretary of the Interior and the Secretary of Agriculture except by a majority vote of the Bears Ears Management Commission.

SEC. 207- ADDITIONAL PROVISIONS FOR DOCS VALLEY, STONE BRIDGE DRAW, STUNTZ DRAW, BEACH DRAW, MCCOOK RIDGE, AND DIAMOND MOUNTAIN NATIONAL CONSERVATION AREAS

(a) Nothing in this title shall effect existing or future sage grouse conservation projects, including the management of vegetation through mechanical means within the Doc Valley, Stone Bridge Draw, Stuntz Draw, Beach Draw, and Diamond Mountain National Conservation Areas established under section 201.

Title III – Special Management Areas

SEC. 301. SPECIAL MANAGEMENT AREAS

(a) ESTABLISHMENT.—The following special management areas are hereby established in the State of Utah, subject to valid existing rights:

(1) ASHLEY SPRING.—The "Ashley Spring Special Management Area", consisting of approximately 10,950 acres of the Ashley National Forest in Uintah County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(2) DRY FORK.—The "Dry Fork Special Management Area", consisting of approximately 9,640 acres of the Ashley National Forest in Uintah County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(3) HIGH UINTAS.—The "High Uintas Special Management Area", consisting of approximately 20,682 acres of the Ashley National Forest in Uintah and Duchesne County, Utah as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(4) CASTLE VALLEY.—The "Castle Valley Special Management Area", consisting of approximately 34,247 acres of the Manti-LaSal National Forest in Grand County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(5) WIDDOP MOUNTAIN.—The "Widdop Mountain Special Management Area", consisting of approximately 8,024 acres of the Ashley National Forest in Summit County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(6) EAST FORK SMITHS FORK.—The "East Fork Smiths Fork Special Management Area", consisting of approximately 3,177 acres of the Ashley National Forest in Summit County, Utah, as generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____.

(b) MAP AND LEGAL DESCRIPTION. –

(1) IN GENERAL. – Two years after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Special Management Areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

SEC. 302. ADMINISTRATION OF SPECIAL MANAGEMENT AREAS.

(a) PURPOSE .—The purpose of the Special Management Areas is to conserve and protect for the benefit of present and future generations watershed, cultural, wildlife, and motorized, mechanized, and primitive recreational resources and to promote outdoor recreation within the Special Management Areas.

(b) ADMINISTRATION .—

(A) IN GENERAL .—The Secretary of Agriculture shall administer the Special Management Areas—

(i) in a manner that promotes, protects, and manages the resources of the Special Management Areas described in subsection (a); and

(ii) in accordance with—

(I) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(II) this Act; and

(III) other applicable laws.

(c) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall develop management plans for the long-term protection and management of the Special Management Areas—

(A) in consultation with State, local and tribal government entities; and

(B) that provides for recreational opportunities to occur within the Special Management Areas, including skiing, biking, hiking, fishing, hunting, horseback riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping.

(C) complies with Sec. 303 .

SEC. 303 GENERAL PROVISIONS.

(a) MOTORIZED VEHICLES.—

(1) IN GENERAL- Except in cases in which motorized vehicles and non-mechanized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles shall be permitted only on designated routes within the Special Management Areas.

(2) MANAGEMENT-

(A) IN GENERAL- The Secretary of Agriculture shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized on January 1, 2016;

(ii) minimizes conflict with sensitive habitat or cultural or historical resources; and

(iii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING.

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of Agriculture, in consultation with the State, or relevant local government within the State, subject to subparagraph (C), determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of Agriculture shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the Special Management Areas.;

(ii) use of the internet and web resources.

(b) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

(c) ROAD CONSTRUCTION- Except as necessary for administrative purposes or to respond to an emergency, the Secretary of Agriculture shall not construct any permanent road within the Special Management Areas after the date of enactment of this Act.

(d) OVERSNOW VEHICLES .—The Secretary of Agriculture shall authorize the use of snowmobiles and other oversnow vehicles within the Special Management Areas when there is at least six inches of snow coverage.

(e) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of Agriculture may—

(A) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the Special Management Areas; and

(B) coordinate those measures with the appropriate State or local agency.

(f) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interfere with the authority of the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(g) LIVESTOCK GRAZING .—

(1) IN GENERAL .—Within the Special Management Areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at levels at the time an area is designated. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of Agriculture, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of Agriculture to establish historic access, locations, or use.

(h) AIRSHED. - The Special Management Areas designated under section 301 shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

(i) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this Act precludes the Secretary of Agriculture from renewing easements or rights-of-way in existence as of the date of enactment of this Act, in accordance with this Act and existing law.

(j) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Special Management area designated by section 301.

(b) ACTIVITIES OUTSIDE SPECIAL MANAGEMENT AREA.—The fact that an activity or use on land outside a Special Management area can be seen, heard,

or smelled within the Special Management area shall not preclude the activity or use outside the boundary of the Special Management area.

(k) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the Special Management Areas are authorized.

(l) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the Special Management Area.

(m) ACCESS .—The Secretary of Agriculture shall provide the owner of State or private property within the boundary of a Special Management Area access to the owner's property.

(n) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the Special Management Areas are authorized.

(o) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the Special Management Areas in where hunting, fishing, and recreational and target shooting on lands and waters owned of managed by the Department of the Interior or Department of Agriculture was allowed before the date of enactment of this Act, shall continue.

(p) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the Special Management Areas designated by section 301;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future Special Management Areas designations.

(b) UTAH WATER LAW. –The Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the Special Management Areas.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this title shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in Special Management Areas designated by section 301.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(q) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of Agriculture from conducting vegetation management projects within the Special Management Areas.

(r) COMMERCIAL TIMBER HARVEST.—Within the Special Management Areas, commercial timber harvest is not prohibited if the primary purpose is to restore or improve forest health and watershed function or to further the purposes described in this titlen

(s) WITHDRAWAL .—

(1) IN GENERAL .—Subject to valid rights in existence on the date of enactment of this title ,the Federal land within the Special Management Areas designated by section 301 are withdrawn from—

(a) all forms of entry, appropriation, and disposal under the federal land laws;

(b) location, entry, and patent under the mining laws; and

(c) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Title IV - ARCHES NATIONAL PARK EXPANSION

SEC. 401. ARCHES NATIONAL PARK EXPANSION

(A) Section 1 of Public Law 92-155 is amended—

(1) by inserting the following after paragraph (2)—

"(3) Effective on the date of enactment of the Utah Public Lands Initiative Act, the boundary of the park shall include the area consisting of approximately 19,255 acres and depicted as Arches Expansion on the map entitled "Utah PLI Park and Monument Map" and dated _____.";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) in paragraph (4), as so designated by paragraph (2) of this provision, by striking "(1) and (2)" and inserting instead "(1), (2) and (3)".

Title V - JURASSIC NATIONAL MONUMENT

SEC. 501. JURASSIC NATIONAL MONUMENT

(a) PURPOSES. - To conserve, protect, interpret, and enhance for the benefit of present and future generations the unique and nationally important paleontological, scientific, educational, and recreational resources, there is established in Emery County, Utah, subject to valid existing rights, the Jurassic National Monument (referred to in this title as the ''Monument'').

(b) BOUNDARIES .—The Monument shall consist of approximately 867 acres of federal land in Emery County, Utah as generally depicted on the map entitled "Utah PLI Park and Monument Map" and dated _____

(c) MAP ; LEGAL DESCRIPTION .—

(1) IN GENERAL. – Two years after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Special Management Areas with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (b) shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) ACQUISITION OF LAND .—

(1) IN GENERAL. – The Secretary of the Interior may acquire land or interests in land within the boundaries of the Monument only by donation or exchange.

(2) LAND EXCHANGE. – At the request of the State, not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall complete exchanges for State land located within the boundaries of the Monument designated by this title.

(3) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(e) WITHDRAWALS .—Subject to valid existing rights, any land within the Monument or any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this section is withdrawn from—

(i) entry, appropriation, or disposal under the federal land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(f) MANAGEMENT PLAN. -

(1) PLAN REQUIRED- Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the long-term management of the Monument.

(2) RECOMMENDATIONS AND CONSULTATION- The Secretary of the Interior shall prepare the management plan in consultation and coordination with

the State and relevant local governments. If the Secretary of the Interior does not incorporate recommendations submitted by the State and local governments the Secretary of the Interior shall submit a written explanation, before the effective date of the management plan, to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources outlining the reasons for rejecting the recommendations of the State and local governments.

(3) REQUIREMENTS- The management plan shall--

(A) describe the appropriate uses, such as educational opportunities, recreation, and scientific research of the Monument; and

(B) include interpretive and educational materials regarding the scientific and paleontological resources of the Monument region; and

(C) address transportation issues to and from the Monument; and

(D) codify the current Special Recreation Management Area boundary.

(g) ADMINISTRATION .—The Secretary of the Interior shall administer the Monument in accordance with---

(1) the Management Plan; and

(2) any other applicable laws.

(h) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a Monument designated by this Act.

(b) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside the Monument can be seen, heard, or smelled within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(i) AIRSHED. - The Monument designated under this title shall not be designated as Class I airsheds under the Clean Air Act (42 USC 7401-7661).

TITLE VI - WILD AND SCENIC RIVERS

SEC. 601 - WILD AND SCENIC RIVERS

(a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(213) COLORADO RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 14.4 mile segment from Westwater Canyon from River Mile 125 to River Mile 112 as a wild river.
(B) The approximately 8 mile segment from River Mile 112 to Cisco Wash as a scenic river.
(C) The approximately 33.1 mile segment from the Confluence of the Colorado River with the Dolores River to River Mile 49 near Potash as a recreational river.
(D) The approximately 5.7 mile segment from River Mile 44.5 to River mile 38.5 as a scenic river.
(E) The approximately 3.7 mile segment from River Mile 37.5 to River Mile 34 at the Canyonlands National Park boundary as a scenic river.
(F) The approximately 5.5 mile river segment from River Mile 44 to River Mile 38.5 as a scenic river.
(G) The approximately 6.5 river segment of the Colorado River from River Mile 37.5 to the boundary of Canyonlands National Park at River Mile 31 as a scenic river.

"(214) DOLORES RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 5.9 mile segment from the Colorado State line to Fisher Creek as a recreational river.
(B) The approximately 6.3 mile segment from Fisher Creek to Bridge Canyon as a scenic river
(C) The approximately 9.9 mile segment from Bridge Canyon to the Colorado River as a recreational river.

"(215) GREEN RIVER. The following segments in the State of Utah, to be administered by the Secretary of the Interior as follows:

(A) The approximately 50 mile river segment from River Mile 97 at the confluence with the San Rafael River to Canyonlands National Park Boundary as a scenic river.
(B) The approximately 44.5 miles from Nine Mile Creek to Chandler Canyon as a wild river
(C) The approximately 8 miles from Chandler Creek to Florence Creek as a scenic river.

(D) The approximately 19 miles from Florence Creek to the Nefertiti Boat Ramp as a wild river.

(E) The approximately 27 miles from the Bureau of Land Management boundary south of Ouray to the Carbon County line as a scenic river.

"(216) DARK CANYON, UTAH. The approximately 6.4 miles of the Dark Canyon River from the forest boundary to Glen Canyon National Recreation Area below Young's Canyon to be administered by the Secretary of the Interior as a wild river.

"(217) SAN JUAN RIVER, UTAH. The approximately 17.3 miles of the San Juan River from River Mile 28 to Glen Canyon National Recreation Area at River Mile 45 as a to be administered by the Secretary of the Interior as a wild river.

(b) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around a wild and scenic river designated by this title.

(b) ACTIVITIES OUTSIDE WILD AND SCENIC RIVER.—The fact that an activity or use on land outside a wild and scenic river designated under this section can be seen, heard, or smelled within the wild and scenic river shall not preclude the activity or use outside the boundary of the wild and scenic river.

(c) The Secretary of the Interior may acquire land or interest in land within the boundaries of the wild and scenic river areas designated by this title only by donation or exchange."

(d) NO CONDEMNATION. – Within the areas designated by this title the use of eminent domain or condemnation shall be prohibited.

(e) MAPS AND LEGAL DESCRIPTION

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of the Interior shall file a map, entitled Utah PLI Wild and Scenic Rivers, and legal description of the rivers with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

TITLE VII – ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA

SEC. 701. ASHLEY CREEK NATIONAL RECREATIONAL AND SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, the approximately 110,838 acres generally depicted on the map entitled Utah PLI Special Management Area Map and dated _____, are hereby established as the "Ashley Creek National Recreation and Special Management Area".

(b) PURPOSES—The purposes of the Ashley Creek National Recreational and Special Management Area (referred to in this title as the Area) are to provide recreational opportunities, utilize commercial forest products, and withdraw minerals from development.

SEC. 702. – MAP AND LEGAL DESCRIPTION.

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT. – The map and legal description prepared under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct minor errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the United States Forest Service.

SEC. 703. ADMINISTRATION.

(a) ADMINISTRATION .—

(1) IN GENERAL .—The Secretary of Agriculture shall administer the Area in accordance with—

(a) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.);

(b) this title; and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall develop a management plan for the management of the Area—

(A) in coordination with State, local and tribal government entities;

(B) that provides for recreational opportunities to occur within the Area including skiing, biking, hiking, fishing, hunting, horseback

riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping;
(C) that promotes an economically sustainable commercial forest products industry;
(D) that prohibits mineral development;
(E) that provides for new route and trail construction for motorized and non-motorized to further recreational opportunities; and
(F) that complies with Sections 801 and 804 .

SEC. 704 GENERAL PROVISIONS.

(a) MOTORIZED AND MECHANIZED VEHICLES.—
(1) IN GENERAL- The use of motorized and mechanized vehicles shall be permitted within the Area.
(2) MANAGEMENT-
(A) IN GENERAL- The Secretary of Agriculture shall designate existing routes in a manner that--
(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016 ;
(ii) minimizes conflict with sensitive habitat or cultural or historical resources;
(iii) does not interfere with private property or water rights.
(B) CLOSURE OR REROUTING-
(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of Agriculture, in consultation with the State, or relevant local government within the State determines that--
(I) the designated route is damaging cultural resources or historical resources;
(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.
(III) modification of the designated route would not significantly affect access within the conservation area.
(IV) all other options, other than a temporary closure or rerouting, have been exhausted.
(V) an alternative route has been provided, which can include routes previously closed.
(C) NOTICE- The Secretary of Agriculture shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--
(i) use of appropriate signage within the Area; and
(ii) use of the internet and web resources.
(b) TRAIL CONSTRUCTION.—
(1) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall

study the feasibility and public interest of constructing new routes as needed to further motorized recreational opportunities.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.— If the Secretary of Agriculture determines that the construction of a route is feasible the Secretary of Agriculture may provide for the construction of the route.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—A route may be constructed under this subsection through the acceptance of volunteer services and contributions from non-federal sources.

(c) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land located within the Ashley Creek Recreational and Special Management Area.

(d) OVERSNOW VEHICLES .—The Secretary of Agriculture shall authorize the use of snowmobiles and other oversnow vehicles within the Area when there is at least six inches of snow coverage.

(e) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of Agriculture may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the Area; and

(2) coordinate those measures with the appropriate State or local agency.

(f) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interfere with the authority of the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(g) LIVESTOCK GRAZING..—

(1) IN GENERAL .—Within the Area, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with

no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) APPLICABILITY OF CERTAIN REQUIREMENTS

The plant and animal viability requirements of section 219 of title 36, United States Code of Federal Regulations, shall not apply to any proposed action or decision of the United States Forest Service regarding livestock grazing on National Forest Service lands affected by this title.

(4) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of Agriculture, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of Agriculture to establish historic access, locations, or use.

(h) AIRSHED. - The Area designated under this title shall not be designated as Class I airshed under the Clean Air Act (42 USC 7401-7661).

(i) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of Agriculture from renewing easements or rights-of-way in existence on the date of enactment of this Act, in accordance with this Act and existing law.

(j) ADJACENT MANAGEMENT.—

(a) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around the Area designated by section 801.

(b) ACTIVITIES OUTSIDE AREA.—The fact that an activity or use on land outside the Area can be seen, heard, or smelled within the Area shall not preclude the activity or use outside the boundary of the Area.

(k) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the Area are authorized.

(l) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the Area.

(m) ACCESS .—The Secretary of Agriculture shall provide the owner of State or private property within the boundary of the Area access to the property.

(n) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the Area are authorized

(o) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the Area in where hunting, fishing, and recreational and target shooting on lands

and waters owned of managed by the Department of the Interior or Department of Agriculture was allowed before the date of enactment of this Act, shall continue.

(p) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the Area designated by section 801;

(2) affects any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future designations.

(b) UTAH WATER LAW. –The Secretary of Agriculture shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the Area.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this title shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in the Area designated by section 801.

(d) DEFINITION. – The term ''water resource facilities" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(q) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of Agriculture from conducting vegetation management projects within the Area.

(r) WITHDRAWAL .—

(A) IN GENERAL .—Subject to valid rights in existence on the date of enactment of this Act the federal land within the Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the federal land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(s) FEES .—Within the Area the United States Forest Service is prohibited from the collecting or requiring fees for access or use.

(t) TRAIL AND OPEN AREA SNOWMOBILE USAGE .—Nothing in this title affects the use or status of trails authorized for motorized or mechanized vehicle or open area snowmobile use on the date of enactment of this Act.

(u) COMMERCIAL TIMBER SALES – Nothing in this title prevents the Secretary of Agriculture from:

(A) Permitting current or future forest management activities; and

(B) Constructing permanent or temporary roads as part of a commercial timber sale.

(v) DISPERSED CAMPING – Camping, including through the use of vehicles, where permitted prior to the establishment of the Area, shall be allowed.

Division B – Opportunity

Title I – School Trust Land Consolidations

SEC. 101. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain federal lands and federal mineral interests for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, and lands and mineral interests inheld within the conservation areas created under this Act.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "_____" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA") as a matter of federal law.

SEC. 102. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.
(b) PUBLIC AVAILABILITY .—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.
(c) CONFLICT .—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 103. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this title.

SEC. 104. SCHEDULE FOR CONVEYANCES.

All conveyances under the agreement shall be completed within 70 days after the date of enactment of this title.

SEC. 105. – BOOK CLIFFS CONSERVATION AREA. – The non-federal mineral estate acquired by the United States as a result of the agreement in section 101 and depicted on the map entitled the "Utah PLI Book Cliffs Federal Mineral Withdrawal Area map" and dated_____ is withdrawn from the operation of the mineral entry, leasing and mineral material disposal laws until otherwise determined by Congress.

Title II – Goblin Valley State Park

SEC. 201. LAND CONVEYANCE

(a) LAND CONVEYANCE. – At the request of the State of Utah, the Secretary of the Interior shall convey, without consideration, the approximately 9,994 acres of Bureau of Land Management land identified as "Utah PLI Goblin Valley State Park Map," on the map entitled Utah PLI Goblin Valley State Park Expansion Map and dated _____, to the Utah State Parks and Recreation Division of the Department of Natural Resources.

SEC. 202. COOPERATIVE MANAGEMENT OF GOBLIN VALLEY.

(a) IN GENERAL.—At the request of the State, in accordance with this section, the Secretary of the Interior shall enter into a cooperative agreement with the State for the management of the federal land described in subsection (b).

(b) DESCRIPTION OF LAND.—The area subject to the cooperative agreement is federal land managed by the Bureau of Land Management in Emery County, Utah comprising approximately 156,540 acres, identified as "Goblin Valley Cooperative Management Area" on the map entitled Utah PLI Goblin Valley State Park Map and dated _____.

(c) TERMS.—The cooperative agreement shall—

(1) clarify the roles, responsibilities, and limitations, of the Secretary of the Interior and the State with regard to recreation management within the federal land;

(2) extend only to recreational activities, including motorized and non-motorized, within the federal land, and shall not affect other land management within the federal land, or recreational activities outside the federal land;

(3) require that recreational activities within the federal land shall continue to be managed in accordance with—

(A) the San Rafael Swell National Conservation Area and Crack Canyon Wilderness Area established by this Act; and

(B) applicable federal laws.

(4) address the establishment, distribution, and uses of, any revenues generated by recreational activities (including entrance fees) on federal lands within the Goblin Valley Cooperative Management Area; and

(5) specify that the State agency administering the federal land shall be the Utah State Parks and Recreation Division of the Department of Natural Resources.

Title III – Price Canyon State Forest

SEC. 301. DEFINITIONS.

In this title:
(1) MAPS.—The term "Map" means the map titled Utah PLI Price Canyon State Forest Map.
(2) FEDERAL LAND. – The term ''federal land'' means the 13,321-acres owned by the Bureau of Land Management and identified as "BLM Lands Proposed for Transfer to State Sovereign Land" located in Carbon County, Utah, as generally depicted on the map entitled "Utah PLI Price Canyon State Forest Map" and date_____
(3) NON-FEDERAL LAND.—The term ''non-federal land'' means the 14,939-acres identified on the Map as "State Sovereign Land Proposed for Transfer to BLM" located in Grand, and San Juan Counties, Utah, as generally depicted on the
(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.
(5) STATE.—The term ''State'' means the State of Utah's Division of Forestry, Fire, and State Lands.

SEC. 302. EXCHANGE OF LAND.

(a) In General.-- It is the purpose of this title to consolidate intermingled State sovereign lands in an area of Carbon County, Utah to create the State of Utah's first State Forest.

(b) If the State offers to convey to the United States title to the non-federal land, the Secretary of the Interior shall--

(1) accept the offer; and

(2) on receipt of the right, title, and interest of the State in and to the non-federal land, convey to the State all right, title, and interest of the United States in and to the federal land.

(c) VALID EXISTING RIGHTS.--The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.--Title to the federal land and non-federal land to be exchanged under this section shall be in a format acceptable to the Secretary of the Interior and the State.

SEC. 303. LIVESTOCK GRAZING.

(a) LIVESTOCK GRAZING--- Within the lands acquired by the state under this tittle in which grazing is established before the date of enactment of this Act, the grazing of livestock shall continue at levels existing as of January 1, 2016

Title IV – Deer Lodge Land Exchange

SEC. 401 Definitions

In this title:

(a) ASSOCIATION.—The term ''Association'' means the Deer Lodge Homeowners Association.

(b) FEDERAL LAND.—The term ''federal land'' means the approximately 156 acres of National Forest System land in Daggett County, Utah, identified as ''Deer Lodge Cabin Site" on the map entitled "Utah PLI Deer Lodge Land Exchange Map" and dated _____.

(c) NON-FEDERAL LAND.—The term ''non-federal land'' means the parcel of approximately 77 acres of private land located in Uintah County, Utah and identified as ''Land to Be Acquired by USFS'' on the map entitled "Utah PLI Deer Lodge Land Exchange Map" and dated _____

(d) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 402 LAND EXCHANGE.

(a) CONVEYANCE OF LAND.—No less than two years after enactment of this title, if the Association offers to convey to the United States all right, title, and interest of the Association in and to the non-federal land, the Secretary of Agriculture shall convey to the Association, without consideration, all right, title, and interest of the United States in and to the federal land, subject to valid existing rights.

(b) COMPLIANCE WITH EXISTING LAW.— Except as otherwise provided in this title, the Secretary of Agriculture shall carry out the land exchange under this title in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

SEC. 403 CONDITIONS OF EXCHANGE.

(a) TITLE.—As a condition of the land exchange under this title, title to the non-federal land to be acquired by the Secretary of Agriculture under this title shall be acceptable to the Secretary of Agriculture.

(b) TERMS AND CONDITIONS.—As a condition of the land exchange under this title, the Association shall agree to retain as undeveloped open space the approximately 40 acres of meadow area identified as "Open Space" as generally depicted on the map entitled "Utah PLI Deerlodge Land Exchange" and dated _____."

Title V – Scofield Land Transfers

SEC. 501. DEFINITIONS.
In this title:

(1) CARBON COUNTY.—
The term ''Carbon County'' means Carbon County, Utah, within which the Scofield Reservoir property is located.

(2) CLAIMANT.—The term ''claimant'' means any person or entity (or a successor in interest to a person or entity) that, according to the records in the office of the Recorder for Carbon , Utah, as of the date of enactment of this Act, claims title to, or an interest in, the federal land.

(3) FEDERAL LAND.—

(A) IN GENERAL.—The term ''federal land'' means the land acquired by Price River Water Conservation District and transferred to the United States for use in the construction and operation of Scofield Dam and Reservoir located between the normal water surface elevation and the property boundary elevation in the Scofield Reservoir basin.

(B) EXCLUSIONS.—The term ''federal land'' does not include any mineral or subsurface rights to the land described in subparagraph (A); or the 205 acres of land adjoining the Scofield Reservoir, as adjudicated in the case styled United States v. Dunn (557F.3d 1165 (10th Cir. 2009)).

(4) LIFE ESTATE.—The term ''life estate'' means if the claimant is a person, an interest of the claimant in the federal land that will revert to the United States on the date of the death of the claimant; and (B) if the claimant is an entity, an interest in the federal land of a person designated by the claimant that will revert to the United States on the date of the death of the designated person.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 502. CONVEYANCE OF SCOFIELD PROJECT LAND.

(a) The Secretary of the Interior shall convey all right and title to the federal land, without consideration, to any valid claimant, or life estate, that submits a request to the Secretary of the Interior not later than 18 months after enactment of this Act. If the Secretary of the Interior does not act upon the request within 18 months from the date of enactment of this act, the federal land shall be transferred to the claimant.

(b) CONVEYANCE REQUIREMENTS- A conveyance under this title shall be subject to—

(A) provisions under which the claimant shall agree to indemnify and hold harmless the United States for all claims by the claimant or others arising from--

(i) the design, construction, operation, maintenance, or replacement of Scofield Dam and Reservoir;

(ii) the survey of claims, description of claims, delineation of boundaries, conveyance documents, conveyance process, and recording of deeds associated with the conveyance; and

(iii) any damages associated with any structure or chattel of the claimant that may be displaced in a flood event;

(B) the United States retaining a flood easement as well as an access easement for purposes of monitoring and enforcing the requirements of subparagraph (c) with respect to the entire portion of federal land conveyed; and

(C) deed restrictions requiring that--

(i) to prevent any structure on the portion of the federal land conveyed from being displaced during a flood event, the claimant shall--

(I) secure or tie down all existing structures; and

(II) if replacing or rebuilding such a structure, limit the replacement or rebuilding to the number and type of structures in existence on the date of enactment of this Act; and

(ii) all activities carried out by the claimant under clause (i) with respect to a structure to be carried out in accordance with applicable standards for structures that may be submerged, flooded, or inundated, as contained in--

(I) the International Building Code (as adopted by Utah Administrative Code R156-56); or

(II) any other building code or engineering standard that is--

(aa) similar to the International Building Code;

(bb) widely used; and

(cc) nationally recognized.

(c) If the claimant is a willing seller, the Secretary of the Interior may offer the claimant fair market value for the land in lieu of a conveyance of all right and title to the federal land.

Title VI – Land Conveyances

SEC. 601. Land Conveyances.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the specified local entity in the county in which the conveyance will occur, the Secretary of the Interior or the Secretary of Agriculture as appropriate shall convey the following federal land to that entity, without consideration:

(1) SAND FLATS. - The approximately 3,292 acres of land depicted as "Sand Flats Recreation Area" on the map entitled Utah PLI Land Conveyances Map and dated ____, to Grand County, Utah for use as an outdoor recreation area

(2) CANYONLANDS FIELDS AIRPORT - The approximately 561 acres of land depicted as "Canyonlands Fields Airport," on the map entitled Utah PLI Land Conveyances Map and dated ____, to Grand County, Utah for use as an airport

(3) MOAB TAILINGS PROJECT – Upon completion of the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project, the approximately 474 acres of land depicted as "UMTRA Conveyance," on the map entitled Utah PLI Land Conveyances Map and dated ____,' shall be conveyed, without consideration, to Grand County, Utah.

(4) HUNTINGTON AIRPORT EXPANSION.—The approximately 1,398 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Huntington Airport," to Emery County, Utah, for expansion of the Huntington Municipal Airport.

(5) EMERY COUNTY RECREATION AREA.—The approximately 79 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____ as "Emery County Recreation Area," to Emery County, Utah for public recreational purposes.

(6) EMERY COUNTY SHERIFF SUBSTATION.—The approximately 643 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____, as "Emery County Sheriffs Substation," to Emery County, Utah for a substation for the Emery County Sheriff's Office.

(7) BLANDING OUTDOOR RECREATION AREA.---The approximately 5,197 acres of land depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "Blanding Outdoor Recreation Area," to Blanding City, Utah for use as an outdoor recreation area.

(8) CAL BLACK AIRPORT.—The approximately 1,916 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Cal Black Airport," to San Juan County, Utah for a municipal airport.

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

(10) MONTICELLO WATER STORAGE AND TREATMENT PLANT.—The approximately 164 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Monticello Water Storage and Treatment Plant," to Monticello City, Utah, for a water storage and treatment plant.

(11) BLANDING SHOOTING RANGE.—The approximately 21 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ , as "Blanding Shooting Range," to San Juan County, Utah, for a public shooting range.

(12) HOLE-IN-THE-ROCK TRAIL- The approximately 694 acres of land generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "The Hole in the Rock Trail", to San Juan County, Utah for use as an outdoor recreation and historical trail.

(13) FANTASY CANYON.—The approximately 640 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ ,as "Fantasy Canyon" to the State of Utah, for public recreation.

(14) PARK CITY CONVEYENCE I – The approximately 2.5 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Park City Conveyance I," to Park City, Utah, for public recreation and open space.

(15) PARK CITY CONVEYENCE II – The approximately 1 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Park City Conveyance II," to Park City, Utah, for public recreation and open space.

(18) DUGOUT RANCH -- The approximately 15,379 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Dugout Ranch," to Utah State University, for education and research.

(16) LISBON VALLEY -- The approximately 398 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Lisbon Valley," to Utah State University, Utah, for education and research.

(17) WELLINGTON -- The approximately 645 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Wellington," to Utah State University, for education and research.

(18) RANGE CREEK RESEARCH STATION EXPANSION-- The approximately 1,663 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Range Creek Research Station Expansion," to the University of Utah, for education and research.

(19) ASHLEY SPRING ZONE.—The approximately 1,102 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Ashley Spring," to Uintah County, Utah, for use as open space and for watershed protection.

(20) SEEP RIDGE UTILITY CORRIDOR. – The approximately 4,437 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Seep Ridge Utility Corridor," to the State of Utah, for use as rights-of-way for transportation and public utilities.

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

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL. – Not later than two years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall file a map and legal description of the Land Conveyances with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—Each map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior or the Secretary of Agriculture as appropriate may make any minor modifications of any clerical or typographical errors in the map or legal description.

(3) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management and the United States Forest Service.

(c) REVERSION.—If any parcel conveyed under subsection (a) ceases to be used for the purpose for which it was conveyed or any other public purpose, the land shall revert to the United States, if the Secretary of the Interior or the Secretary of Agriculture as appropriate determines that the reversion is in the best interest of the United States.

Title VII – Land Disposals

SEC. 701. LAND DISPOSALS.

(a) Disposal. -- Subject to valid existing rights, the Secretary of the Interior shall dispose of federal lands identified as "Lands for Disposal" on the map entitled "Utah PLI Land Disposal Map" and dated_____ within two years.

Title VIII – CANYON COUNTRY RECREATION ZONES

SEC 801. ESTABLISHMENT

(a) ESTABLISHMENT.—Subject to valid existing rights, and to enhance existing and future recreational opportunities and use the following areas in Grand County and San Juan County, Utah are hereby established as Recreation Zones:

(1) KLONDIKE RECREATION ZONE.—Certain federal land, comprising approximately 24,968 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Klondike Recreation Zone."

(2) MONITOR AND MERRIMAC RECREATION ZONE.—Certain federal land, comprising approximately 17,370 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Monitor and Merrimac Recreation Zone."

(3) GOLDBAR RECREATION ZONE.—Certain federal land, comprising approximately 23,050 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Goldbar Recreation Zone."

(4) BIG FLAT RECREATION ZONE.—Certain federal land, comprising approximately 25,311 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Big Flat Recreation Zone."

(5) MINERAL CANYON RECREATION ZONE.—Certain federal land, comprising approximately 19,809 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Mineral Canyon Recreation Zone."

(6) DEE PASS AND UTAH RIMS RECREATION ZONE.—Certain federal land, comprising approximately 210,116 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Dee Pass and Utah Rims Recreation Zone."

(7) YELLOW CIRLCE.—Certain federal land, comprising approximately 7,040 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Yellow Circle Recreation Zone."

(8) CAMEO CLIFFS.—Certain federal land, comprising approximately 48,025 acres administered by the Bureau of Land Management in Grand County, Utah, as generally depicted on the map entitled Utah PLI Recreation Zones Map and dated _____to be known as the "Cameo Cliffs Recreation Zone."

SEC. 802. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL. – Not later than two years from the date the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the recreation zones established by sections 801 of this Act with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(b) FORCE AND EFFECT.—The map and legal description submitted under this section shall have the same force and effect as if included in this title, except that the Secretary of the Interior may make any minor modifications of any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY. – A copy of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 803. GENERAL PROVISIONS.

(a) FIRE, INSECTS, AND DISEASE .— In accordance with this title, the Secretary of the Interior may—

(1) carry out any measures to manage wildland fire and treat hazardous fuels, insects, and diseases in the recreation zones; and

(2) coordinate those measures with the appropriate State or local agency.

(b) WILDLAND FIRE OPERATIONS. – Nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment) or interferes with the authority of the Secretary of the Interior to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires or the use of mechanized equipment for wildfire pre-suppression and suppression.

(c) LIVESTOCK GRAZING. —

(1) IN GENERAL .—Within the recreation planning areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue at levels that existed on January 1, 2016.

(2) PROTECTION OF EXISTING USES. Existing livestock grazing shall continue in accordance with the following guidelines:

A) there shall be no curtailments of grazing in the areas designated by this title simply because an area is, or has been designated by this title, nor should designations be used an excuse by administrators to slowly "phase out" grazing.

B) the number and type of livestock permitted to graze in areas designated by this title shall continue at stocking levels at the time an area is designated. If land management

plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, some increases in AUMs shall be permissible.

C) the maintenance of supporting facilities existing in an area prior to its classification as designated by this title (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible.

D) the construction of new improvements or replacement of deteriorated facilities in areas designated by this title is permissible.

E) the use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is permissible.

(3) UTAH DEPARTMENT OF AGRICULTURE

In instances in which historic grazing locations, access, or use is disputed by the permittee and the Secretary of the Interior, data and information provided by the Utah Department of Agriculture shall be given priority consideration by the Secretary of the Interior to establish historic access, locations, or use.

(d) AIRSHED. - The recreation zones under this title shall not be designated as Class I airshed under the Clean Air Act (42 USC 7401-7661).

(e) EXISTING EASEMENTS AND RIGHTS-OF-WAY. – Nothing in this title precludes the Secretary of the Interior from renewing easements or rights-of-way in existence as of the date of enactment of this Act, in accordance with this title and existing law.

(f) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates a protective perimeter or buffer zone around any recreation zone designated by this title.

(2) ACTIVITIES OUTSIDE THE RECREATION ZONES.—The fact that an activity or use on land outside a recreation zone can be seen, heard, or smelled within the recreation zone shall not preclude the activity or use outside the boundary of the recreation zone.

(g) OUTFITTING AND GUIDE ACTIVITIES .— Commercial services (including authorized outfitting and guide activities) within the recreation zones are authorized.

(h) FISH AND WILDLIFE .—Nothing in this title affects the jurisdiction of the State of Utah with respect to the management of fish and wildlife on federal land in the State, including the regulation of hunting, fishing, and trapping within the recreation zones.

(i) ACCESS .—The Secretary of the Interior shall provide the owner of State or private property within the boundary of a recreation zones access to the property.

(j) WILDLIFE WATER DEVELOPMENT PROJECTS .— Structures and facilities, including future and existing structures and facilities, for wildlife water development projects (including guzzlers) in the recreation zones are authorized

(k) HUNTING, FISHING, AND RECREATIONAL AND TARGET SHOOTING. – Within the recreation zones in where hunting, fishing, and recreational and target shooting on lands and waters owned of managed by the Department of the Interior was allowed before the date of enactment of this Act, shall continue.

(l) WATER RIGHTS. –

(a) STATUTORY CONSTRUCTION .—Nothing in this title—

(1) shall constitute either an express or implied reservation by the United States of any water rights with respect to the recreation zones designated by this title;

(2) affects any water rights in the State of Utah existing on the date of enactment of this Act, including any water rights held by the United States.

(3) establishes a precedent with regard to any future recreation zone.

(b) UTAH WATER LAW. –The Secretary of the Interior shall follow the procedural and substantive requirements of State law to obtain and hold any water rights not in existence on the date of the enactment of this Act with respect to the recreation zones.

(c) EXISTING WATER INFRASTRUCTURE.—Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those maintenance activities necessary to guarantee the continued viability of water resource facilities that currently exist or which may be necessary in the future to prevent the degradation of the water supply in recreation zones designated by this title.

(d) DEFINITION. – The term ''water resource facilities'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(m) VEGETATION MANAGEMENT.—Nothing in this title prevents the Secretary of the Interior from conducting vegetation management projects within the recreation zones.

(n) WILDERNESS REVIEW. –

(a) Congress finds and directs that the recreation zones described in section 801 have been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and are no longer subject to the requirement of subsection (c) of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) The Secretary of the Interior may not promulgate or issue any system-wide regulation, directive, instruction memorandum or order that would direct management of the federal lands identified in section 801 in a manner contrary to subsection (m).

SEC. 804. GOLDBAR RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Goldbar Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, and hiking, provide for the construction of new non motorized trails, and to prevent future energy and mineral leases or claims, and to manage and protect indigenous plants.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Goldbar Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Goldbar Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Goldbar Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and camping

(C) prohibits future mineral and energy leasing or claims.

(D) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) in a manner that protects and manages indigenous plants.

(F) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016..

(ii) allows for adjustment to the travel management plan within the regular amendment process.

(iii) allows for the construction of new non-motorized trails.

SEC. 805. MONITOR AND MERRIMAC RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Monitor and Merrimac Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking, provide for the construction of new motorized and non motorized trails, and to prevent future energy and mineral leases or claims,

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Monitor and Merrimac Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Monitor and Merrimac Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Monitor and Merrimac Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) prohibits future mineral and energy leasing.

(D) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated motorized routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.
(ii) allows for adjustment to the travel management plan within the regular amendment process.
(iii) allows for the construction of new motorized and non-motorized trails.

SEC. 806 KLONDIKE RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Klondike Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking, provide for the construction of new non motorized trails, and to prevent future energy and mineral leases or claims,

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Klondike Recreation Zone in accordance with----

(a) this title
(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
(c) other applicable laws

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Klondike Recreation Zone that—

(A) coordinates and consults with State and local government entities
(B) provides for recreational opportunities to occur within the Klondike Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing
(C) prohibits future mineral and energy leasing.
(D) provides for new route and trail construction for non-motorized use to further recreational opportunities.
(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.
(ii) allows for adjustment to the travel management plan within the regular amendment process.
(iii) allows for the construction of new non-motorized trails.

SEC. 807 BIG FLAT RECREATION ZONE ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Big Flat Recreation Zone are to promote outdoor recreation, such as off-highway vehicle use, mountain biking, rock climbing, and hiking, to promote mineral development, and provide for new motorized route construction.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Big Flat Recreation Zone in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Big Flat Recreation Zone that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Big Flat Recreation Zone including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) provides for future mineral leasing with No Surface Occupancy stipulations

(D) prevents the retirement of mineral leases.

(E) provides for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(F) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) Allows for adjustment to the travel management plan within the regular amendment process.

(iii) Allows for the construction of new motorized trails.

SEC. 808 MINERAL CANYON RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Big Flat Recreation Zone are to promote non motorized outdoor recreation, such mountain biking, rock climbing, and hiking, to prevent future energy or mineral leases or claims, and provide for new non-motorized route construction, maintain boating access, maintain airstrip access, and maintain access and use of country borrow areas.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Mineral Canyon Recreation Zone:

(i) in accordance with----

(ii) this title;

(iii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iv) other applicable laws.

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Mineral Canyon Recreation Zone that—

(A) coordinates and consults with State and local government entities;

(B) provides for non motorized recreational opportunities to occur within the Mineral Canyon Recreation Zone including, biking, and hiking,

(C) prevent future energy or mineral leasing or claims

(D) provides for new route and trail construction for non-motorized use to further recreational opportunities.

(E) maintains access for boating

(F) maintains access for aircraft to the existing airstrip

(G) maintains access and use to the county borrow areas.

(H) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) allows for adjustment to the travel management plan within the regular amendment process.

(iii) allows for the construction of new non-motorized trails.

SEC. 809. DEE PASS AND UTAH RIMS RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Dee Pass and Utah Rims Recreation Zones are to promote motorized recreation, such as off-highway vehicle use, motorcycle riding, mountain biking, to provide for the construction of new non motorized trails and non motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Dee Pass and Utah Rims Recreation Zones in accordance with----

(a) this title

(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(c) other applicable laws;

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Dee Pass and Utah Rims Recreation Zones that—

(A) coordinates and consults with State and local government entities

(B) provides for recreational opportunities to occur within the Dee Pass and Utah Rims Recreation Zones including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing

(C) promotes future mineral and energy leasing and development.

(D) provide for new route and trail construction for motorized and non-motorized use to further recreational opportunities.

(E) complies with Section 803 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.
(ii) Allows for adjustment to the travel management plan within the regular amendment process.
(iii) Allows for the construction of new motorized and non-motorized trails.

(4) WHITE WASH CROSS COUNTRY TRAVEL AREA.— The approximately ____acres identified as the "White Wash Cross Country Travel Area", on the map entitled "Utah PLI Recreation Zones Map" and dated_____ is open to cross country motorized travel.

SEC. 810. YELLOW CIRCLE MINE AND CAMEO CLIFFS ADDITIONAL PROVISIONS

(a) PURPOSES.---The purposes of the Yellow Circle Mine and Cameo Cliffs Recreation Zones are to promote motorized recreation, such as off-highway vehicle use, motorcycle riding, mountain biking, to provide for the construction of new non motorized trails and non motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINSTRATION.---

(1) IN GENERAL.--- The Secretary of the Interior shall administer the Yellow Circle Mine and Cameo Cliffs Recreation Zone in accordance with----

(a) this title
(b) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
(c) other applicable laws

(2) MANAGEMENT PLAN .—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall develop a management plan for the management of the Yellow Circle Mine and Cameo Cliffs that—

(A) coordinates and consults with State and local government entities
(B) provides for recreational opportunities to occur within the Yellow Circle Mine and Cameo Cliffs including, biking, hiking, motorcycle riding, off-highway vehicle use, and rock climbing
(C) promotes future mineral and energy leasing and development.
(D) provide for new route and trail construction for motorized and non-motorized use to further recreational opportunities.
(E) complies with Section 1003 .

(3) MANAGEMENT OF MOTORIZED AND MECHANIZED VEHICLES.—

(A) IN GENERAL- The Secretary of the Interior shall manage existing designated motorized routes in a manner that--

(i) is consistent with motorized and mechanized use of the designated routes that is authorized as of January 1, 2016.

(ii) Allows for adjustment to the travel management plan within the regular amendment process.
(iii) Allows for the construction of new motorized and non-motorized trails.

TITLE IX -- RED ROCK COUNTRY OFF-HIGHWAY VEHICLE TRAIL.

SEC. 901 DEFINITIONS.—In this title:

(1) COUNTY.—The term "County" means Grand County, Utah.
(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(3) TRAIL.—The term "Trail" means the Red Rock Country Off-Highway Vehicle Trail established under subsection (b).
(4) FEDERAL LAND. – The term "federal land" means land owned by the Bureau of Land Management.

SEC. 902 DESIGNATION.—

(1) IN GENERAL.— the Secretary of the Interior shall designate a trail system in Grand County, Utah—

(A) for use by motorized off-highway vehicles; and

(B) to be known as the "Red Rock Country Off-Highway Vehicle Trail".

(2) REQUIREMENTS.—In designating the trail, the Secretary of the Interior shall prioritize a long distance route for off-highway vehicles that—

(A) as generally depicted on the map entitled Utah PLI Recreation Plans Map and date____;

(B) connects the federal land adjacent to Moab, Utah to the federal land adjacent to Grand Junction, Colorado through the Utah Rims Recreation Area;

(C) connects the federal land adjacent to Moab, Utah to the federal land adjacent to Green River, Utah through the Dee Pass Recreation Area;

(D) connects the federal land adjacent to Moab, Utah to the boundary with San Juan County, Utah east of Highway 191 and west of the Manti La Sal National Forest;

(E) utilizes existing routes, where feasible, including the Kokopelli's Trail and the Orange Trail, consistent with this paragraph;

(F) minimizes the use of graded roads;

(G) creates a recreational experience that provides—

(i) opportunities for scenic vistas;

(ii) challenging terrain for off-highway vehicle travel; and

(iii) connections to other existing trail systems or trails.

(3) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 903 MANAGEMENT-

(A) IN GENERAL- The Secretary of the Interior shall manage future designated routes in a manner that--

(i) is consistent with Section 902 ;

(ii) does not interfere with private property or water rights.

(B) CLOSURE OR REROUTING-

(i) IN GENERAL- A designated route may be temporarily closed or rerouted, for a period not to exceed two years, if the Secretary of the Interior, in consultation with the State, or relevant local government within the State determines that--

(I) the designated route is damaging cultural resources or historical resources;

(II) temporary closure of the designated route is necessary to repair the designated route or protect public safety.

(III) modification of the designated route would not significantly affect access within the conservation area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) an alternative route has been provided, which can include routes previously closed.

(C) NOTICE- The Secretary of the Interior shall provide information to the public regarding any designated routes that are open, have been rerouted, or are temporarily closed through--

(i) use of appropriate signage within the trail;

(ii) use of the internet and web resources.

(3) NO EFFECT ON NON-FEDERAL LAND OR INTERESTS IN NON-FEDERAL LAND- Nothing in this title affects ownership, management, or other rights relating to non-federal land or interests in non-federal land.

(d) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall study the feasibility and public interest in constructing new routes as part of a the Red Rock County Off-Highway Vehicle Trail System to further motorized recreational opportunities.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.— If the Secretary of the Interior determines that the construction of a route is feasible, construction is authorized.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—A route may be constructed under this subsection through the acceptance of volunteer services and contributions from non-federal sources to eliminate the need for federal expenditures to construct the route.

(3) COMPLIANCE.—In carrying out this subsection, the Secretary of the Interior shall comply with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) this title; and

(C) other applicable law.

Title X – Long-Term Native American Economic Development Certainty

SEC. 1001. Native American Economic Development in San Juan County, Utah

(a) McCraken Mesa Mineral Transfer

SEC. 1002. Ute Indian Tribe Economic Development Area

ADDITIONAL SECTIONS TO BE ADDED BASED ON FEEDBACK FROM VARIOUS TRIBES

Title XI – Long-Term Energy Development Certainty

SEC. 1101. – ENERGY PLANNING AREAS.

(a) In General. - To promote domestic energy production and job creation in eastern Utah, certain lands owned by the Bureau of Land Management and identified on December 31, 2008 as being open to oil, gas, oil shale, bituminous sands, wind, solar, geothermal, potash, coal, uranium and other locatable minerals, within the covered lands of this Act, shall be managed for the production of energy and mineral resources as the highest management priority and shall be developed under the following requirements---

(a) The Secretary of the Interior shall not withdraw any covered energy project issued under this title without finding a violation of the terms of the lease by the lessee.
(b) The Secretary of the Interior shall not infringe upon lease rights on the lands identified by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.
(c) Not later than 18 months after an area is designated as open for energy or mineral development under the current land use plan the Secretary of the Interior shall make available nominated areas for lease.
(d) Leases shall be issued 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year.
(e) The Secretary of the Interior shall not cancel or withdraw any energy or mineral lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.
(f) Not later than 60 days after a energy or mineral lease sale occurs involving any parcel located in the planning areas described in this title the Secretary of the Interior shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.
(g) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee.
(h) Planning under Bureau of Land Management Instructional Memorandum 2010-114 shall have no force or effect within the counties referenced in subsection 1103 (2).

SEC. 1102. LEASING OUTSIDE OF THE ENERGY PLANNING AREAS

Nothing in this title precludes leasing or resource development of lands not described in subsection 1101 from occurring under regular order pursuant to the Mineral Leasing Act or other federal energy development laws.

SEC.1103. DEFINTIONS

(1) the term ''covered energy project'' means the leasing of federal lands of the United States for the exploration, development, production, processing, or transmission of oil, gas, oil shale, bituminous sands, wind, solar, geothermal, potash, coal, uranium and other locatable minerals, and any action under such a lease.
(2) the "covered lands" mean all federal lands managed by the BLM within Uintah, Duchesne, Grand, Carbon, Emery, and San Juan Counties in the State of Utah which have not otherwise been designated under this Act as wilderness, National Conservation Area, National Monument, National Park Expansion, Special Management Area, or Wild and Scenic River.

Title XII – Long-Term Travel Management Certainty

SEC. 1201. RIGHTS-OF-WAY FOR CERTAIN ROADS.

(a) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act (43 U.S.C. 1711), subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant rights-of-way to the State or relevant County for public transit nonexclusive rights-of-way on the following roads:

(1) all roads claimed as Class B highways by the State and the relevant county as of January 1, 2016, in Uintah, Duchesne, Carbon, Emery, Grand, and San Juan counties.

(2) all roads claimed as Class D highways by the State and the relevant county as of January 1, 2016 in Uintah, Duchesne, Carbon, Emery, Summit, Grand, and San Juan counties that are designated for general motor-vehicle travel in the governing Bureau of Land Management resource management plan valid as of January 1, 2016, as long as the claimed Class D highway does not pass through -United States Forest Service or National Forest System lands, Bureau of Land Management lands designated by Congress as wilderness, including lands designated as wilderness under this Act, or lands designated by Congress as a National Park as of the date of enactment of this Act.

(b) APPLICABLE LAW.—A right-of-way granted under subsection (a) shall be granted in perpetuity, except in the case of abandonment, and shall not require the payment of rental.

SEC. 1202. GRAND COUNTY COUNCIL RECOMMENDATIONS FOR CERTAIN ROADS.

The recommendations of the Grand County Council, as depicted on the map titled "Grand County PLI Final Map 4-17-2015", for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads shall be implemented by the Secretary of the Interior.

Title XIII – Long-Term Land Use Certainty

M- Bear Ears

Interior and Commerce to enter into agreements with Alaska Native organizations to "conserve marine mammals and provide co-management of subsistence use by Alaska Natives."[61] In February 1995, the NPS created the American Indian Liaison Office ("AILO").[62] A number of tribes have used this emphasis on cooperation and government-to-government relations to secure agreements with national park units.[63]

Yet relations remain vexed. In 1996, six tribes—the Navajo Nation, Five Sandoval Indian Pueblos, Hualapai Tribe, Timbisha Shoshone Tribe, Miccosukee Tribe, and Pai 'Ohana—established the Alliance to Protect Native Rights in National Parks.[64] It is not clear what the next era in federal Indian policy or NPS-tribal relations will be.

B. Avenues for Tribal–NPS Cooperation[65]

Tribes and parks have used a variety of tools and methods for creating more cooperative relationships, representing a range of options and experience. For example, joint management of Canyon de Chelly National Monument by the Navajo Nation and the NPS originated in 1931, and demonstrates that cooperative efforts between tribes and parks are neither implausible nor novel.[66] Nonetheless, the NPS has rarely relinquished ownership or control over land to tribes. Instead, other types of agreements are more common. It is important to situate the TSGA among four categories of tools for NPS-tribal cooperation: land transfers and exchanges, co-management, agreements, and tribal parks.

(b) (5)

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[61] Marine Mammal Protection Act Amendments of 1994, Pub. L. No. 103-238, 108 Stat. 532 (codified as amended at 16 U.S.C. § 1388(a)). In 1997, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service and the Biological Resources Division signed a Memorandum of Agreement for the negotiation of the Marine Mammal Protection Act Section 119 Agreements with the Indigenous People's Council for Marine Mammals, an Alaska-wide agency. For more information, see Jennifer L. Schorr, The Integration of Traditional Ecological Knowledge and Science Under Marine Mammal Protection Act Co-Management Agreements (Mar. 9, 1998) (unpublished Master's thesis, University of Washington).

[62] American Indian Liaison Office, Aug. 2000, *available at* http://crm.cr.nps.gov/archive/23-09/23-09-10.pdf.

[63] This is addressed later in Part II.C.

[64] *See* Todd Wilkinson, *Native Americans Challenge Park Agency for Land Rights*, CHRISTIAN SCI. MONITOR, Oct. 22, 1996, at 1.

[65] A few sources address current NPS Management Policies; the NPS website has a long but non-exhaustive list. Compilation of NPS Management Policies Pertaining to Native Americans, Jan. 2003, *available at* http://www.nps.gov/policy/NativeAmericanPolicies.htm. *See generally* Bluemel, *supra* note 60 (exploring agency directives); Egan, *supra* note 60 (discussing management policies).

[66] It is revealing that the co-management occurs on tribal land rather than federal land.

1. *Land Transfers and Exchanges*[67]

In rare cases, tribes have been able to secure rights and privileges, or even transfers of land, when changes to the park are necessary or desired by the NPS. For example, a park expansion at Grand Canyon and a change from monument to park designation at Death Valley provided the political and administrative opening for the Havasupai and Timbisha Shoshone tribes to assert their voices effectively to secure land for tribal use or ownership. At Grand Canyon National Park, the Havasupai Tribe was able to secure additional tribal land use and ownership rights within the park under the Grand Canyon Expansion Act of 1975.[68] The Timbisha Shoshone Tribe was able to secure land for a reservation within Death Valley National Park and to designate a Timbisha Shoshone Natural and Cultural Preservation Area with some specified locations for co-management by the park and tribe.[69]

The Eastern Band of Cherokee Indians participated in a land exchange with Great Smoky Mountains National Park and the Blue Ridge Parkway in 2003. The Eastern Band of Cherokee Indians Land Exchange Act of 2003[70] authorized the National Park Service to exchange 143 acres of land within Great Smoky Mountains National Park and the Blue Ridge Parkway (adjacent to the tribe's trust land and part of the tribe's aboriginal territory) for 218 acres of land acquired by the Eastern Band of Cherokee Indians ("EBCI") adjacent to the Blue Ridge Parkway.[71] The Act places the exchanged land in trust for the EBCI, which intends to build educational facilities on the land. It also prohibits gaming,[72] and directs the NPS and EBCI to agree on standards for construction on the land.[73] Evidently, once a park enters NPS own-

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[67] For references regarding the repatriation of federal land (NPS and non-NPS) see Sutton, *supra* note 58, at 211; Tsosie, *Tribal Environmental Policy*, *supra* note 8, at 306.

[68] *See* Janet R. Balsom, *Inclusion in NPS Management at Grand Canyon: Tribal Involvement and Integration*, *in* CROSSINGS BOUNDARIES IN PARK MANAGEMENT: PROCEEDINGS OF THE 11TH CONFERENCE ON RESEARCH AND RESOURCE MANAGEMENT IN PARKS AND ON PUBLIC LANDS 250 (David Harmon ed., 2001); BURNHAM, *supra* note 29, at 182-83; KARL JACOBY, CRIMES AGAINST NATURE: SQUATTERS, POACHERS, THIEVES AND THE HIDDEN HISTORY OF AMERICAN CONSERVATION 149-92 (2001); KELLER & TUREK, *supra* note 29, at 156; MARTIN, *supra* note 29, at 271.

[69] *See* BURNHAM, *supra* note 29, at 307; Catherine S. Fowler et al., *Caring for the Trees: Restoring Timbisha Shoshone Land Management Practices in Death Valley National Park*, 21 ECOLOGICAL RESTORATION 302, 303 (2003); Haberfeld, *supra* note 29, at 154-56; THE TIMBISHA SHOSHONE TRIBAL HOMELAND REPORT: A DRAFT SECRETARIAL REPORT TO CONGRESS TO ESTABLISH A PERMANENT TRIBAL LAND BASE AND RELATED COOPERATIVE ACTIVITIES, part 3(c), http://www3.iwvisp.com/blm/report (last visited Jan. 3, 2007) (on file with the Harvard Environmental Law Review).

[70] Eastern Band of Cherokee Indians Land Exchange Act of 2003, 16 U.S.C. § 460a-5 (2006).

[71] The exchanged land appears to have been acquired in anticipation of the Act. The NPS and EBCI also have some history with regard to acquisitions of rights-of-way for the Blue Ridge Parkway. *See* FAIRFAX ET AL., *supra* note 32, at 123.

[72] 16 U.S.C. § 460a-5(e) (2006).

[73] *Id.* § 460(d)(2).

ership and is given national park unit designation, however, such a park is rarely transferred from federal to tribal control.

2. *Co-Management*

True sharing of park management, or co-management, is probably more rare than land transfers. However, a recent agreement at the Southern Unit of Badlands National Park provides a glimpse at the possibilities for co-management. The Oglala Sioux Tribe manages the visitor center for the Southern Unit of Badlands National Park under a recently negotiated Memorandum of Understanding ("MOU") negotiated with the NPS.[74] But the closest co-management arrangement between tribes and parks may be between the NPS and the Navajo Nation at Canyon de Chelly.

Canyon de Chelly was established in 1931 by presidential proclamation. It lies within the Navajo reservation in northeastern Arizona and, although managed as a park unit by the NPS, is retained in ownership by the Navajo Nation. The enabling legislation,[75] in addition to providing for the rights of Navajos within the monument, loosely defined what activities would be governed by the tribe and the NPS. Generally, the NPS has responsibility for archaeological resources; cultural and historic resources; objects and issues of scientific interest; and visitor services. The Navajo Nation manages water, forest, mineral and subsurface resources and grazing allotments. The Navajo Nation assumes jurisdiction, in cooperation with the NPS, over land use regulation, primarily through the tribe's allocation of agricultural land use permits. Although the enabling legislation does not provide a clear mandate to cooperate with the tribe in monument management, the NPS and the Navajo Nation coordinate various management efforts (e.g., law enforcement, interpretation, and facilities management).[76]

3. *Agreements*

More common than either co-management agreements or land transfers are agreements in which tribes have secured favorable language in the ena-

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[74] Associated Press, *One Badlands Tourist Center Now Run By Tribe* (Oct. 4, 2004), *available at* http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=lm&list=H-AmIndian (then follow "October 2004" hyperlink; then follow "FYI: News Items of Interest 10/5/2004" hyperlink) (on file with the Harvard Environmental Law Review).

[75] Pub. L. No. 71-667, 46 Stat. 1161 (Feb. 14, 1931). Canyon de Chelly National Monument was not established under the Antiquities Act of 1906. A 1927 act required congressional action for changes to reservation boundaries. 25 U.S.C. § 398d (2006). Thus, a presidential proclamation under the Antiquities Act would not be sufficient. As a result, Congress passed an act to authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Arizona. Act of Feb. 14, 1931, 16 U.S.C. § 445 (2006). The boundaries to the park were later changed by Pub L. No. 72-404, 47 Stat. 1419 (1933) (codified as amended at 16 U.S.C. § 445 (2006)).

[76] Interview with Scott Travis, Superintendent, Canyon de Chelly Nat'l Monument, at Canyon de Chelly Nat'l Monument, Ariz. (Mar. 23, 2004).

bling legislation establishing park units and recognizing the rights and privileges of tribes and tribal members regarding hiring preferences, sharing of management, preference in concessions, and hunting and/or gathering within park boundaries.

Tribes and the NPS have entered into a variety of agreements with tribes for different purposes. For example, the NPS regularly enters into memoranda of agreement ("MOAs") or MOUs.[77] It also negotiates cooperative agreements that provide a means for transferring funds from NPS to other entities, including tribes.[78] For example, some tribes have entered into general agreements to formalize the government-to-government relationship between the park unit and themselves.[79] Other tribes have been able to gather or hunt within parks where NPS regulations are generally hostile to such activities.[80] The activities are permitted when park enabling legislation (or other legislation) so provides,[81] where treaty rights (or case law) apply,[82] or where superintendents have used their discretion to permit such gathering to occur.[83] Where treaty rights are at issue, the rights may include servitudes

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[77] For example, the NPS has an MOA with the Navajo Nation for Navajo National Monument. The monument is within the Navajo reservation, but is under primarily NPS ownership. A 1962 MOA permits the NPS to manage an additional 240 acres that remains in Navajo ownership. For a sampling of MOUs and MOAs between tribes, states, and federal agencies, see Oregon Law Institute, Northwestern School of Law of Lewis & Clark College, *Protection of Cultural Resources & Co-Management of Natural Resources by Tribes and the Government*, Course Materials from the July 28, 2000 Program in Portland [hereinafter Oregon Law Institute].

[78] This is used, for example, at Chaco Culture National Historic Park. The park has a "long-standing cooperative agreement" with the Navajo Nation concerning the Chaco Protection Sites Program pursuant to the Chacoan Outliers Protection Act of 1995. E-mail from Wendy Bustard, Museum Curator, Chaco Culture NHP Museum Collection, Department of Anthropology, University of New Mexico, to author (Feb. 24, 2005) (on file with the Harvard Environmental Law Review). *But see* KELLER & TUREK, *supra* note 29, at 192 (suggesting that attempts at cooperative management at Chaco Culture NHP have been unsuccessful).

[79] General Agreement Among the National Park Service, Redwood National Park; California Department of Parks and Recreation, Prairie Creek Redwoods State Park; and the Yurok Tribe–to formalize the government-to-government relationship, Agreement No. G84800 20005 (Mar. 27, 2003).

[80] Ruppert, *supra* note 8, at 261-62.

[81] *E.g.*, Big Horn Canyon National Recreation Area and Crow Tribe; Lake Mead National Recreation Area and Hualapai Tribe; Big Cypress National Preserve and Miccosukee and Seminole Tribes; Organ Pipe Cactus National Monument and Indians of the Papago Reservation; Pipestone National Monument and "Indians of all tribes," Act of Aug. 25, 1937, 16 U.S.C. §§ 445c-d (2006) (establishing Pipestone National Monument, Minnesota); Grand Canyon National Park and Havasupai Tribe (16 U.S.C. §§ 221-228 (2006)). The Grand Canyon National Park Enlargement Act of 1975 permits use of 185,000 acres for traditional purposes, including hunting and gathering. 16 U.S.C. § 228a (2006).

[82] Looking not at the NPS, but at the U.S. Forest Service, Wilkinson explores some of the contention between the Nez Perce Tribe and USFS regarding off-reservation rights, campground fees and stay limits, and the nature of the USFS's obligation to protect treaty resources. Charles F. Wilkinson, *Indian Tribal Rights and the National Forests: The Case of the Aboriginal Lands of the Nez Perce Tribe*, 34 IDAHO L. REV. 435, 450-61 (1998).

[83] *See, e.g.*, NAT'L PARK SERV., U.S. DEP'T OF THE INTERIOR, HAWAII VOLCANOES NAT'L PARK, POLICY STATEMENT ON NATIVE HAWAIIAN USE OF HAWAII VOLCANOES NATIONAL PARK (1995).

across federal land to access resources.[84] Goodman has also suggested that such rights may lend themselves not only to claims of rights to use the resource and the right to the resource itself, but even a right to manage or co-manage the resource.[85] A number of park units have negotiated use agreements with federally recognized tribes.[86]

4. *Tribal Parks as Alternatives*

Tribes may also seek to manage their own land with tribal park designations. Historian Diane Krahe describes the efforts of the tribes of the Flathead reservation in Montana that protested the imposition of wilderness and roadless areas by the Indian Office/BIA, and eventually developed and adopted their own wilderness designation, a model, in Krahe's words, for "preserving the natural integrity of Indian lands on Indian terms."[87]

There are a number of tribal parks in existence. The Navajo Nation has an active tribal park system.[88] Prompted by concerns about NPS control and

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[84] *See* United States v. Winans, 198 U.S. 371, 381 (1905). Bluemel has suggested that using such property-based claims may represent a difficult but perhaps unexplored and useful alternative to achieve accommodation of Native American use of public land. Bluemel, *supra* note 60, at 546-54.

[85] Ed Goodman, *Protecting Habitat for Off-Reservation Tribal Hunting & Fishing Rights: Tribal Co-Management as a Reserved Right*, 30 ENVTL. L. 279, 282 (2000). Some have proposed that the TSGA be amended to provide for mandatory compacting between non-BIA bureaus and tribes where treaty resources are a consideration. Telephone Interview with Geoffrey Strommer, Attorney, Hobbs, Straus, Dean and Walker (Apr. 22, 2005) (on file with the Harvard Environmental Law Review).

[86] Zion National Park, Cedar Breaks National Park, and Pipe Spring National Monument have signed a Memorandum of Understanding with the Kaibab Band of Paiute Indians, the Moapa Band of Paiute Indians, and the Paiute Indian Tribe of Utah. This agreement allows tribal members to gather plants in the park for traditional cultural-religious purposes under prescribed conditions. Memorandum of Understanding Regarding the Gathering of Plant Resources for American Indian Traditional Cultural-Religious Purposes from National Park Lands (May 2, 1998-Mar. 4, 1999). Zion National Park also has a "formal park policy that exempts Southern Paiute tribal members from paying fees if they enter the park for nonrecreational activities (i.e. traditional religious, ceremonial, medicinal, or other customary activities)." NAT'L PARK SERV., U.S. DEP'T OF THE INTERIOR, ZION NATIONAL PARK: GENERAL MANAGEMENT PLAN 8 (2001). The Nisqually Indian Nation and Mount Rainier National Park entered into a cooperative use agreement for gathering on November 23, 1999. Memorandum of Understanding Regarding the Gathering of Plant Resources for American Indian Traditional Cultural-Religious Purposes from National Park Lands between Mount Rainier National Park and the Nisqually Indian Tribe, No. 1443-MU9450-99-002 (Nov. 23, 1998); DANIEL BOXBERGE, THE LEGAL CONTEXT OF NATIVE AMERICAN LAND AND RESOURCE USE IN MOUNT RAINIER NATIONAL PARK (1998). The agreement included a sunset provision and its future is uncertain. Public Employees for Environmental Responsibility, a non-governmental organization, threatened to bring suit if the agreement is renewed. PACIFIC WEST REGION, *supra* note 26, at 29. An agreement between Lassen Volcanic National Park and the Mooretown Rancheria also allows members of the tribe to collect or gather plants within the park. General Agreement Between Lassen Volcanic National Park and Mooretown Rancheria, No. GA8400-99 001 (Sept. 30, 1999).

[87] Diane L. Krahe, *A Sovereign Prescription for Preservation: The Mission Mountains Tribal Wilderness*, *in* TRUSTEESHIP IN CHANGE, *supra* note 7, at 198.

[88] *See* Sanders, *supra* note 50, at 61.

authority over tribal land, a 1934 Navajo Tribal Council resolution called for the return of NPS lands within the Navajo reservation, specifically at Canyon de Chelly.[89] The resolution communicated the desire of the Navajo Nation to protect its own lands and provide for public use, with the acknowledgement that the Navajo "have a greater love for their country and its beauties than any other people can possibly have," "know more about their country and always will have a greater interest in its welfare than any other people," and that the "management by ourselves of our own scientific and scenic areas would give us an additional source of income necessary to maintain our ever-increasing population."[90] The Navajo Nation's first tribal park, Monument Valley, was established in 1958 partly in response to "persistent NPS efforts to acquire the valley."[91]

The Navajo Parks and Recreation Department currently manages Monument Valley, Antelope Canyon–Lake Powell, Bowl Canyon, Little Colorado River Gorge, Window Rock, and Four Corners National Navajo Tribal Park.[92] The Navajo Nation is not alone: the Intertribal Sinkyone Wilderness Council manages the Sinkyone InterTribal Park in California, the Ute Mountain Tribe of the Ute Mountain Reservation operates a tribal park in Colorado,[93] and the Pueblo of Santa Clara own and operate the Puye Cliff Dwellings in New Mexico.[94]

In sum, there are a variety of avenues for NPS-tribal cooperation, including land transfers and exchanges, co-management, agreements, and tribal parks. Part III analyzes the TSGA as one of these avenues by examining its background and provisions to shed light on its use. If the restoration of tribal land or exclusive management is the desired goal, the TSGA is an inadequate tool. However, as land restoration appears to be a rare, unlikely,[95] or even politically impossible option, and as litigation under the First Amendment continues to fail,[96] the TSGA and the opportunities it presents for increasingly tribal participation in federal land management might be useful.

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[89] DAVID M. BRUGGE & RAYMOND WILSON, ADMINISTRATIVE HISTORY: CANYON DE CHELLY NATIONAL MONUMENT, ARIZONA 23 (1976).

[90] 19 N.T.C. § 1 (1970).

[91] Keller & Turek, *supra* note 29, at 213.

[92] *See* Navajo Nation Parks and Recreation Department, http://www.navajonationparks.org/parks.htm (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[93] *See* Ute Mountain Ute Tribal Park, http://www.utemountainute.com/tribalpark.htm (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[94] *See* Puye Cliff Dwellings, http://www.hanksville.org/voyage/misc/puye.html (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[95] *See* Sutton, *supra* note 58, at 211, 228-29.

[96] These are what Bluemel has called the "traditional claims raised by Native American activists" and the subject of much legal literature. *See* Bluemel, *supra* note 60, at 483, 496-98.

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ARTICLE: THE USE OF CO-MANAGEMENT AND PROTECTED LAND-USE DESIGNATIONS TO PROTECT TRIBAL CULTURAL RESOURCES AND RESERVED TREATY RIGHTS ON FEDERAL LANDS

NAME: MARTIN NIE *

BIO:

* Associate Professor of Natural Resource Policy, College of Forestry and Conservation, University of Montana. Missoula, MT, 59812. martin.nie@umontana.edu. I wish to thank Alan McQuillan, Chris Barns, Dale Kanen, Cynthia Hamlett Manning, Gloria Flora, Pat Smith, and Jennifer Ferenstein for helpful comments, contacts, information, and suggestions. In no way are these individuals responsible for this article's content and analysis.

SUMMARY:

... Within it the Blackfeet reserved several rights on lands ceded to the U.S. government Article I reads:

> That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: And provided further , That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana. ... Reserved treaty rights also were used at one point by tribal representatives to oppose wilderness designation of the Badger-Two Medicine area. ... Though the Act only applies to federal land and interests within the Monument's boundaries, its management "will be a cooperative effort that encourages collaboration between the BLM, Forest Service, other Federal and State agencies, and Tribal and local governments." ... But my analysis shows that Congress is increasingly recognizing tribal values in passing wilderness legislation, and that some tribal governments see federal wilderness and other protective land designations as an effective way to protect cultural resources and sacred places. 1. ... Its access provision, cited in accordance with AIRFA, recognizes "the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes," and provides "the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes." ... Ojito Wilderness Act The Ojito Wilderness Act of 2005 designated 11,183 acres of wilderness, and allowed the purchase of roughly 11,500 acres by the Pueblo of Zia to become part of its reservation. ... To assure protection of religious, burial, and gathering sites in wilderness areas, NREPA directs the USFS and the BLM to enter into cooperative agreements with appropriate Indian tribes. ... The most prominent case in tribal protected area management is the Mission Mountains Tribal Wilderness managed by the Confederated Salish and Kootenai Tribes (CSKT) of western Montana.

HIGHLIGHT: ABSTRACT

Several Native Nations in the United States have cultural resources and reserved treaty rights on federal lands. This article examines two approaches that can be used to protect such values and rights: the use of cooperative management models and protected land-use designations made by Congress or federal land agencies. Back-ground on both subjects is provided, and the case of the Badger-Two Medicine area in Montana is used for illustration. Though most pronounced in the context of fish and wildlife management, tribes are playing several roles in cooperatively managing federal lands and resources. Some of the most substantive cooperative arrangements on federal land are the result of laws and policies mandating their use. Protected land-use designations, including place-based legislation, have also been used to protect sacred lands and reserved treaty rights. This article describes several cases where such strategies have been used in the past and analyzes what they might offer in contrast to more reactive and procedural-based protections.

TEXT:

INTRODUCTION

Several Native Nations in the United States have cultural resources and reserved treaty rights on federal lands. In many cases, these values and rights are threatened by resource development and recreational activities permitted by a federal land agency. A typical approach to such conflicts is for a tribe to legally challenge an agency's decision or to seek some type of accommodation by the agency through planning and other decision making processes. This article explores two additional, often interrelated, strategies that can be used by tribes to protect cultural resources and reserved rights: **[*586]** (1) cooperative management arrangements, and (2) protected land-use designations. These two strategies, especially the use of protected land-use designations made by Congress, have not received as much study and analysis as have other approaches that are more reactive and procedural-based.

The central findings and focus of the article are as follows. First, tribes are playing several roles in cooperatively managing selected federal lands and resources, from helping set standards and desired conditions, to implementing laws. Co-management models are most advanced in the context of fish and wildlife management, largely because of judicially enforced off-reservation treaty rights, and the unique situation in Alaska. If applied, a cooperative or co-management model on federal land should be built upon basic principles of American Indian law. This is why tribal co-management should not be confused with other types of stakeholder cooperation or other public-private partnerships. Though its application on federal land is not without challenge, there is ample legal authority and internal agency direction encouraging more collaborative relationships with tribal governments. One important finding is that some of the most substantive co-management arrangements on federal land are the result of laws and policies mandating their use. The Kasha-Katuwe Tent Rocks National Monument and the Santa Rosa and San Jacinto Mountains National Monument provide examples.

Cultural resources and reserved treaty rights on federal land can also be protected by land-use designations made by agencies or Congress. Traditional Cultural Property (TCP) designation, made by agencies pursuant to the National Historic Preservation Act (NHPA), is an often-used example. The success of this designation in protecting tribal cultural values ultimately depends upon the manner of its implementation. More substantive protection can be provided through place-specific land use legislation.

Protected land-use designations made by Congress have been used as a way to protect tribal cultural values and off-reservation treaty rights. A glance at the history explains why Indian tribes have good reason to be suspicious of protected land law and policy. Nevertheless, some tribes have sought legislative solutions that might protect cultural values more permanently, including federal wilderness designation. Some examples of these attempts are the El Malpais Act, the T'ufShur Bien Preservation Trust Area Act, the Ojito Wilderness Act, omnibus wilderness laws, and proposed wilderness bills. Tribes seeking to use protected land designations, especially access management, to protect tribal values, may encounter special problems and challenges.

Protected land designations made through federal land reclassifications and by tribal governments may also be used to preserve tribal resources and rights. Some examples of protected land designations are the **[*587]** return of Blue Lake to Taos Pueblo, the Grand Canyon National Park Enlargement Act, and the Ojito Wilderness Act; the Wind River Reserve and the Mission Mountains Tribal Wilderness are examples of tribally-managed protected areas. Congress could make other land designations that permanently protect cultural resources and reserved treaty rights on federal land.

This article proceeds in the following fashion. First, I provide an example of a prominent conflict regarding management of cultural resources and reserved treaty rights on a national forest. Montana's Badger-Two Medicine area, managed by the Lewis and Clark National Forest, is used for illustration. Three interrelated factors make this place particularly significant: (1) off-reservation treaty rights, (2) religious and cultural significance, and (3) ceded lands contiguous to reservation boundaries (and bordered by U.S. Forest Service [USES], National Park Service [NPS], and federal wilderness lands on other boundaries). The Blackfeet Nation considers this area sacred and has several reserved treaty rights on the ceded lands. These values and rights are threatened by oil and gas development, motorized recreation, and other incompatible uses of national forest land. I provide a brief summary of the Badger-Two Medicine case and review the claims made by the Blackfeet Nation regarding management of the area. I then examine the use of tribal co-management in the United States, and explain how this model, most often used with fish and wildlife management, might be used on federal land. This section reviews some relevant principles of American Indian law as they relate to co-management while discussing the different roles that can be played by tribes in cooperatively managing federal land and natural resources. This is followed by a review of different protected land-use designations that may be used to protect sacred sites and reserved rights on federal land. Particular attention is paid to the National Historic Preservation Act's Traditional Cultural Property or District designation, federal wilderness designation, and other legislative-based options. I discuss the general history and design of these designations and document where they have been used in other parts of the country.

This article is mostly based on a review of relevant federal land laws and their congressional histories (e.g., reports, hearings, testimony, etc.), case law, administrative and tribal government materials (e.g., resource plans and environmental impact statements, agreements, contracts, regulations, etc.), and scholarly literature. I also communicated with federal land managers, tribal representatives, attorneys, scholars, and other interested parties in collecting materials and pursuing some issues and cases discussed herein. Note that I provide no framework for evaluating the success and failure of co-management models and land-use designations because such a proposal would require extensive interviews and other analytic methods to assess how political actors evaluate these policies and **[*588]** their implementation. This initial inquiry is designed to set the stage for more in-depth analysis and evaluation of how cultural resources and reserved treaty rights can be protected in the future. My goal is not to instruct how tribes, agencies, and other political actors should protect cultural resources and reserved rights, but rather to survey various methods of protection and how they have been used by others.

I. THE BADGER-TWO MEDICINE CASE

The Badger-Two Medicine area is home to one of the most prominent sacred land disputes in the United States. [n1] It is also one of several places, state and nationwide, where a Native Nation possesses reserved treaty rights on a national forest. [n2]

This area is bounded by Glacier National Park to its north, the Bob Marshall and Great Bear Wilderness areas to its south and west, and the Blackfeet Indian Reservation to its east. This larger geographic area has **[*589]** been historically governed through a succession of treaties between the Blackfeet Nation and the federal government. Most important, for purposes here, is the Blackfeet Treaty of 1895-96 (1896 Treaty). For $ 1,500,000 the Blackfeet ceded nearly 400,000 acres of its reservation to the U.S. government. Most of this ceded land is now managed by Glacier National Park, with the remaining 130,000 acres managed by the Lewis and Clark National Forest. This area is commonly referred to as the "ceded strip" or the Badger-Two Medicine area, and is managed as geographic unit RM-1 by the USFS.

As discussed below, it is quite common for tribes to have reserved rights in treaties and the 1896 Treaty is no exception. Within it the Blackfeet reserved several rights on lands ceded to the U.S. government Article I reads:

> That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: *And provided further*, That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana. [n3]

Put simply, the Blackfeet have reserved rights in both Glacier National Park and the Lewis and Clark National Forest, including the Badger-Two Medicine area Such rights are an encumbrance upon the land and can only be abrogated by an explicit act of Congress (discussed below).

The importance of the 1896 Treaty and its reserved rights cannot be overstated. For the Blackfeet, it is the major basis on which various claims to the Badger-Two Medicine area are made. To start with, the Tribe has questioned the legality of the 1896 Treaty because of misinformation provided to the Blackfeet by federal negotiators, and because tribal oral history holds that the Blackfeet were only agreeing to a mining lease, not a final sale of land. [n4] This contention aside, the Tribe has based several of its **[*590]** positions and criticisms regarding forest management on the rights reserved in the 1896 Treaty. They are one reason, for example, why the Tribe has historically opposed oil and gas drilling in the area. [n5] The Blackfeet now urge qualified lease owners to take advantage of a recently passed lease-withdrawal law and tax incentives. "The fate of the Blackfeet Nation and our confederated Tribes is bound to the fate of the Badger-Two Medicine and we refuse to accept any activities within the Ceded Strip that violate this Traditional Cultural Site and our Treaty Rights." [n6]

Reserved treaty rights also were used at one point by tribal representatives to oppose wilderness designation of the Badger-Two Medicine area. The original Great Bear Wilderness bill, for example, included the Badger-Two Medicine area, but it was eventually removed from the final version passed in 1978 because of Blackfeet opposition. [n7] Though its position on possible wilderness designation later changed, [n8] the Tribal Business Council once opposed such designation because it was seen **[*591]** as adversely impacting Blackfeet reserved rights, such as access to timber, grazing, and water rights. [n9]

On the other hand, some Blackfeet traditionalists, including the Pikuni Traditionalists Association, have advocated a form of federal wilderness designation for the Badger-Two Medicine area. [n10] In appealing the Lewis and Clark Forest Plan in 1986, one prominent group of Blackfeet traditionalists proposed protecting the Badger-Two Medicine area as wilderness, with some special provisions. These included a timber removal clause for Blackfeet Tribal members, [n11] a permit system to limit overuse that is controlled by traditional religious leaders, and self-enforcement procedures for traditional religious leaders and practitioners aimed to protect site locations and sacred objects. [n12] According to the appellants, "[w]ilderness designation is the wish and recommendation of those who practice the native traditional religion in the Badger/Two Medicine area" and "[t]his is the most effective way that the government could manage its property without infringing on its citizens' rights to free exercise of religion, **[*592]** and to 'accommodate' that 'right to the fullest extent.'" [n13] It is against this historical backdrop that the Blackfeet, USFS, conservationists, and Montana's congressional delegation have struggled in how to best protect the Badger-Two Medicine area and Blackfeet Treaty rights. [n14]

The Blackfeet have criticized the USFS in the past for the "narrow restricted manner" in which the agency has understood the Tribe's reserved rights. [n15] Following one controversial oil and gas proposal, for example, the Tribal Business Council advocated a much stronger tribal role in managing the area, while emphasizing that priority should be given to reserved rights:

> [W]e believe that as the holders of substantial property rights in the Badger-Two Medicine Unit, resource management decisions should be made by the Blackfeet in the first instance, or at least said decisions should be made only after consultation with and agreement of the Blackfeet...it is clear that those lands cannot seriously be considered "public lands" as that term is commonly understood...Thus, the "public" nature of the Badger-Two Medicine Unit is limited by and dependant [sic] upon the Blackfeet Treaty Rights. [n16]

The Blackfeet Nation, as represented by its Tribal Business Council, has also made clear that it considers the Badger-Two Medicine area sacred and wants the area managed as an ethnographic/cultural landscape. The Chairman of the Council, William Talks About, says that

> [t]he Front is our 'backbone of the world' and a vital part of our culture since it gives us life and is utilized everyday as it was by past generations of our ancestors to provide us **[*593]** strength, subsistence, cultural identity and to connect us with our creator. We are committed to its protection and to the protection of our treaty and reserved rights. [n17]

Several sources have carefully documented the cultural and religious significance of the Badger-Two Medicine area. [n18] Within the area 89,376 acres are eligible for designation as a Traditional Cultural District (TCD) and managed pursuant to the NHPA and its regulations (discussed below). [n19] In declaring eligibility of the area for the National Register of Historic Places, the Keeper of the Register stated that

> the remote wilderness area is, associated with the significant oral traditions and cultural practices of the Blackfoot people, who have used the lands for traditional purposes for generations and continue to value the area as important to maintaining their community's continuing cultural identity... the area is directly associated with culturally important spirits, heroes and historic figures central to Blackfoot religion and traditional lifeways and practices. [n20]

Motorized recreation in the Badger-Two Medicine area is also a major tribal concern. The Tribal Council opposes motorized use in the area, with some possible exceptions for short segments of existing, peripheral roads. [n21] Ninety-four miles of national forest system roads or trails within the area's TCD-eligible lands are open to motorized use, with another 28.7 miles of undesignated routes found within that boundary. [n22] According to the USFS, " [t]he Blackfeet see the proliferation of motorized use on these routes as an increasing trend with commensurate cumulative effects to the cultural landscape and a threat to the continuance of traditional practices and associated cultural lifeways." [n23] Furthermore, " [t]he Tribe has identified **[*594]** no acceptable mitigation (other than avoidance) to anticipated adverse effects regarding the TCD." [n24] The USFS reports that the Blackfeet indicate that closing roads by gating is its preferred management option, because elders who cannot walk or ride horseback could be accommodated by use of a wagon or other non-motorized means on the existing road system. [n25]

This brief background helps explain continued tribal interest in co-management of the Badger-Two Medicine area. [n26] The Blackfeet have long advocated a larger role for the Tribe to play in managing this sacred land and its reserved rights. The remainder of this article examines selected cases where other sacred places and treaty-based resource disputes were managed via co-management arrangements or legislated land designations.

II. CO-MANAGEMENT

A. Co-Management and Federal Indian Law

Options in tribal co-management cannot be understood without first recognizing some foundational principles of Indian law. These principles also explain why *tribal* co-management differs from other types of collaborative management for federal lands.

First, tribal governments are sovereign and have inherent powers of self-government. For this reason, there is a

unique government-to-government relationship between federally-recognized tribes and the federal government. Several laws, regulations, executive orders, and internal agency management directives make clear how this relationship affects federal land management. [n27] I emphasize this point because of the **[*595]** historic tendency of land management agencies to erroneously, think about tribes as one of several "stakeholders" or "publics" that must be consulted before an activity takes place.

Also relevant to co-management is the trust relationship between tribes and the federal government. Though sovereign, Indian tribes are not foreign nations, but rather distinct political communities "that may, more correctly, perhaps be denominated domestic, dependent nations," whose "relation to the United States resembles that of a ward to his guardian." [n28] A less paternalistic way of thinking about this relationship is by thinking in terms of property; that the federal government has a duty to prevent harm to another sovereign's property. [n29] The federal government, in other words, has a responsibility to protect the rights, assets, and property of Indian tribes and citizens. Some courts, moreover, have used the trust doctrine as a way to force the federal government to protect tribal lands, resources, and off-reservation (property) rights. *Klamath Tribes v. United States* (1996) provides one relevant example where a tribe successfully stopped planned timber sales by the USFS to protect deer herds reserved by treaty. [n30] The Oregon District Court ruled that the federal government had a "substantive duty to protect 'to the fullest extent possible' the Tribes' treaty rights, and the resources on which those rights depend." [n31] This trust duty, enforced in this case and others, [n32] provides the context in which tribal co-management is taking place.

Another example of how the trust responsibility can foster intergovernmental cooperation is the Joint Secretarial Order on "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act." [n33] The Order was negotiated between tribal representatives and the federal government to harmonize "the federal trust responsibility to tribes, tribal sovereignty, and statutory missions of the Departments, and that strives to ensure that Indian tribes do not bear a disproportionate burden for the conservation of listed species, so as to avoid or minimize the potential for conflict and confrontation. [n34] Several **[*596]** principles are stated in the Order encouraging "cooperative assistance," "consultation," "the sharing of information," and the "creation of government-to-government partnerships to promote healthy ecosystems." [n35] Among other applicable provisions, the Order also calls for federal-tribal intergovernmental agreements:

> The Departments shall, when appropriate and at the request of an Indian tribe, pursue intergovernmental agreements to formalize arrangements involving sensitive species (including candidate, proposed, and listed species) such as, but not limited to, land and resource management, multi-jurisdictional partnerships, cooperative law enforcement, and guidelines to accommodate Indian access to, and traditional uses of, natural products. Such agreements shall strive to establish partnerships that harmonize the Departments' missions under the Act with the Indian tribes own ecosystem management objectives. [n36]

Some commentators believe that an effective way to harmonize the trust responsibility with species conservation is through the use of such cooperative agreements, including co-management. [n37]

The process in which this Order was made is also noteworthy in that it contrasted to more typical consultation procedures. Instead, the Joint Secretarial Order was produced through a formal negotiation, and protocols for guiding the process were jointly developed. There are some lessons here for the USFS, according to law professor Charles Wilkinson, who participated in the process, because "there are times for consultation and times for negotiations," and "[n]ow it is time to acknowledge the duty to negotiate in the right circumstances." [n38]

As discussed in Part I, reserved treaty rights are central to the Badger-Two Medicine case. Treaties are legally binding agreements between two or more sovereign governments. [n39] Three hundred and eighty-nine treaties precede the creation of the USFS. [n40] Sixty treaties contained **[*597]** provisions that reserved rights on what was then public domain land. [n41] The extent of off-reservation use rights reserved by a tribe depends on specific treaty language, but many treaties reserved various rights on ceded lands, and such lands are now managed by different federal land

agencies. On national forest lands, for example, off-reservation treaty rights include hunting and fishing rights, gathering rights, water rights, grazing rights, and subsistence rights. It is critical to understand that the term "reserved rights" means just that; the federal government did not *give* such rights to the tribes, but rather the tribes *reserved* such rights as sovereigns. [n42] This is partly why such reserved rights constitute property, and why the governmental taking of this property requires financial compensation. [n43] When interpreting treaties, Courts use accepted canons of construction that are liberally construed in favor of tribes. Treaties are to be interpreted as the Indians who agreed to them understood them, and any ambiguities in the treaty are to be resolved in favor of the tribes. [n44] Congress has the plenary power, however, to abrogate treaty rights, though it must do so explicitly and with clear evidence for the Courts to recognize such change. [n45]

Also relevant to the forthcoming discussion is the U.S. Constitution's Establishment Clause and its relationship to cultural resources management. The Clause states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." [n46] It is within these parameters that the courts have decided a number of sacred lands disputes by applying different tests. [n47] For purposes here, the two most important are *Lyng v. Northwest Indian Cemetery Protective Association* (1988) [n48] and *Bear Lodge Multiple Use Association v. Babbitt* (1998). [n49]

[*598] In *Lyng*, the USFS planned to allow major timber harvesting activities in the high country held sacred by three California Indian tribes, and to construct 200 miles of logging roads in areas adjacent to the sacred Chimney Rock area. One section of road linking the towns of Gasquet and Orleans (known as the "G-O" road) would dissect the high country's sacred places. Indian plaintiffs argued that completion of this road and its attendant noise and environmental damage would violate the free exercise clause by degrading sacred lands and eroding the religious significance of this area. But the Supreme Court ruled in favor of the USFS, finding no free exercise violation because the government was not coercing Indians into religious beliefs. Similar free exercise-based arguments have basically been abandoned by Indian plaintiffs following this controversial decision. Property and ownership is also central to *Lyng*. [n50] The Supreme Court explained that federal ownership (of national forests and other federal lands) could be dispositive and shield the government against Indian free exercise claims. Writing for the majority, Justice O'Connor summarized that "[w]hatever rights the Indians may have to the use of the area,...those rights do not divest the Government of its right to use what is, after all, *its* land." [n51]

The issue of accommodation was also addressed by the Court in *Lyng*: "nothing in our opinion should be read to encourage governmental insensitivity to the religious needs of any citizen" [n52] [and] "[t]he Government's rights to the use of its own land...need not and should not discourage it from accommodating religious practices like those engaged in by the Indian respondents." [n53] But when it comes to accommodation, the *Bear Lodge* decision is most instructive. That case concerns NPS management of Devil's Tower National Monument in Wyoming (known to some Plains Indians as Bear Lodge). Bear Lodge is considered sacred by several Indian tribes and is also a very popular recreational climbing spot. Following tribal complaints, and a formal planning process, the NPS initially banned commercial rock climbing during the month of June, when most tribal ceremonies take place. The NPS then changed this ban to a voluntary closure upon a successful Establishment Clause challenge brought by the Bear Lodge Multiple-use Association and rock climbers. The Wyoming **[*599]** District Court and the Tenth Circuit upheld the voluntary closure and ruled that it was a legitimate accommodation of religious beliefs. The *voluntary* climbing ban, according to the district court, was "a policy that has been carefully crafted to balance the competing needs of individuals using Devil's Tower National Monument while, at the same time, obeying the edicts of the Constitution" and thus "constitutes a legitimate exercise of the Secretary of the Interior's discretion in managing the Monument." [n54]

Congress also has provided additional laws and resolutions that have been considered by the courts. The American Indian Religious Freedom Act of 1978 (AIRFA) [n55] makes the protection of American Indian religious freedom federal policy. Though symbolically important, this policy statement is mostly hollow and largely unenforceable. [n56] More substantive in nature is the Religious Freedom Restoration Act of 1993 (RFRA). [n57] It provides that "Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person--(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering

that compelling governmental interest." [n58] Note that the RFRA goes beyond the Constitution's use of the word prohibiting the free exercise of religion to include the broader verb burden, thus providing more religious protection.

RFRA was central in a recent case involving the USFS in northern Arizona. The agency approved plans by a ski area to use recycled sewage effluent to make artificial snow on the San Francisco Peaks in the Coconino National Forest. The Peaks are sacred to the Navajo, Hopi, and several other Indian tribes, and are eligible for inclusion in the National Register of Historic Places as a TCP (as discussed below). In *Navajo Nation v. United States Forest Service* (2006), [n59] plaintiffs challenged this decision using RFRA and other laws. On appeal, the Ninth Circuit reversed the Arizona District Court, finding the agency's approval of the upgrade in violation of RFRA and the National Environmental Policy Act (NEPA). Among other findings, the circuit court concluded that the agency's authorization to use sewage effluent to make snow and expand the ski resort would impose a "substantial burden" on plaintiffs exercise of religion and was not a "compelling governmental interest." [n60] Navajo Nation was petitioned for **[*600]** rehearing *en banc*. But at the time of this writing, it represents a significant shift from *Lyng*.

A few lessons can be drawn from these important cases. While *Lyng* basically put an end to First Amendment arguments as a way to protect sacred places, in some situations the RFRA might be successfully used as a way to protect them on federal lands. Courts, as made clear in *Bear Lodge* and subsequent cases, have found acceptable agency accommodations of religious practices. [n61] When such accommodations are voluntary in nature, and do not cause actual injury to other citizens, they generally withstand Establishment Clause challenges. This has left the protection of sacred places largely to the discretion of federal land managers--and this helps explain the interest in more predictable and permanent types of protection, as discussed in the following sections. Numerous laws, [n62] administrative regulations, [n63] internal directives, [n64] and an Executive Order [n65] instruct agencies about how to consult with tribes, manage cultural resources, and possibly make accommodations to safeguard sacred places. A few studies [n66] have exhaustively documented these sources of authority for federal land **[*601]** agencies, including the USFS, [n67] so there is no need to repeat them here. But the upshot is that, like the NPS in the *Bear Lodge* case, federal land agencies often have a great deal of discretion when making sacred land decisions, and can legally justify such choices if they are carefully crafted and within the constitutional parameters outlined above.

One quick example illustrates how the USFS can respond given such discretion. It concerns oil and gas leasing on the Rocky Mountain Front, managed by the Lewis and Clark National Forest. Using a careful and thorough social assessment, among other tools, USFS supervisor Gloria Flora made the decision not to lease part of the Front for development She based her decision on environmental laws *and* a "value of place" articulated by the Blackfeet Tribe and public comments made during the NEPA process. Said Flora, "The Forest has tried to recognize these social and emotional values and they have figured prominently in my decision not to lease the Rocky Mountain Division." [n68] The Rocky Mountain Oil and Gas Association litigated the decision, arguing that "value of place" was not a valid management criterion and that Flora's decision was based on land use for Indian religious practices and was therefore in violation of the Establishment Clause. The district court disagreed, [n69] and upon appeal the Ninth Circuit ruled that the no-lease decision had a secular purpose and did not advance or endorse religious beliefs nor foster excessive entanglement with religion. [n70] Moreover, said the court, "the government may, consistent with the Establishment Clause, accommodate religious practices in its decision-making processes." [n71]

This sort of accommodation is but one strategy that could be used to protect sacred lands in the future. Several scholars, advocates, and other interests promote others. Some emphasize the success and potential of using existing laws, policies, and agency decision making processes; viewing them as more flexible, site-specific, legitimate, and a less risky way to protect sacred sites than by using the highly uncertain and precedent-establishing judicial system. [n72] Others, however, remain skeptical of agency processes that essentially treat Indians as yet another stakeholder that must be consulted; some believe that "tribal rights, to sacred sites are being **[*602]** collapsed into a series of procedural requirements" that do not go far enough. [n73] Legislative approaches have also been proposed, with debate centered on how prescriptive the law should be given constitutional constraints, and whether it should contain an enforceable cause of action, among other items. [n74] These approaches represent just a few potential options. [n75] This article explores the strengths and limitations of two additional strategies that have received far less attention to date: the use of different

management models, and statutory and administrative land designations as ways to protect reserved treaty rights and sacred places on federal land.

B. Types of Co-Management

Tribal co-management is the sharing of resource management goals and responsibilities between tribes and federal agencies. Attorney and co-management authority Ed Goodman describes it as thus:

> Comanagement embodies the concept and practice of two (or more) sovereigns working together to address and solve matters of critical concern to each. Comanagement is not a demand for a tribal veto power over federal projects, but rather a call for an end to federal unilateralism in decision making affecting tribal rights and resources. It is a call for a process that would incorporate, in a constructive manner, the policy and technical expertise of each sovereign in a mutual, participatory framework. [n76]

Several studies have analyzed the use of co-management at the international level. [n77] In the United States, several tribal co-management models **[*603]** focus on off-reservation fish and wildlife management, and the unique context in Alaska. [n78]

1. Fish and Wildlife Management

As discussed above, several Indian tribes reserved off-reservation rights to use resources, including the taking of fish and game on ceded lands. Tribes have had to engage in numerous, often epic battles to ensure that such rights are faithfully honored by federal and state governments. [n79] In the fishing wars of the Pacific Northwest [n80] and Great Lakes states, [n81] for example, tribes have had to continually fight for their rights to access and harvest such resources. The so-called Boldt decision (named after the judge who authored it) provides a widely recognized example, as it guaranteed Washington tribes a 50-percent share of the state's anadromous fish runs. [n82] In several other cases, using accepted canons of treaty interpretation, courts have sided with Indians. The result is that throughout much of the country, federal, state, and tribal governments, sometimes against a backdrop of judicial oversight, have negotiated complicated management schemes, some of which could be understood as co-management.

Co-management is likely to be used even more in the future. This is because an increasing number of interests and courts recognize, with some common sense, that habitat protection is implied in these recognized off-reservation resource rights. Degraded watersheds, for example, pose a threat to healthy salmon runs and the tribes who depend upon them. As **[*604]** one judge put it, "[t]he most fundamental prerequisite to exercising the right to take fish is the existence of fish to be taken." [n83] In one oft-cited decision, *United States v. Adair* (1983), the Ninth Circuit Court ruled that the Klamath Tribes have a reserved water right to ensure sufficient instream flow that is necessary to maintain tribal reserved fishing rights. [n84] This decision is significant to several tribes with reserved rights, including water rights by the Blackfeet Nation in the Badger-Two Medicine area. [n85]

It is within this context that tribes are asking to play a more meaningful role in the management of off-reservation lands and resources, one that goes beyond simply responding to proposals made by other governments. As Goodman explains in his comprehensive analysis, "[t]he right to habitat protection must also include a right to meaningful tribal participation in the decision-making process regarding such habitat." [n86] This background, not to mention the significant expertise and resources brought to the table by Indian governments, helps explain why so many tribes are now playing larger roles in fish and wildlife managements. [n87]

2. Alaska

Co-management models in Alaska have also been used and examined thoroughly, [n88] but they cannot be understood outside of the state's unique federal land and resource laws that provide Alaska Natives with an unusual amount of power over fish and wildlife management on federal **[*605]** lands. [n89] One of the most important laws in

this regard is Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) that sets a priority for subsistence uses of fish and wildlife on federal lands in Alaska. [n90] This means that preference is given to "the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation," and for other purposes like the making and selling of handicrafts and customary trade and barter. [n91] This subsistence mandate places serious procedural and analytical requirements on federal land agencies. For any decision that would "significantly restrict subsistence uses" it must be determined, among other things, that "such a significant restriction of subsistence uses is necessary, [and] consistent with sound management principles for the utilization of the public lands." [n92] To implement the subsistence priority, ANILCA authorizes the federal government to enter into cooperative agreements with Native corporations, the State of Alaska, and other organizations. [n93] ANILCA also requires reasonable access to resources used for subsistence on public lands, [n94] with specific regulations pertaining to subsistence use in national parks and monuments. [n95]

ANILCA sets up a Federal Subsistence Board, comprised of regional agency directors, and a number of Regional Advisory Councils throughout the state. These Councils provide recommendations and information to the Board; review proposed regulations, policies and management plans; and provide a public forum for subsistence issues. [n96] ANILCA also specifies the extent of these recommendation powers, with language forcing the Secretary of Interior to take them seriously. [n97]

[*606] The Marine Mammal Protection Act (MMPA) provides another example. [n98] It authorizes the taking of marine mammals for subsistence by Alaska Natives provided that it is done in a non-wasteful manner. Native harvest may not be regulated by the federal government unless it finds that a particular species or stock is "depleted. [n99] This means that Alaska Natives manage marine mammals at the tribal level or through various commissions sometimes having co-management characteristics. The Alaska Eskimo Whaling Commission (AEWC), for example, takes on most whaling management responsibilities, and is considered the oldest and arguably most successful co-management regime in Alaska. [n100] It also signed a cooperative agreement with the National Oceanic and Atmospheric Administration (NOAA) who provides back-up services and assumes enforcement responsibilities when AEWC is unable to do so. [n101]

These two laws, among others, provides the context in which Alaska Natives have assumed various co-management functions, including: research (e.g., gathering baseline biological data), regulation (e.g., restrictions on harvests), allocation (e.g., setting harvest levels), and enforcement (e.g., ensuring regulations are followed). [n102] Perhaps most important, the Alaska experience demonstrates the importance of law in shaping the use of co-management in the United States, as ANILCA and MMPA give Alaska Natives a substantive and even dominant position in managing some resources. I will return to this point when reviewing legislation, and the lack thereof, pertaining to co-management outside Alaska.

C. Co-Management Roles

Outside of Alaska and the context of fish and wildlife management, what does and can co-management look like? The term is a bit unwieldy, and some agencies prefer to talk about other types of "cooperative agreements" and managerial arrangements that can be used to accommodate tribal interests. Some USFS officials I spoke with, for example, emphasized that the agency did not have the legal authority to co-manage national forest lands (unlike Interior agencies who may use the Tribal Self Governance. Act, as discussed below), but did have other ways in which tribes could partner with the agency. Some USFS officials also **[*607]** recommended that I do not use the term co-management in pursuing this topic, as it might be negatively construed by agency personnel.

Such reticence to use the term co-management is partly explained by legal requirements imposed on federal land managers to manage federal lands, and not to delegate such duties to another party. Fair treatment of the subdelegation doctrine is beyond the scope of this article, but it basically forbids federal agencies from delegating final decision-making authority to another party, like a collaborative group or advisory commission. There are different interpretations of related case law, but most emphasize that the doctrine will not be violated as long as federal agencies retain final decision-making power. [n103] Particular statutes are also important in this regard because courts will ask

whether Congress intended to permit a delegation of authority. [n104] If such evidence does not exist, courts may likely find such delegation unlawful. This principle has an obvious impact on how far co-management can go on federal lands, though tribal participation is fundamentally different than forms of stakeholder or contractor involvement. [n105]

In analyzing degrees of public participation in agency decision making, co-management is often considered the most authentic and participatory of models. However, there is a great deal of diversity within the co-management model as well. One group of distinguished scholars usefully organizes it by outlining the different roles played by governments in various co-management arrangements. [n106] I adapt this framework for **[*608]** purposes here, while adding examples more focused on federal land management.

1. Setting Objectives, Standards, and Desired Environmental Conditions

The first possible role is setting objectives and standards and helping define desired environmental conditions. There are strong and weak versions of this. On federal land, because of the property/ownership (e.g., *Lyng*) and subdelegation issues discussed above, tribes will often play an indirect role in this regard. But through NEPA, resource planning processes, and government-to-government consultation requirements, among other means, tribes can help set standards and conditions that will invariably affect them.

In other policy fields, tribes can play a more direct role. Some national pollution laws, for example, contain "treatment as states" (TAS) provisions allowing tribes to set standards on their reservations, among other things. [n107] The Columbia River Fisheries Management Plan provides another example. As a result of the landmark fishing rights litigation in Oregon, [n108] multiple parties entered into a court-sanctioned consent decree with continuing judicial oversight. This agreement provided joint management and a direct role for tribes to play in setting fish management standards and goals, from setting seasons and harvest-levels to stock-rebuilding plans. [n109]

2. Policy Implementation

The second role is implementation of these standards. Once environmental goals are set, tribes are responsible for helping ensure that they are achieved. This section briefly describes the authorities and vehicles that can be used in this role, followed by relevant land management examples.

a. Authorities

The Tribal Self-Governance Act of 1994 (TSGA) is often cited as an example of co-management because it authorized Interior Department agencies to delegate functions that are not "inherently federal" to participating tribes. [n110] The TSGA permits tribes to petition Interior agencies **[*609]** to manage federal programs that are of "special geographical, historical, or cultural significance" to the tribe, thus providing a possible vehicle for tribal participation in federal land management. [n111] It is under this authority that the U.S. Fish and Wildlife Service (USFWS), NPS, and other Interior agencies have entered into annual funding agreements with some eligible tribes. [n112] Some of these agreements, like that with the Confederated Salish and Kootenai tribes to co-manage the National Bison Range in western Montana, [n113] have been quite controversial, as some interests are worried about its precedent and possible implications for federal land management writ large. [n114] Others, however, view the TSGA as underutilized, though "a significant step in connecting public land management to Indian self-determination." [n115]

[*610] Another form of implementation involves the non-discretionary aspects of implementing projects or programs. Implementation can be done through all sorts of governmental partnership authorities, [n116] and some federal land laws explicitly authorize the use of cooperative agreements. The Multiple Use Sustained Yield Act of 1960 (MUSYA), for example, allows the Secretary of Agriculture "to negotiate and enter into cooperative agreements with public or private agencies, organizations, institutions, or persons" for various purposes including pollution control and forest protection, "when he determines that the public interest will be benefited and that there exists a mutual interest other than monetary considerations." [n117]

Each agency has its own vocabulary for describing how this is done, but several types of contracts, cooperative agreements, assistance agreements, and memorandums-of-understanding (MOU) are being used to share some management, and even financial, responsibilities. [n118] As discussed below, these range from the simple to the complex. An example of the former is the use of an MOU between the Nez Perce Tribe and the USFS regarding the exemption of Nez Perce tribal members from recreational use fees at all campgrounds in several national forests when engaged in the exercise of reserved treaty rights. [n119] A more significant **[*611]** example is provided by agreements between the Nez Perce and USFWS to help manage wolves reintroduced into central Idaho. [n120] When the state of Idaho refused to participate in this program, the Nez Perce took full advantage of their wildlife expertise to assist in the recovery of wolves, a species of special significance to the Tribe. [n121]

Another significant agreement is between the Klamath Tribes and Winema and Fremont National Forests. Its complicated history is beyond the purview of this article, but it includes significant judicial decisions that resulted in a consent decree establishing a cooperative management system between the Klamath Tribes, Oregon Department of Fish and Wildlife, and the USFS. [n122] Furthermore, an amended 2005 Memorandum of Agreement (MOA) between the Klamath Tribes and USFS recites the federal government's procedural and substantive trust obligations to the Tribes (discussed earlier) and provides detail in how this is to be carried out. [n123] Among its other significant provisions, the MOA mandates government-to-government coordination at the regional forester level and quarterly meetings between tribal program directors and forest supervisors. It also creates a special process to be used by the USFS when considering tribally-initiated proposals and recommendations, and calls for tribal involvement with USFS interdisciplinary teams.

The Tribal Forest Protection Act of 2004 (TFPA) provides another example of existing contract authority. [n124] Indian tribes and the USFS share roughly 2,100 miles of contiguous boundary. [n125] In 2003, several wildfires originating on national forest lands spread to adjacent tribal lands. The TFPA is designed to protect tribal forest assets by authorizing tribes to propose work and enter into agreements and contracts with the USFS and the Bureau of Land Management (BLM) to reduce threats posed by fire on federal land. Among other restrictions, the law requires tribal proposals to focus on USFS land that (1) is adjacent to federal land, (2) poses a fire, disease, or other threat to Indian trust land or community or is in need of restoration, and (3) involves a "feature or circumstance unique to that **[*612]** Indian tribe (including treaty rights or biological, archeological, historical, or cultural circumstances)." [n126] When evaluating tribal proposals, the TFPA allows the USFS to use a "best value basis" and give specific consideration to tribally-related factors, such as the cultural, traditional, and historical affiliation of the tribe with the land, reserved treaty rights, and the indigenous knowledge of tribal members, among other factors. [n127] Though the USFS could use a wide range of tools to implement the TFPA, it is emphasizing the use of stewardship contracts. [n128]

Internal agency direction should also be considered along with these more formal authorities to co-manage or partner with Indian tribes. Several sources within the USFS have identified the need to "institutionalize long-term collaborative relationships with tribal governments." [n129] According to the agency's Office of Tribal. Relations, "[t]here is a compelling need for a more formal means of collaboration between the Forest Service and federally recognized Tribes." [n130] Here, moreover, is the vision of the National Tribal Relations Program Task Force: "We envision a future where the Forest Service and Indian Tribes work collaboratively through government-to-government relationships to manage the resources entrusted to their care[,] a future where the Forest Service possesses the organizational structure, skills, and policies to redeem our responsibilities in this partnership." [n131]

[*613] The Task Force and its Implementation Team make a number of detailed recommendations in how this vision can be achieved. Many of them focus on fixing various organizational problems. Recommendations related to sacred lands, treaty rights, and co-management principles are also made. The Task Force, for example, recommends development of new legislation that would "provide the authority of the [US]FS to close lands to the general public for the shortest duration of time necessary to accommodate various tribal and non-tribal uses, including traditional tribal use." [n132] And at the administrative level, the Implementation Team recommends that the USFS "[m]aximize use of existing authorities for voluntary closure of areas to accommodate tribal traditional uses," including by using MOUs. [n133] Though the term co-management, is not used, the Task Force believes that the USFS "has significant unrealized

potential through our grants, agreements, [and] acquisition programs to improve relationships, better honor our unique legal responsibilities, and to encourage equal access to Federal programs by American Indian and Alaska Native governments." [n134] While the ultimate impact of the Task Force Report is yet to be determined, some high-ranking USFS officials have voiced enthusiastic support for the principles on which it is based. [n135]

b. Kasha-Katuzve Tent Rocks National Monument

Other substantial agreements have been signed by the BLM and tribes, including co-management of two recently created national monuments. The Kasha-Katuwe Tent Rocks National Monument, located in the foothills of the Jemez Mountains in north-central New Mexico, was created by presidential proclamation in 2001. [n136] Prior to its designation as a Monument, the area was managed by the BLM as an Area of Critical Environmental Concern (ACEC). In 1997 and 2000, the BLM and Cochiti Pueblo signed intergovernmental cooperative agreements to "provide for more consistent, effective and collaborative management of the Tent Rocks ACEC, now the Monument." [n137] President Clinton's proclamation emphasized the indigenous history of this area and mandated that the BLM **[*614]** *shall* manage the Monument "in close cooperation with the Pueblo de Cochiti." [n138]

The BLM is currently doing so through an assistance agreement for the purpose of "co-management" of Kasha-Katuwe Tent Rocks National Monument, the ACEC, a National Recreation Trail, a fee demonstration program, and visitor fee/ information station. [n139] This agreement details the significant management responsibilities of the Pueblo, from trail maintenance and visitor services work to coordinating law enforcement with the BLM (discussed below). With legislative authority under the Federal Land Policy and Management Act of 1976 (FLPMA), [n140] among other sources, the assistance agreement provides funds to the Pueblo to hire full time staff to manage and monitor the Monument. [n141] Access to the Monument is also managed by the Pueblo because a three-mile road leading to it runs through Pueblo land.

According to the Interior Department, a few lessons can be learned from the Kasha-Katuwe co-management model. It first emphasizes the proclamation's mandate to cooperate with the Pueblo. It also emphasizes how the BLM's New Mexico State Office "was able to negotiate directly with the Governor and leadership of the Pueblo de Cochiti in an atmosphere of mutual respect and trust." [n142] The result, says Interior, is joint management that "will enhance their efforts to protect and maintain the natural and cultural values of the land while they strive to increase visitors' enjoyment of the area. [n143]

c. Santa Rosa and San Jacincto Mountains National Monument

Management of the Santa Rosa and San Jacinto Mountains National Monument in southern California provides another example of how cooperative agreements can be used to manage federal land. Created by Congress in 2000, the Monument consists of 271,400 acres encompassing **[*615]** federal, state, and tribal lands. [n144] Two federal wilderness areas (the San Jacinto and Santa Rosa) are also located within the Monument's boundaries. It is the first congressionally-designated national monument to be jointly managed by the BLM and USFS. The legislation creating the Monument recognizes its "special cultural value to the Agua Caliente Band of Cahuilla Indians, [n145] and thus provides a number of provisions related to consultation, cooperation, and land exchanges. [n146] The Secretaries of Interior and Agriculture, for example, "shall make a special effort to consult with representatives of the [Tribe] regarding the management plan during the preparation and implementation of the plan." [n147] The Santa Rosa and San Jacinto Mountains National Monument Act of 2000, which created the Monument, also authorizes the use of cooperative agreements and "shared management arrangements," including special use permits, to manage it. [n148] Section 7 of the Act creates a local advisory committee (an emerging pattern discussed below), consisting of one tribal representative in addition to other interested parties, which shall advise the Secretaries with respect to the preparation and implementation of the management plan (note that tribal representation on the advisory committee supplements government-to-government consultation). [n149]

Though the Act only applies to federal land and interests within the Monument's boundaries, its management "will

be a cooperative effort that encourages collaboration between the BLM, Forest Service, other Federal and State agencies, and Tribal and local governments." n150 Some of this collaboration is being advanced through various cooperative and assistance agreements between the BLM and Tribe. Some of these agreements are stated broadly, like the "joint commitment to address areas of Tribal concern," including "[t]he need to preserve and protect cultural and traditional **[*616]** uses, including gathering and access to sacred places." n151 But others are quite specific, like an ongoing assistance agreement to remove tamarisk from watersheds that are shared with the Tribe. n152 The Monument's advisory committee also has made a number of recommendations for consideration, several of which pertain to the management of tribal cultural resources. n153

Rebecca Tsosie, a law scholar and Supreme Court Justice for the Fort McDowell Yavapai Nation, believes the cooperative agreements used to manage the Santa Rosa and San Jacinto Monument are a way, to "manage traditional areas located on public lands in the exercise of cultural sovereignty." n154 "This approach," she says, "provides a favorable comparison to the standard approach used by federal land managers, which considers tribal interests as part of the many interests advanced by stakeholders and accommodated through the 'multiple-use' policy applicable to public lands." n155

3. Enforcing Standards and Regulations

Another role that could be played in co-management is the enforcement of standards and regulations, like arresting poachers or citing people for national park violations. This role, however, is quite complicated because of jurisdictional issues regarding the power of tribal governments over non-Indians, though enforcement against tribal members is generally appropriate. n156 In some situations, tribes possess extraterritorial governmental authority, meaning that their enforcement powers go beyond tribal boundaries. n157 This power is particularly relevant in the context of **[*617]** regulating off-reservation hunting and fishing rights. A number of laws also authorize tribal governmental authority outside tribal boundaries. n158

The Cochiti Pueblo has some enforcement responsibilities in managing the Kasha-Katuwe Tent Rocks National Monument. A BLM-Pueblo assistance agreement stipulates that the Pueblo will patrol the Monument and ACEC on a daily basis and "[r]eport and coordinate unauthorized activities to BLM Law Enforcement or the BLM Monument Manager, including fuel-wood cutting and gathering, littering, dumping of hazardous materials, off-highway vehicle travel, destroying cultural sites, pot hunting, unauthorized campfires, shooting and vandalism to recreation facilities, rock formations, scenic overlook, the NRT [National Recreation Trail] and trail signs." n159

The complexity of off-reservation enforcement authority does not mean that tribes cannot play a role in this capacity. Rather, it means that any agreement and/or legislation must be explicit in how such authority is to be administered. The T'uf Shur Bien Preservation Trust Area Act of 2003 provides one example. n160 As discussed below, this legislation, designed to protect tribal cultural values and off-reservation rights on the Cibola National Forest, is unique in several respects. The legislation deals with jurisdiction of the area in some detail, explaining what sovereign has criminal and civil jurisdiction within the preservation area. With some stipulations, the Act provides the Pueblo exclusive authority to "regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title;" and to "regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting is related to traditional or cultural uses...." n161

III. PROTECTED LAND POLICY OPTIONS

As discussed above, approaches to sacred land disputes and off-reservation treaty rights on federal land often focus on important constitutional-legal considerations, possible agency accommodations, and to a certain extent, the adoption of some co-management roles. What has **[*618]** not been explored in as much detail are the possibilities of protecting sacred lands and reserved rights with special land-use designations, especially those made by Congress.

Before proceeding, some brief historical context is necessary, as it teaches some valuable lessons regarding American Indians and protected lands. Unfortunately, much of this history teaches us what not to do in the future. NPS experience is illustrative and has been superbly documented. [n162] Numerous stories can be told of how the federal government flagrantly disregarded its trust responsibilities, treaty obligations, and Indian sovereignty in creating or enlarging national parks. Relations between Glacier National Park and the Blackfeet Nation provide an example. Recall that the Blackfeet, through the 1896 Treaty, retained their rights to hunt and fish on ceded lands for "so long as the same shall remain public lands of the United States, under and in accordance with the provisions of the game and fish laws of the State of Montana." [n163] In 1914, Congress created Glacier National Park on some of the lands ceded by the Blackfeet, and prohibited the hunting of wildlife inside Park boundaries. [n164] The Tribe obviously assumed that their hunting and fishing rights, like their free access to the Park, [n165] were still secure on these "public lands." [n166] But the Montana District Court found otherwise, and ruled that the Blackfeet did not have a treaty right to hunt inside the Park because Congress chose to abrogate this right **[*619]** in its creation of Glacier. [n167] It is clear, said the Court, that "Congress intended to create a game preserve in Glacier Park where the Secretary of the Interior was not authorized to allow any hunting." [n168] This story is not anomalous. Other national park cases similarly demonstrate how Congress and the courts have often prioritized park purposes over their federal responsibilities to Indian tribes. [n169]

To make a long story short, tribes have good reason to be suspicious of protected lands law and policy. But as we will see, not all protected land designations are the same, and some types may prove an advantageous way to secure tribal values and environmental protection. Some designations, moreover, can minimize the problematic level of discretion evident in other strategies used to protect sacred places and reserved rights, such as use of co-management or administrative decisions to accommodate tribes. Furthermore, some types of land designations, like a federal wilderness or conservation area, could be a more proactive and permanent way to protect sacred sites and treaty rights than through interminable rounds of confusing planning processes. These designations could, in other words, alleviate tribal needs to constantly react to agency plans and projects that may be hostile to their values and interests.

As discussed above, some of the most notable cultural resources and reserved rights cases involve non-compatible interests on multiple-use lands, like proposing timber sales and road building projects through sacred sites or important fishing and hunting grounds. Multiple-use lands are notorious for the conflicts they generate and the amount of discretion **[*620]** given to the USFS and BLM to manage them. These agencies often deal with such conflicts through planning processes that allocate lands and resources to particular uses. Some of the "decisions" made in these plans, however, are not necessarily binding on agencies or enforced by the courts. [n170] The uncertain nature of resource planning helps explain interest in resolving conflicts legislatively. One way of doing this is for Congress to remove a piece of land from the multiple-use mandate and place it in another statutory framework. The remainder of this article examines a few versions of this strategy, along with other types of land designations that can be made by agencies, Congress, and tribes.

A. The National Historic Preservation Act

I will start by reviewing an administrative designation that has often been used as a way to consider, and sometimes protect, sacred places and cultural resources on federal land. [n171] The National Historic Preservation Act (NHPA, 1966) [n172] is the basic charter and method of historic preservation in the United States. Agencies implement the Act by determining whether a "federal undertaking" will "diminish the integrity of the property's location...setting,...feeling, or association." [n173] The Act authorizes the Secretary of Interior "to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects **[*621]** significant in American history, architecture, archeology, engineering, and culture." [n174]

Procedural protections are provided to properties that are listed on the National Register, or are determined eligible for listing. State Historic Preservation Officers and federal agencies nominate properties for inclusion on the National Register, though individuals and other entities may request nominations. [n175] The NHPA requires agencies to ensure that their historic properties are preserved to maintain their historic, archaeological, architectural, and cultural values. [n176] "Properties of traditional religious and cultural importance" to Indian tribes are types of properties eligible for

listing. [n177] Though not defined by statute, the term traditional cultural properties (TCP) is used to describe a type of property that is eligible for listing, because of its traditional cultural significance. [n178]

Two types of protection are provided by the Act, one substantive and the other more procedural in nature. Properties designated as National Historic Landmarks receive greater substantive protection Before approving actions that would affect a landmark, Section 110 of the NHPA requires that the responsible federal agency "shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark." [n179]

The Bighorn Medicine Wheel in Wyoming's Bighorn National Forest provides an oft-used example of how this designation can help protect a sacred site on federal lands and influence agency decisions. This prehistoric stone circle was constructed by aboriginal peoples of North America and a number of Indian tribes consider the Medicine Wheel sacred. It was designated as a National Historic Landmark in 1969, with 110 acres included in the designation. USFS management of the area had been controversial. In 1991, for example, the agency chose a management alternative that included road construction and improvements to allow unrestricted vehicular access except during ceremonial uses, and construction of a parking lot (with restrooms) adjacent to the Medicine Wheel. Upon a very critical reception of the proposal, the USFS began the **[*622]** NHPA consultation process. This process resulted in a long-term Historic Preservation Plan (HPP) that required consultation between the USFS and other parties for any project proposed within a 18,000-20,000 acre "area of consultation" surrounding the Medicine Wheel. The USFS approved the HPP by amending its existing forest plan in 1996.

This decision was also controversial because it had the potential of limiting timber harvesting activities in the Bighorn National Forest, even though the HPP does not prohibit logging in the area of consultation. A commercial timber company litigated the decision on constitutional and procedural grounds, arguing among other things that the HPP was a significant change to the forest plan that required full NEPA/NFMA (National Forest Management Act) compliance. But the district and circuit courts found in favor of the USFS, partly because the area of consultation comprises only 1.6 percent of the Bighorn National Forest, and was thus a non-significant change to the forest plan that did not require the full NEPA/NFMA process to be used by the agency. [n180]

Section 106 of the NHPA, on the other hand, provides procedural protection in that it requires effects on properties to be considered by agencies. [n181] This is basically a required consultation process whereby agencies consult "with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance" to an historic property that would be affected by a proposed federal undertaking. [n182] The Section 106 process also requires that agencies assess the affects of their undertakings on any eligible properties found, determine whether the effect will be adverse, and to avoid, minimize, or mitigate the adverse effects. [n183]

Though the courts have characterized Section 106 as a "stop, look, and listen" provision requiring agencies to consider the effects of their programs, this provision, along with others, is not to be taken lightly. [n184] In one case, for example, the court held that the USFS did not make a reasonable effort to identify traditional cultural properties or engage in a meaningful consultation process. [n185] And in another important decision, the court found that the USFS did not satisfy the NHPA's mitigation **[*623]** requirement when it proposed to map and photograph culturally significant land that was proposed to be exchanged with Weyerhaeuser timber corporation. [n186]

In other places, however, historic designation seems to have mattered little to agencies or the courts. Take, for example, in the *Lyng* case the USFS proposed road building and timber sales in the sacred high country managed by the Six Rivers National Forest (discussed above). At the time this proposal was made, the area was already part of the Helkau Historic District and determined eligible for listing on the National Register. Yet this did not dissuade the USFS from its plans to construct the road and allow timber harvesting. [n187]

A more recent example is provided by the *Navajo Nation*/San Francisco Peaks case in which the USFS permitted the expansion of the Snowbowl ski area and the use of sewage effluent to make snow on land held sacred by multiple

tribes. The Peaks are eligible for inclusion on the National Register as a TCP. Because of this, the USFS began its required consultation process whereby consulting parties must consider feasible and prudent alternatives to the undertaking that could avoid, mitigate, or. minimize adverse effects on a National Register for eligible property. [n188] For the Snowbowl project, a "finding of adverse effect" was made by the USFS. Its attempt to avoid, minimize, or mitigate this effect included allowing access for traditional cultural practitioners and free use of the ski lifts in the summer. [n189] Though the Ninth Circuit Court found in favor of Indian plaintiffs on other grounds, both it and the district court found the USFS in full compliance with the NHPA because it attempted to consult with affected tribes and adequately described ways to mitigate adverse effects. [n190]

There are several different perspectives on how effective the NHPA has been in protecting sacred sites on federal land. Much of the divergence stems from the considerable discretion afforded to agencies in determining eligibility, and how agencies manage the cultural properties that have been administratively designated as such. On one hand, the NHPA designation requires consultation, and this process is important. According to Dean Suagee, director of the First Nations Environmental Law Program at the University of Vermont, "[b]ecause many tribes attach religious and cultural importance to places that are not within the boundaries of their reservations, many tribes regard this as a very important right, even though **[*624]** it is just a procedural right. In essence, it is the right to have a seat at the table, a chance to persuade the responsible federal official to do the right thing." [n191] On the other hand, there are lots of cases in which such persuasion did not work, and tribal government representatives and other commentators often voice frustration at how little NHPA designation seems to matter at times. [n192]

B. Federal Wilderness Designation

My research review revealed relatively little discussion about how federal wilderness or another protected land designation might be used as a way to better protect sacred places and reserved treaty rights on federal land. But my analysis shows that Congress is increasingly recognizing tribal values in passing wilderness legislation, and that some tribal governments see federal wilderness and other protective land designations as an effective way to protect cultural resources and sacred places.

1. History

For some Indian tribes, there is some unfortunate historical baggage associated with federal wilderness law. [n193] Much of this is due to the complicated legacy of Bob Marshall, a prominent and highly effective advocate for roadless country and Indian independence, two values he saw as interdependent. [n194] Marshall, in close cooperation with Indian **[*625]** Commissioner John Collier, believed that roadless designation on tribal lands was necessary to protect Indian culture and political autonomy. As Chief Forester in the Office of Indian Affairs, in 1937 Marshall prepared Order No. 486 which designated nearly five-million acres of Indian reservation land as roadless. [n195] The Order, however, was made without tribal consultation. Good intentions notwithstanding, this type of federal paternalism was resented by affected tribes who valued sovereignty over roadless designation. [n196]

Early versions of the 1964 Wilderness Act also included tribal reservation lands. Unlike Marshall's earlier reservation roadless order, Senate Bill 1176 included a tribal consent provision: "[N]o such area shall be included until the tribe or band within whose reservation it lies, through its tribal council or other duly constituted authority, shall have given its consent to the inclusion of the area within the System." [n197] The catch? Any changes to reservation roadless areas would have to conform to the stated purpose of the legislation, which was "to establish on *public lands* of the United States a National Wilderness Preservation System for the *permanent good of the whole people*" (emphasis added). [n198] Many Indians resented their lands being classified as public lands that would once again serve the needs **[*626]** of non-Indians. A subsequent version of the Wilderness Act, Senate Bill 4028, did not include all reservation roadless areas, but this time allowed the Interior Secretary to designate such areas as wilderness "after consultation with the several tribes or bands, through their tribal councils or other duly constituted authorities." [n199] Such unilateral power was obviously threatening to those tribes who participated in the wilderness debates, and who insisted on tribal consent in any wilderness legislation. [n200]

This history goes much deeper, of course, but suffice it to say that Marshall's reservation roadless order and provisions for Indian lands in early wilderness legislation were "inextricably linked." [n201] Historian Diane Krahe summarizes that "Indian resentment toward the former had bred either mistrust or contempt of the latter." [n202] And this explains why the reservation roadless designation was eventually lifted, with the Wind River Tribal Roadless Area the only survivor of Marshall's 16 roadless designations on Indian reservations (discussed below). [n203] It also explains tribal opposition to early versions of the Wilderness Act and why all references to reservation lands were eventually removed from the final legislation signed in 1964. [n204]

2. Post-1964 Wilderness Legislation

Despite this contentious history, wilderness and other protected land designations with tribal provisions have been made by Congress since the 1964 Wilderness Act. Recall, again, the *Lyng* case in which the Six Rivers National Forest proposed a large timber harvesting and road building project in the high country sacred to some California tribes. What is sometimes not told about this story is that the project was not implemented as planned because some of the area was subsequently designated as wilderness in the California Wilderness Act of 1984. [n205] The controversial G-O road strip was exempted from this legislation, but wilderness designation prohibited logging in much of the sacred high country; thus removing the main purpose of the road. In any case, the road was not built because **[*627]** Congress subsequently protected the area in the 1990 Smith River National Recreation Area Act, which added parts of the G-O road corridor to the Siskiyou Wilderness. [n206] This postscript to *Lyng* begs the question of how land-use designations, like a federal wilderness, might fare in protecting tribal values and interests on federal land elsewhere.

Though the 1964 Wilderness Act makes no mention of treaty rights and sacred sites, [n207] such language has appeared with increasing frequency in enabling legislation creating individual wilderness areas. I will start my review by examining some older legislation and work towards proposed wilderness bills in Congress. This brief statutory review is then followed by a section discussing relevant wilderness management issues as they pertain to tribal rights and sacred sites.

a. El Malpais Area

In 1987 Congress used three land-use designations to protect the *el malpais* ("badlands" in Spanish) region of New Mexico (near the city of Grants), a place of historical, religious, and cultural importance to the Acoma and Zuni Pueblos and other tribes. This law created the El Malpais National Monument which is managed by the NPS (114,277 acres), and the El Malpais National Conservation Area (NCA) (roughly 263,000 acres) and the West Malpais and Cebolla Wilderness Areas (roughly 98,000 acres) managed by the BLM (the wilderness areas are within the NCA). [n208] The Monument was designated to "*preserve* for the benefit and enjoyment of present and future generations...the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archaeological Site, and other significant natural and cultural resources." [n209] The NCA, on the other hand, was created to "*protect* for the benefit and enjoyment of future generations...the La Ventana Natural Arch and other unique and nationally important **[*628]** geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources of the public lands surrounding the Grants Lava Flows." [n210] Land was designated as wilderness with purposes provided in the Wilderness Aces and the El Malpais Act's special provisions. [n211]

Cultural resources, aboriginal rights, and tribal access to these protected lands were central themes in the El Malpais Act's legislative history and negotiations. [n212] As a result, all three designations recognize the cultural heritage of the area by requiring the development of cultural resource management plans, authorizing the designation of the Masau (historic and cultural) Trail, and special provisions related to tribal access. The law, for example, recognizes the religious and historic importance of the region by assuring "nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes," with such access consistent with the American Indian Religious Freedom Act, and where applicable, the Wilderness Act. [n213] The Secretary is also authorized by the El Malpais Act to "temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people," so long as such

closure affects "the smallest practicable area for the minimum period necessary for such purposes." [n214] Also authorized is a tribally-represented advisory committee focused on implementation of these access provisions, and a different section encouraging the use of cooperative agreements. [n215]

The El Malpais Act is significant because of its legislative approach to sacred lands conflict. Unlike other approaches during this time period focused on free exercise claims or administrative accommodation of tribal **[*629]** resources, Congress in this case used its powers under the property clause and Indian trust doctrine to protect an area sacred to Indian tribes. Wilderness designation was part of the answer in this region, though as we will see, its subsequent management has not been free of problems and challenges.

b. T'uf Shur Bien Preservation Trust Area

The T'uf Shur Bien Preservation Trust Area Act provides another relevant and unique legislative approach to cultural resources and sacred lands. [n216] The Pueblo of Sandia claimed access to the western face of Sandia Mountain, which is part of the Sandia Mountain Wilderness, near Albuquerque, New Mexico. The Pueblo claimed that roughly 10,000 acres were excluded from its Spanish land grant because of a survey error. Following litigation over the matter, a settlement agreement was reached by the Pueblo, the federal government, and another private party. The T'uf Shur Bien Act was passed by Congress because it was the only way in which the agreement could be made permanent. [n217]

The law created the ruf Shur Bien Preservation Trust Area within the Cibola National Forest and Sandia Mountain Wilderness "to preserve in perpetuity the national forest and wilderness character of the Area." [n218] Despite the survey error, the United States retains title to this land, with public access allowed, and it will continue to be managed by the USFS as federally-designated wilderness. What is different, however, are new powers given to the Pueblo regarding how the area will be managed. First, "[t]raditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo...shall not be restricted," except by the Wilderness Act and applicable federal wildlife protection laws. [n219] In this case, the Pueblo was not concerned about the restrictions imposed by wilderness designation, but rather how existing wilderness laws and regulations pertaining to this area could change in the future. [n220] The Pueblo voiced concern about how policies often change when Native Americans are involved, and wanted "perpetual preservation" of this area. [n221] To guarantee such protection, the Act gives the Pueblo the right to consent or withhold consent -- veto power -- over any **[*630]** new use of the area that might be proposed by the USFS in the future. A compensable interest is also created by the Act, meaning that if Congress diminishes the national forest or wilderness area by allowing a prohibited use, or denies access for any traditional or cultural use in the area, the United States must compensate the Pueblo as if the Pueblo held a fee title interest in the area. [n222]

The history of the Sandia litigation case explains the unique nature of the T'uf Shur Bien Act. Its debate in Congress focused on the precedent that many interests did not want established by this "super-wilderness" law. [n223] But its supporters insisted throughout the debate that the situation-at-hand is unique, and the resulting legislation reflected this concern. [n224] Others fully appreciated why the Pueblo demanded veto power over USFS management decisions, as some believe the agency has allowed too many projects in the Sandia Wilderness that have diminshed the mountain's wild character. [n225]

c. Omnibus Wilderness Laws

More recent wilderness legislation also includes various tribal provisions. Take, for example, the controversial Nevada "omnibus wilderness" laws, which include multiple deals and land conveyances in exchange for wilderness designation. This legislation includes the Clark County Conservation of Public Land and Natural Resources Act of 2002, [n226] the Lincoln County Conservation, Recreation, and Development Act of 2004, [n227] and the White Pine County Conservation, Recreation, and Development Act of 2006. [n228] Each of these Acts contain similar sections on "Native American Cultural and Religious Uses." The Clark County legislation is typical, stating that "[n]othing in this Act shall be construed to diminish the rights of any Indian Tribe [nor] be construed to diminish tribal rights regarding

[*631] access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities." [n229]

The Steens Mountain Cooperative Management and Protection Act of 2000 has a similar "protection of tribal rights" provision, along with a variety of other special land designations and management arrangements. [n230] These include wilderness designation, the creation of a "cooperative management and protection area," the authorization of cooperative management agreements, and the establishment of an advisory council. These provisions have more specific tribal components as well. For instance, two of the stated objectives of the cooperative management and protection area is "to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests" and "to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners." [n231] Tribal cultural site protection is addressed in the Act by authorizing the Secretary of the Interior to enter into agreements with the Tribe to protect cultural sites in the cooperative management and protection area. [n232] The Act also stipulates that the established advisory council shall include a member of the Burns Paiute Tribe. [n233]

Like the Nevada laws and other omnibus wilderness legislation, the Steens Act is controversial for several reasons, though critics have not focused explicitly on its tribal provisions. [n234] As of 2002, based on testimony provided during a congressional hearing, the Burns Paiute Tribe was not **[*632]** satisfied with the implementation of the "carefully crafted" wording of the Steens Act. [n235] Much of the Burns Paiute criticism focuses on a lack of cooperation and respect from the BLM and the Advisory Council, despite the stated purposes of the Act, and problems related to wilderness access for traditional practices. A number of these practices are done within the Steens Mountain Wilderness (known as Tse Tse Ede or "Cold, Cold Mountain"), and the Burns Paiute complain about its management, including prohibitions on some types of access for those tribal members of limited mobility, and limitations placed on group size. [n236] The Burns Paiute correctly emphasize that all sorts of non-conforming uses and special provisions are provided in wilderness laws, like access for maintenance of power lines, fish and wildlife management, and mining claims, among others (as discussed below). While the importance of such exclusions are recognized by the Tribe, "they do not consider their right and need to continue Traditional Practices as less vital [than] the management of Big Horn Sheep and the maintenance of outhouses." [n237]

The Steens wilderness management and access issues can be contrasted to more explicit tribal use language found in the Northern **[*633]** California Coastal Wild Heritage Act of 2006. [n238] Its access provision, cited in accordance with AIRFA, recognizes "the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes," and provides "the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes." [n239] Upon request of an Indian tribe, the Secretary "may temporarily close to the general public [one] or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area," though any closure "shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out." [n240]

d. Ojito Wilderness Act

The Ojito Wilderness Act of 2005 designated 11,183 acres of wilderness, and allowed the purchase of roughly 11,500 acres by the Pueblo of Zia to become part of its reservation. [n241] The purpose of the latter was "to protect its religious and cultural sites in the area and to consolidate its land holdings." [n242] Zia Pueblo leadership supported the legislation because it connected two important pieces of ancestral land containing significant cultural values and sacred sites. [n243] The legislation was also endorsed by a wide range of other interests. [n244] The Act allows for public access to the **[*634]** transferred land [n245] and stipulates the conditions under which it is to be managed, leading some to call it "de facto wilderness." [n246] For example, the conveyed land "shall be maintained as open space and the natural characteristics of the land shall be preserved in perpetuity"; and "the use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral

extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed...." n247

e. Wilderness Bills

Several proposed wilderness bills also include provisions related to tribal rights and sacred sites, including the California Wild Heritage bill, n248 the Lewis and Clark Mount Hood Wilderness bill, n249 the Owyhee Initiative Implementation bill, n250 and the Central Idaho Economic **[*635]** Development and Recreation bill. n251 The proposed Northern Rockies Ecosystem Protection Act (NREPA), which is the most sweeping wilderness bill recently considered by Congress, also deals with the issue of Native American uses in wilderness areas. n252 It generally does so by ensuring "nonexclusive access to these protected areas by native people for such traditional cultural and religious purposes," consistent with AIRFA and the Wilderness Act. n253 The bill also authorizes temporary closures of specific portions of protected areas "in order to protect the privacy of religious activities and cultural uses in such portions by an Indian people." n254 To assure protection of religious, burial, and gathering sites in wilderness areas, NREPA directs the USFS and the BLM to enter into cooperative agreements with appropriate Indian tribes. n255

NREPA also includes specific provisions related to the creation of the "Blackfeet Wilderness Area," which would comprise 128,622 acres of the Badger-Two Medicine. n256 This bill recognizes the importance of Blackfeet Treaty rights n257 by creating a review committee consisting of Blackfeet tribal representatives (to include those from the Blackfeet Tribal Business Council and Tribal Traditionalists) and other interests who shall advise the Secretary and develop a wilderness management plan. This plan is to ensure "that Blackfeet religious and treaty rights to lands in the wilderness are recognized and honored." n258 The Secretary and the committee, moreover, shall "give special consideration to the religious, wilderness, and wildlife uses of the Blackfeet Wilderness, taking into account treaties the United States has entered into with the Blackfeet Nation." n259

This brief overview of selected wilderness law illustrates the disparate ways in which tribal values are being recognized, and perhaps protected, through wilderness legislation and other land-use designations. They range from the substantive tribal veto-powers granted in the T' uf Shur Bien Act to what is becoming more standard legislative language regarding sacred lands access and reserved use rights in federal wilderness areas. In some cases, the legislation is too recent to fairly analyze how it is being **[*636]** implemented and evaluated by various interests. These new tribal provisions in wilderness law might represent anew tribal power in natural resource management and a growing awareness of treaty rights by various constituencies. The rooting of tribal self-determination, a resurgence and focus on tribal cultural protection, and new political dynamics in some western states, among other factors, might help explain this important trend. To answer with confidence, more in-depth study of each case is required. The review does show, however, that protected land legislation can be designed to meet tribal needs and treaty obligations.

For better and worse, all sorts of special provisions and exemptions are included in individual wilderness laws, pertaining to such things as access, rights-of-way, water rights, grazing, and other "non-conforming" wilderness uses. n260 These special provisions, the result of political negotiation, help build political support for wilderness designation. But they are also controversial because they can weaken the legal meaning of wilderness (as defined in the 1964 Wilderness Act) and make purer legislation more difficult to pass in the future. n261 But politics aside, this history illustrates the flexibility of wilderness law, and how tribal provisions could be incorporated into future legislation. And certainly, making accommodations for tribal sacred places and reserved rights in wilderness should prove less controversial than allowing extractive uses to occur in these areas.

3. Wilderness Management

We should also consider some possible sources of conflict concerning tribal needs and the management of wilderness. As discussed above, the Burns Paiute Tribe have complained about management of the Steens Mountain Wilderness because of limited access. This has been an issue elsewhere, such as the El Malpais region discussed above. The El Malpais Act assured access for traditional cultural practices; yet it did not define the extent and specific type of

access allowed. This issue became controversial when the Ramah Navajo wanted vehicle access to a wilderness area for Indian religious purposes. [n262] The BLM was therefore placed in a difficult position because the law demands both that wilderness **[*637]** values be protected and that nonexclusive access to the wilderness for traditional American Indian cultural and religious practices is ensured. [n263] The agency concluded that it could allow vehicle access if it was the only reasonable alternative, would not degrade wilderness values, was done on the advice of local Indian tribes, and was in areas where such activities occurred before the wilderness designation. [n264] The final El Malpais NCA Management Plan allows tribes motor vehicle access to the perimeter of each wilderness, with vehicle use inside the wilderness prohibited unless the BLM grants prior authorization. [n265] In any event, one study reports that the NCA manager has not had any requests for access authorization in 12 years. [n266]

Motor vehicle access has also been an issue in Minnesota's Boundary Waters Canoe Area Wilderness (BWCAW). The Bois Forte and other Bands of Chippewa Indians have reserved hunting and fishing rights on ceded lands that are now part of the Superior National Forest and, the BWCAW. In 1998 two members of the Bois Forte Tribe were cited for illegal motor vehicle use inside the BWCAW, one for using a motorized canoe and the other for using an all-terrain vehicle (ATV) on frozen waters in order to fish the area's lakes. The defendants claimed that the law creating the BWCAW [n267] and its regulations may not be enforced against the Bands insofar as they affect their treaty-based fishing rights. But the district and circuit courts disagreed, finding that the prohibition of motorized vehicles inside the wilderness area does not infringe upon the exercise of tribal treaty rights. [n268] "Rather, the United States has merely made the exercise of **[*638]** fishing rights in the most remote areas of the BWCAW less convenient." [n269] Following precedent, the courts found the restrictions on motors "reasonable and necessary conservation measures." [n270] The courts also reasoned that the signatories of the September 30, 1854, Treaty with the Chippewa would not have understood it to include *unrestricted* travel to and from protected fishing grounds. The defendants, in other words, "have precisely the same access to all parts of the Boundary Waters Area that the Bands had at the time the treaty was signed." [n271]

C. Protected Tribal Lands

1. Federal Reclassification

There are some cases in which the federal government has chosen to reclassify federal lands by removing them from federal agency management and placing them under tribal control, often with stipulations regarding how repatriated lands are to be protected in the future. The most studied case in this regard is the historic return of Blue Lake to the Taos Pueblo in northern New Mexico. [n272] This sacred area, found in the Sangre de Cristo Mountains, includes numerous shrines and is used for several religious purposes. The Pueblo's ownership of the lake terminated upon President Theodore Roosevelt's creation of the Taos Forest Preserve, now managed as the Carson National Forest. The Pueblo claimed that the area had been wrongfully taken and wanted it returned. Against all odds, and tremendous opposition, the Pueblo was successful in recovering some 48,000 acres of land, including Blue Lake. Among other reasons, opponents feared the precedent that would be established by returning the area to the Pueblo. Though the Pueblo adamantly testified that it did not want to economically develop this sacred area, Congress provided limitations in how the returned land must be managed in the future:

> That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting **[*639]** and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2 (c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. [n273]

Though proponents of the Blue Lake legislation argued that the Taos Pueblo claim was singular, the Act did not

rule out similar approaches to contested lands in the future. In passing the Grand Canyon National Park Enlargement Act of 1975, for example, Congress transferred 185,000 acres of NPS and USES lands to the Havasupai Indian Reservation. [n274] The Grand Canyon Act also created a 95,300 acre traditional use area inside Grand Canyon National Park for grazing and other traditional purposes. [n275] This controversial and contested restoration of tribal land came with several provisions. [n276] The lands, for example, may be used for traditional and religious purposes, but not for commercial timber or mining production nor commercial or industrial development. [n277] Except for these and other provisions, Congress also mandated that the transferred lands "shall remain forever wild and no uses shall be permitted under the plan which detract from the existing scenic and natural values of such lands." [n278]

The repatriation of tribal lands is ongoing, and several proposals are currently being publicly debated and considered by Congress. [n279] One of **[*640]** the most interesting (and complicated) acquisitions is that of the 3,845-acre InterTribal Sinkyone Wilderness in northern California. [n280] The land and its cultural values are protected by conservation easements and managed according to the terms of those agreements, with provisions related to such things as public access and prohibitions on commercial timber harvesting. [n281] It is also governed by the InterTribal Sinkyone Wilderness Council, which is comprised of 10 tribes with direct ties to the region. The Council has initiated several projects in the area, focusing on cultural resource protection and ecological restoration.

2. Tribal Roadless and Wilderness Areas

As discussed above, sometimes Congress will stipulate the conditions under which returned land is to be managed and protected by tribes. In the future, Congress and tribes should study how other native nations have chosen to protect tribal lands. Recall, again, the tribal roadless designations made by the Office of Indian Affairs in 1938. Tribes were successful in removing this order so that they could decide for themselves how best to manage their lands. But unlike other affected tribes, the Shoshone and Arapahoe on the Wind River Reservation chose to retain the roadless designation and the area is currently managed as such by the Tribes and the Bureau of Indian Affairs (BIA). Roughly 180,000 acres are **[*641]** protected as the "Wind River Reserve," which is often referred to as the Wind River Roadless Area [n282] Regulations managing the area are not as prescriptive as the federal Wilderness Act and tribal members are managed differently than non-members. [n283] But the reserve is generally protected from additional road building and motor vehicle use and is an important part of the larger Wind River wilderness complex. [n284]

The most prominent case in tribal protected area management is the Mission Mountains Tribal Wilderness managed by the Confederated Salish and Kootenai Tribes (CSKT) of western Montana. [n285] Even before Bob Marshall's tribal roadless designation was made, which included the Mission Mountains roadless area, [n286] the Tribes tried to protect the Mission Range in 1936 as an Indian-maintained national park. This proved unsuccessful, but further attempts at protecting the mountains were made by the Tribes following aggressive timber harvesting and plans for more by the BIA. Tribal member Thurman Trosper, a former USFS supervisor and **[*642]** president of The Wilderness Society, first proposed the idea of establishing a tribal wilderness area to the Tribal Council. Eventually, other Tribal leaders advocated wilderness protection and the University of Montana's Wilderness Institute was contracted to help draft boundaries and the management proposal. In 1982, the Tribal Council approved Ordinance 79A which created the Mission Mountains Tribal Wilderness, protecting nearly 92,000 acres. According to the Tribes, "[i]t was the first time that an Indian Tribe had decided on its own accord to protect a sizable portion of its lands as wilderness and provide policy and personnel to fulfill its [purpose]." [n287]

The tribal definition of wilderness is quite similar to that of the 1964 Wilderness Act. The Ordinance defines it as thus:

> A wilderness is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined as an area of undeveloped tribal land, retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions. It is the principal objective of this Ordinance to protect and preserve an area of land in its

> natural conditions in perpetuity. This Wilderness shall be devoted to the purposes of recreational, scenic, scientific, educational, conservation, cultural, religious and historical use only insofar as these uses are consistent with the spirit and provisions of this Ordinance. Human uses of this area must not interfere with the preservation of the area as wilderness. [n288]

A significant difference between the two is that the tribal Ordinance emphasizes the preservation of tribal culture and the perpetuation of traditional Indian religion:

> Wilderness has played a paramount role in shaping the character of the people and the culture of the Salish and Kootenai Tribes; it is the essence of traditional Indian religion and has served the Indian people of these Tribes as a place to hunt, as a place to gather medicinal herbs and roots, as a vision seeking ground, as a sanctuary, and in countless other ways for thousands of years. Because maintaining an enduring resource of wilderness is vitally important to the people of the Confederated Salish and Kootenai Tribes and the perpetuation of their culture, there is hereby established a Mission Mountains Tribal Wilderness Area and this area, **[*643]** described herein, shall be administered to protect and preserve wilderness values. [n289]

To this end, and like the federal Wilderness Act, there are several prohibited uses in the tribal wilderness:

> [E]xcept as necessary to meet the minimum requirements for administration of the Area for the purpose of this Ordinance (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft or other form of mechanical transport, and no structure or installation within the area. [n290]

Two other observations are worth making for purposes here. First, the tribal Ordinance can be revised or rescinded by a majority vote of the Tribal Council, so it is not as binding or permanent as an ordinance passed by the Council and approved by a referendum vote of tribal members. [n291] Second, in one respect, the tribal wilderness goes beyond the protections afforded by the federal Wilderness Act. In 1987, the Tribal Council adopted the Mission Mountains Tribal Wilderness Buffer Zone Management Plan. This buffer zone, or cushion, is found along the Mission Mountain foothills and includes roughly 23,000 acres. [n292] It is "designed to control, to the extent possible, those activities that may adversely impact the Tribal Wilderness and erode its primary purpose." [n293] The buffer zone is comprised of several ownerships, and certain types of activities, such as hazardous fuel **[*644]** reduction, receive special analysis and consideration by the Tribes before they can proceed. [n294]

The area is currently managed under a tribal wilderness plan that was revised in 1997. This plan details how the area is managed, with several different management zones receiving special consideration (e.g., grizzly bear zone, trailess area, etc.). Though the needs and values of tribal members are prioritized, the tribal wilderness is open to non-members who must pay a fee to access and camp in the area. [n295] The Tribes also state that there is a high level of cooperation between the Tribes and the USES who manages the adjacent Mission Mountains federal wilderness. [n296]

D. Other Designations

There is a range of other designations that could, in theory, be used to protect the Badger-Two Medicine and other places where sacred lands and reserved rights are an issue. Most alternative protected area designations are managed by the National Park Service (e.g., national monuments), Fish and Wildlife Service (e.g., national wildlife refuges), and the Bureau of Land Management (e.g., national conservation areas and national monuments). The El Malpais case discussed above provides an example because Congress chose to use a variety of designations (federal wilderness, national monument, and national conservation area), some with tribal provisions, to manage the area.

This type of package deal has been used elsewhere. Take, for example, the Arizona Desert Wilderness Act of 1990.

[n297] It designated multiple wilderness areas and the Gila Box Riparian National Conservation area. Politics necessitated this alternative designation because the wilderness option was opposed by influential interests in the state. [n298] While **[*645]** not as restrictive as wilderness, management of the area goes beyond the frustratingly vague multiple-use mandate. The purpose of the designation is "to conserve, protect, and enhance the riparian and associated areas...and the aquatic, wildlife, archeological, paleontological, scientific, cultural, recreational, educational, scenic, and other resources and values of such areas." [n299] Some deference is given to the BLM in terms of Off-Highway Vehicle (OHV) management, but the law does state that "use of motorized vehicles in the conservation area shall be permitted only on roads specifically designated for such use as part of the management plan." [n300] In its planning for the area, the BLM used these provisions to prohibit all Off-Road Vehicle (ORV) use within the NCA. [n301]

National conservation areas are not defined in legislation outside the laws establishing them. In other words, there is no "National Conservation Area Act" or similar law providing overall guidance in how such places are to be governed. Instead, each area is managed according to specific enabling or "establishment" legislation provided by Congress. In its study of protected area designations, the Natural Resources Law Center concludes that areas with various non-wilderness designations "were unquestionably better off than if they had been managed under the default principle of multiple-use." [n302] The move from a multiple-use mandate to a more dominate-use mandate, says the Center, "can allow the managing agency to focus on the special resources of concern in the area." [n303] NCAs are typically managed by the BLM, not the USFS. But of relevance to the Badger-Two Medicine area, the Center found that "OHV and travel management is an area where special designation can greatly reduce OHV use and its associated impacts." [n304]

Though most alternative land designations are managed by the NPS, USFWS, and BLM, the USFS is not immune from legislation stipulating how a national forest must be managed in some way. The Tongass National Forest, for instance, is governed by a complicated patchwork of laws that only apply to Alaska, with several important provisions related to Alaska Natives and subsistence. [n305] More recently, **[*646]** Congress legislated how three national forests in California are to be managed in the controversial Herger-Feinstein (Quincy Library) legislation. [n306] My point is simply to remind us that Congress has intervened in forest management in the past and could do so again in the future, only this time providing specific language pertaining to such things as sacred sites, cultural resources, motorized recreation, and reserved treaty rights, among others.

IV. CONCLUSION

There are several ways of approaching the issues of cultural resources and reserved treaty rights on federal land. This article focuses primarily on two approaches that could, if so desired, be used and adapted in the future: the use of cooperative management arrangements and protected land-use designations. These two approaches could possibly prove to be proactive and durable ways to protect tribal values and rights on federal land. This initial survey shows that there is increasing interest in these approaches. However, more detailed case-specific policy work is needed in order to provide more definitive answers as to how successfully they are being implemented and evaluated.

The Badger-Two Medicine is one of several cases in which management of cultural resources on federal land has been contested by tribes. Within the general parameters established by the *Lyng* and *Bear Lodge* decisions (and possibly the more recent *Navajo Nation*), there is quite a bit of agency discretion that can be used to accommodate tribal values and protect these places. There are numerous laws, regulations, and policies that can be used by decision makers to legitimize and defend such decisions. The bottom-line, however, is that such accommodation is left to the discretion of federal land managers that may or may not be sympathetic to tribal values. For this and other reasons, some tribes have sought more durable solutions and a higher degree of protection through place-specific legislation. Such laws can make it clear that sacred sites, cultural values, and reserved treaty rights *shall* be protected; thus, minimizing agency discretion in this regard.

[*647] Though most often used in the context of fish and wildlife management, several co-management arrangements have been used by federal land agencies in the past. Unlike Department of the Interior agencies, which are

covered by the Tribal Self Governance Act, the USFS will not use the term co-management, but there are several examples in which this agency and others have cooperated or partnered with tribal governments. These cooperative agreements are unlike other stakeholder initiatives or public-private partnerships because they are built upon foundational principles of American Indian law.

My review also emphasizes the importance of law in catalyzing and shaping the use of co-management throughout the country. In some cases, Congress and the Executive branch have mandated (through place-specific legislation or Orders) better cooperation between federal land agencies and tribes. But even without such laws, there is ample legal authority and policy direction for agencies to work more cooperatively with tribes in managing cultural resources and reserved treaty rights on federal land.

Protected land-use designations are another way of possibly protecting tribal values and rights on federal land. There are several cases in which Congress has passed place-specific legislation focused on tribal sacred places, cultural values, and reserved treaty rights. Though not without challenges, congressionally legislated land-use designations could provide tribes with a greater degree of security than reliance on the possibility of agency accommodation. In some places, and for some tribes, wilderness or some other form of protected land designation was the chosen way of securing tribal values and rights. If this approach is used again there are several cases, on public and tribal lands, from which to learn.

Legal Topics:

For related research and practice materials, see the following legal topics:
GovernmentsPublic LandsForest LandsGovernmentsPublic LandsNational ParksReal Property LawWater RightsNonconsumptive UsesFishing

FOOTNOTES:

n1 These conflicts are also evident in Montana. In the Sweet Grass Hills, for example, the Department of Interior withdrew lands having religious, cultural, and environmental significance from mineral location and entry. Legislation was also introduced by Congressman Pat Williams of Montana to permanently prohibit mineral location and entry within the Bureau of Land Management's (BLM) Sweet Grass Hills' Area of Critical Environmental Concern and to establish a "Sweetgrass Hills Natural Area." To Designate Certain Bureau of Land Management Land in the State of Montana to Preserve Unique Cultural and Natural Features, H.R. 2074, 104th Cong. § 2 (1995). In *Mount Royal Joint Venture v. Kempthorne*, 477 F.3d 745, 758 (D.C. Cir. 2007), the Court found the BLM's withdrawal of land permissible and not in violation of the United States Constitution's Establishment Clause. In another case, the Federal Energy Regulatory Commission (FERC) denied a license for a proposed hydroelectric development on the Kootenai River at Kootenai Falls, finding that such development "is not best adapted for beneficial public uses of the river, including its use for wildlife and aquatic habitat and other recreational purposes, and for religious practices of the Kootenai people." *See* Northern Lights, Inc. Project No. 2752-000, 39 Fed. Energy Reg. Comm'n Rep. (CCH) 61,352, 62,101-02 (1987). For an overview of other conflicts throughout the country, see Sacred Lands Film Project, http://www.sacredland.org/ (last visited Dec. 30, 2008).

n2 For example, the Confederated Salish and Kootenai Tribes of the Flathead Reservation have expansive use rights on federal lands. Article III of the Hellgate Treaty provided that Indians were to receive "[t]he exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land." Treaty between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, July 16, 1855, 12 Stat. 975 (1855). The Montana Supreme Court found that "open and unclaimed land" includes national forest lands. *See* Montana v. Stasso, 563 P.2d 562, 565 (Mont. 1977).

n3 Agreement with the Indians of the Blackfeet Indian Reservation in Montana, § 9, art. I, 29 Stat. 350, 350 (1896).

n4 U.S. FOREST SERV., LEWIS & CLARK NATIONAL FOREST PLAN ENVIRONMENTAL IMPACT STATEMENT, Vol. II, app. at F-110 (1986) (Position Paper of the Blackfeet Tribe of the Blackfeet Indian Reservation) [hereinafter 1986 Blackfeet Position Paper]. *See also* U.S. FOREST SERV. & BUREAU OF LAND MGMT., FINAL ENVIRONMENTAL IMPACT STATEMENT FOR EXPLORATORY OIL & GAS WELLS: PROPOSED OIL & GAS DRILLING NEAR BADGER CREEK & HALL CREEK, app. at P-46 (1990) (statement of the Blackfeet Tribal Business Council) [hereinafter BADGER & HALL CREEK EIS].

n5 BADGER & HALL CREEK EIS, *supra* note 4, app. at P47. The Tribe has a history of opposing oil and gas and other development in the Badger-Two Medicine and the Rocky Mountain Front, partly because it "believes that energy development and associated activities along the Rocky Mountain Front could violate our treaty and reserved rights." Letter from William Talks About, Chairman, Blackfeet Tribal Business Council, to Whom it May Concern (Dec. 8, 2004) (on file with author). *See also* U.S. FOREST SERV., LEWIS & CLARK NATIONAL FOREST OIL & GAS LEASING: FINAL ENVIRONMENTAL IMPACT STATEMENT 39 (1997) (Blackfeet Res. 111-97).

n6 Letter from Earl Old Person, Chair, Blackfeet Tribal Bus. Council, to Robert Malone, Chairman and President of BP American, Inc. (Sept. 7, 2007) (on file with author).

n7 Arnold W. Bolle, Wilderness Protection on Forest Service Lands: Badger-Two Medicine 9 (June 8-10, 1987) (presented at the Natural Resources Law Center, University of Colorado School of Law) (unpublished manuscript, on file with author). According to Bolle, "[e]ver since then, members of the delegation refuse to consider wilderness designation of this area until they have full approval from the tribe. Environmentalists feel that they made a serious error by not being in touch with the tribe and working out an agreement with them." *Id. See also* Pub. L. No. 95-546, 92 Stat. 2062 (1978) (codified at 16 U.S.C. § 1132 (2006)).

n8 The position was changed to the following:

> The Blackfeet Tribal Business Council, after much negotiation with various elements of the Blackfeet reservation populace, have decided that the five year study of possible wilderness status for the "Ceded Strip" or, as it has more recently been called, "The Badger-Two Medicine" area of the northern portion of the Lewis and Clark National Forest, would benefit the Blackfeet...If the Montana Congressional delegation can assure the Blackfeet Tribal Business Council that the full force and authority of the legal rights outlined in the Agreement of 1895 will be maintained during the five year period of study status recommended in your wilderness bill, the Blackfeet Tribal Business Council will remain supportive of the measure.

BADGER AND HALL CREEK EIS, *supra* note 4, app. at J-13 (letter from Earl Old Person, Chairman, Blackfeet Tribal Business Council, to Senator Max Baucus).

n9 *Id.* app. at J-7 (letter from Earl Old Person, Chairman, Blackfeet Tribal Business Council, to Representative Pat Williams).

n10 Press Release, Pikuni Traditionalists Ass'n, Blackfeet Nation Cultural and Spiritual Wilderness Protection Act (April 29, 1989) (media packet with bill, map, and accompanying information on file with author) [hereinafter Pikuni Traditionalists Ass'n]. The proposed act is based on the model used to protect the Blue Lake area in New Mexico, as explained in Part III(C)(1).

n11 There has been some debate concerning the Blackfeet Treaty timber provision and its relation to possible wilderness designation of the Badger-Two Medicine. The 1986 Lewis and Clark National Forest Plan cites the Blackfeet Treaty timber provision as precluding possible wilderness designation: "Under the Agreement, the Blackfeet Tribe retained the right to cut and remove timber, consequently, these lands are not included in the Forest's regulated timber base, and are not included in any wilderness recommendation." U.S. FOREST SERV., LEWIS & CLARK NATIONAL FOREST PLAN RECORD OF DECISION 11 (1986). But others see the timber clause as not posing an insurmountable hurdle to wilderness designation. The proposed Blackfeet Nation Cultural and Spiritual Wilderness Protection Act of 1989 included language stipulating that "the Blackfeet Indians shall use the lands for traditional purposes only, such as a source of water and wood, timber for their personal uses for houses, fences, and all other domestic purposes, and other natural resources for their personal use," all subject to various regulations or conservation purposes. See Pikuni Traditionalist Ass'n, *supra* note 10. Jay Hansford Vest, whose writing accompanies the Lewis and Clark Forest Plan appeal as an appendix, argues that wilderness designation of the Badger-Two Medicine is compatible with Blackfeet timber rights and the Wilderness Act. Jay Hansford C. Vest, A Badger-Two Medicine Review 4-5 (no date) (unpublished manuscript, on file with author). Vest cites section 4(d)(3) of the Wilderness Act, Pub. L. No. 88-577 (1964), that allows for timber cutting "under sound principles of forest management" where required for mining purposes. He also cites the Blue Lake legislation, as explained in Part III(C)(1). Vest argues that the USES claim that the Blackfeet Treaty "right to cut and remove timber" precludes wilderness designation is mistaken.

n12 ROBERT J. YETTER ET AL., APPEAL OF THE LEWIS AND CLARK FOREST PLAN AND ENVIRONMENTAL IMPACT STATEMENTS 25 (1986) (unpublished, on file with author).

n13 *Id.*

n14 Take, for example, some of the bills introduced by Montana's congressional delegation. In 1987, Montana Senator John Melcher introduced a bill designed to clarify Blackfeet Treaty rights, preclude further wilderness study of the area, and require the USFS to prepare a "joint management plan" for the area in consultation with the Tribal Business Council. *See* S. 275 (1988) (on file with author). In 1990, Montana Representative Pat Williams introduced the "Badger-Two Medicine Act" that would have designated the area as "congressional study lands" for the purpose of protecting treaty rights. The proposed bill withdrew lands from mining and energy development and called for the USFS to cooperate with the Tribe in the preparation of a "joint land management plan." It prohibited commercial timber sales in the area, though it did not "preclude the gathering of timber by the Blackfeet Tribe in the exercise of valid treaty rights." To Designate Certain Lands in the State of Montana as Congressional Study Lands for the Purpose of Protecting Indian Treaty Rights, H.R. 3873, 101st Cong. (1990). In 1993, Senator Max Baucus introduced the Badger-Two Medicine Protection Act, S. 583, 103rd Cong. (1993). The bill proposed to

conduct a wilderness review of the area with a tribally-represented committee providing advice and reports to the Secretary and Congress, with special consideration given to Blackfeet treaty rights.

n15 BADGER & HALL CREEK EIS, *supra* note 4, app. at J-9.

n16 *Id.* app. at J-7, J-9.

n17 Letter from William Talks About, *supra* note 5.

n18 *See, e.g.*, BOB YETTER, THE LAST STRONGHOLD: SACRED LAND OF THE GRIZZLY, WOLF, AND BLACKFEET INDIAN (1992) (on file with author); U.S. FOREST SERV., FS-6200-7, REPORT ON SOCIAL EFFECTS, PERCEPTIONS, AND ATTITUDES OF THE CHEVRON EXPLORATORY WELL PROPOSAL, LEWIS & CLARK NATIONAL FOREST 8 (1987) (on file with author); and Jay Hansford C. Vest, *Traditional Blackfeet Religion and the Sacred Badger-Two Medicine Wildlands*, 6J.L. &RELIGION 455 (1988) (similar unpublished papers by Vest on file with author).

n19 The remaining parcels have been studied, and at the time of this writing documents are being prepared to send to the Keeper for determinations of eligibility and possible expansion.

n20 U.S. FOREST SERV., DRAFT ENVIRONMENTAL IMPACT STATEMENT: ROCKY MOUNTAIN RANGER DISTRICT TRAVEL MANAGEMENT PLAN 91 (2005) [hereinafter TRAVEL DEIS].

n21 *Id.* at 219. This has been a long-time position of the Tribe. *See, e.g.*, 1989 Blackfeet Position Paper (1986), *supra* note 4, at 7 (opposing all motorized activity and the building of new roads in the area).

n22 *Id.* at 94.

n23 *Id.* at 97.

n24 *Id.* at 94.

n25 *Id.* at 95.

n26 *See, e.g.*,1986 Blackfeet Position Paper, *supra* note 4, at 5; TRAVEL DEIS, *supra* note 20, at 218. Though not writing in his official capacity as an attorney for the Blackfeet Legal Department, John Harrison states the following:

> Tribes should not overlook the authority of the Forest Service to administratively designate and manage specific landscapes on the forest. Special use areas, [s]pecial interest areas, experimental areas, wildlife management areas and wilderness study areas are all administratively designated by the Forest Service. These designations can be utilized to protect resources that are of concern to tribes. Tribes should familiarize themselves with the range of management options available to the Forest Service, and should be ready to propose and justify specific management options during consultation.

John Harrison, American Indians and Federal Conservation Statutes: From Conflict to Collaboration 23 (2006) (unpublished paper, University of Montana, Environmental Studies Program) (on file with author).

n27 For an overview focused on the USFS, see U.S. FOREST SERV., FOREST SERVICE NATIONAL RESOURCE GUIDE TO AMERICAN INDIAN AND ALASKA NATIVE RELATIONS (1997) [hereinafter RESOURCE GUIDE], *available at* http://www.fs.fed.us/people/tribal.

n28 Cherokee Nation v. Georgia, 30 U.S. (1 Pet.) 1,13 (1831) (one of the famous "Marshall Trilogy" cases).

n29 See the collective work of Mary Christina Wood, including *Indian Land and the Promise of Native Sovereignty: The Trust Doctrine Revisited*, 1994 UTAH L. REV. 1471 (1994).

n30 Klamath Tribes v. United States, No. 96-381-HA, 1996 WL 924509 (D. Or. Oct. 2, 1996).

n31 *Id.* at *8 (citing Pyramid Lake Paiute Tribe v. Morton, 354 F. Supp. 252 (D.D.C. 1973)).

n32 For a review, see Mary Christina Wood, *The Indian Trust Responsibility: Protecting Tribal Lands and Resources Through Claims of Injunctive Relief Against Federal Agencies*, 39 UTAH L. REV. 355, 362-63 (2003-04).

n33 DEP'T OF INTERIOR & DEP'T OF COMMERCE, JOINT SECRETARIAL ORDER NO. 3206 (June 5, 1997).

n34 *Id.* § 1.

n35 *Id.* § 4.

n36 *Id.* § 6.

n37 Sandi B. Zellmer, *Conserving Ecosystems Through the Secretarial Order on Tribal Rights*, 14 NAT. RESOURCES & ENV'T 162, 211 (1999-2000). "The Secretarial Order provides a vehicle for turning the ESA sword into a tool for cooperative approaches that equitably distribute the conservation burdens among tribal, federal, state and private interests." *Id.* at 162.

n38 Charles F. Wilkinson, *Indian Tribal Rights and the National Forests*, 34 IDAHO L. REV. 435, 461 (1997-98). For more on his perspective about the Order and its process see Charles Wilkinson, *The Role of Bilateralism in Fulfilling the Federal-Tribal Relationship: The Tribal Rights-Endangered Species Secretarial Order*, 72 WASH. L. REV. 1063 (1997).

n39 U.S. CONST. art. II, § 2, cl. 2.

n40 RESOURCE GUIDE, *supra* note 27, at 18.

n41 *Id.*

n42 *See* United States v. Winans, 198 U.S. 371, 381 (1905).

n43 *See* Menotninee Tribe of Indians v. United States, 391 U.S. 404, 413 (1968).

n44 *See* Winters v. United States, 207 U.S. 564, 576-77 (1908); *Winans*, 198 U.S. at 380-81; Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172, 196 (1999).

n45 The Supreme Court's test for Congressional abrogation is "clear evidence that Congress actually considered the conflict between its intended action on the one hand and Indian treaty rights on the other, and chose to resolve that conflict by abrogating the treaty." United States v. Dion, 476 U.S. 734, 740 (1986). *See generally* Charles F. Wilkinson & John M. Volkman, *Judicial Review of Indian Treaty Abrogation: As Long as Water Flows, or Grass Grows Upon the Earth" --How Long a Time Is That?*, 63 CAL. L. REV. 601 (1975).

n46 U.S. CONST. amend. I.

n47 *See generally* Lydia T. Grimm, *Sacred Lands and the Establishment Clause: Indian Religious Practices on Federal Lands*, 12 NAT. RESOURCES & ENV'T. 19 (1997) (reviewing numerous cases and explaining the tests used by courts in deciding them).

n48 485 U.S. 439 (1988).

n49 2 F. Supp. 2d 1448 (D. Wyo. 1998), *aff'd*, 175 F.3d 814 (10th Cir. 1999), *cert. denied* 529 U.S. 1037 (2000) [hereinafter *Bear Lodge*].

n50 *See generally* Kristen A. Carpenter, *A Property Rights Approach to Sacred Sites Cases: Asserting a Place for Indians as Nonowners*, 52 UCLA L. REV. 1061, 1064 (2004-05) (arguing that Indian nations can use property law to challenge *Lyng's* absolutist version of ownership).

n51 *Lyng*, 485 U.S. at 452-53 (emphasis added). Despite the fact that Indians were not claiming ownership rights in this case, nor requesting the exclusion of other people from the area, the Court feared the precedent that could be established: "No disrespect for these practices is implied when one notes that such beliefs could easily require de facto beneficial ownership of some rather spacious tracts of public property." *Id.* at 453.

n52 *Id.*

n53 *Id.* at 454.

n54 *Bear Lodge*, 2 F. Supp. 2d at 1456.

n55 42 U.S.C. § 1996 (2006).

n56 AIRFA, according to one of its legislative sponsors, and reiterated by the Court in *Lyng*, provides no substantive rights and has "no teeth." *Lyng*, 485 U.S. at 455. *See also* DAVID H. GETCHFS ET AL, CASES AND MATERIALS ON FEDERAL INDIAN LAW 221 (5th ed. 2005).

n57 42 U.S.C. § 2006bb-1 (2006).

n58 *Id.*

n59 408 F. Supp. 2d 866 (D. Ariz. 2006).

n60 Navajo Nation v. U.S. Forest Serv., 479 F.3d 1024, 1044 (9th Cir. 2007).

n61 *See, e.g.*, Access Fund v. Veneman, No. CV-03-00687-HDM, at *55 (D. Nev. Jan. 28, 2005), *aff'd*, Access Fund v. U.S. Dept. of Agriculture, 499 F.3d 1036 (9th Cir. 2007) (ruling that a USFS decision to prohibit rock climbing at Lake Tahoe's Cave Rock was an acceptable way "to protect the physical integrity and character of a culturally and historically significant Native American site").

n62 NEPA and its regulations, for example, require analysis of historical and cultural impacts of proposed actions. 42 U.S.C. §§ 4231, 4331-35, 4341-47 (2006); 40 C.F.R. §§ 1502.15, 1502.25, 1508.27 (2003). It also requires agencies to use "all practicable means" to "preserve important historic, cultural, and natural aspects of our national heritage" and to consult with affected parties. 42 U.S.C. § 4331(b)(4) (2006).

n63 USFS regulations state: "The Forest Service recognizes the Federal Government's trust responsibility for federally recognized Indian Tribes. The Responsible Official must consult with, invite, and provide opportunities for any federally recognized Indian Tribes and Alaska Native Corporations that may be affected by the planning process to collaborate and participate. In working with federally recognized Indian Tribes, the responsible official must honor the government-to-government relationship between Tribes and the Federal Government." 36 C.F.R. § 219.9(a)(3) (2008).

n64 *See supra* note 62.

n65 Exec. Order No. 13,007, 61 Fed. Reg. 26,771 (May 24, 1996) (requiring that agencies "shall, to the extent practicable, permitted by law, and not clearly inconsistent with agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites").

n66 *See, e.g.*, Sandra B. Zellmer, *Sustaining Geographies of Hope: Cultural Resources on Public Lands*, 73 U. COLO. L. REV. 413 (2002); Erik B. Bluemel, *Accommodating Native American Cultural Activities on Federal Public Lands*, 41 IDAHO L. REV. 475 (2005); Walter E. Stern & Lynn H. Slade, *Effects of Historic and Cultural Resources and Indian Religious Freedom on Public Lands Development: A Practical Primer*, 35 NAT. RESOURCES J. 133 (1995).

n67 *See* RESOURCE GUIDE, *supra* note 27.

n68 LEWIS AND CLARK NATIONAL FOREST OIL AND GAS LEASING, FINAL ENVIRONMENTAL IMPACT STATEMENT, RECORD OF DECISION (Sept 1997) (on file with author).

n69 Rocky Mountain Oil & Gas Ass'n v. U.S. Forest Serv., 157 F. Supp. 2d 1142 (D. Mont. 2000).

n70 Rocky Mountain Oil & Gas Ass'n v. U.S. Forest Serv., No. 00-35349, 2001 WL 470022, at *2 (9th Cir. May 3, 2001) (mem.).

n71 *Id.*

n72 *See, e.g.*, Marcia Yablon, *Federal Regulatory Responses to American Indian Religious Claims on Public Land*, 113 YALE L.J. 1623, 1626 (2003-04).

n73 Rebecca Tsosie, *Challenges to Sacred Site Protection*, 83 DENY. U. L. REV. 963, 964, 973 (2005-06).

n74 *See* Native American Sacred Lands Act, H.R. 2419, 108th Cong. (1st Sess. 2003). For a discussion of what some consider essential elements in any sacred places legislation, see *Native American Sacred Places: Hearing Before the Comm. on Indian Affairs*, 108th Cong. 8-9, 54-57 (2003) [hereinafter *Native American Sacred Places Hearing*] (statement and prepared statement of Suzan Shown Harjo, President, Morningstar Institute), *available at* http://bulk.resource.org/gpo.gov/hearings/108s/87991.pdf.

n75 *See* Kristen A. Carpenter, *Old Ground and New Directions at Sacred Sites on the Western Landscape*, 83 DENY. U. L. REV. 981, 990-92 (2005-06) (discussing various legal theories and practices used to protect sacred lands).

n76 Ed Goodman, *Protecting Habitat for Off-Reservation Tribal Hunting and Fishing Rights: Tribal Comanagement as a Reserved Right*, 30 ENVTL. L. 279, 284-85 (2000).

n77 *See generally* Holly Spiro Mabee & George Hoberg, *Equal Partners? Assessing Comanagement of Forest Resources in Clyoquot Sound*, 19 SOC'Y AND NAT. RESOURCES 875 (2006); CONSERVATION THROUGH CULTURAL SURVIVAL: INDIGENOUS PEOPLES AND PROTECTED AREAS (Stan Stevens ed., 1997).

n78 There is more limited scholarship focused on methods of tribal cooperation in national park management. *See e.g.*, Mary Ann King, *Co-Management or Contracting? Agreements Between Native American Tribes and the U.S. National Park Service Pursuant to the 1994 Tribal Self-Governance Act*, 31 HARV. ENVTL. L. REV. 475 (2007) (focusing on tribal cooperation in national park management); 21 ECOLOGICAL RESTORATION 245 (Dec. 2003) (theme issue on Native American land management practices in national parks). Perhaps the strongest form of cooperation in this regard is management of Canyon De Chelly National Monument. Established in 1931, it is owned by the Navajo Nation but managed cooperatively with the National Park Service. *See* Act of Feb. 14, 1931, ch. 188, 46 Stat. 1161.

n79 *See generally*, CHARLES WILKINSON, BLOOD STRUGGLE: THE RISE OF MODERN INDIANS (2005) [hereinafter WILKINSON, BLOOD STRUGGLE].

n80 *See Winans*, 198 U.S. 371 (a cornerstone case recognizing the reserved rights to fish at usual and accustomed tribal fishing sites); Sohappy v. Smith, 302 F. Supp. 899, 911 (D. Or. 1969) (holding that treaty tribes on the Columbia river have rights to fish at usual and accustomed sites and have "an absolute right to that fishery, [and] are entitled to a fair share of the fish produced by the Columbia River system").

n81 *See* United States v. Michigan, 653 F.2d 277 (6th Cir. 1981); Lac Comte Oreilles Band of Lake Superior Chippewa Indians v. Voigt, 700 F.2d 341 (7th Cir. 1983); Mille Lacs Band of Chippewa Indians v. Minnesota, 124 F.3d 904 (8th Cir. 1997), *aff'd*, 526 U.S. 172 (1999).

n82 United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), *aff'd*, 520 F.2d 676 (9th Cir. 1975). The decision was ultimately upheld by the Supreme Court in *Washington v. Wash. State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979).

n83 United States v. Washington, 506 F. Supp. 187, 203 (W.D. Wash. 1980), *aff'd in part, rev'd in part*, United States v. Washington, 694 F.2d 1374 (9th Cir. 1982).

n84 United States v. Adair, 723 F.2d 1394, 1397 (9th Cir. 1983).

n85 *See* Michael D. Wood, An Exploration of the Pikuni World View; Pikuni Water Rigths in the Ceded Strip (1994) (unpublished Master's Thesis, University of Montana, School of Forestry) (on file with author) (analyzing the issue from a cultural, historical, and legal perspective). Based on historical research, Wood concludes that "[u]nder the guiding principles as outlined in *Adair*, the Pikuni [Blackfeet] therefore implicitly reserved their Aboriginal Water Rights in reserving the right to hunt and fish within the 'ceded strip' landscape." *Id.* at 93.

n86 Goodman, *supra* note 76, at 299-300.

n87 . For a list of tribal organizations managing fish and wildlife resources, see Native American Fish & Wildlife Society, http://www.nafws.org (last visited Dec. 30, 2008); Columbia River Inter-Tribal Fish Commission, http://www.critfc.org (last visited Dec. 30, 2008); and the Great Lakes Indian Fish and Wildlife Commission, http://www.glifwc.org (last visited Dec. 30, 2008). For information regarding state and tribal co-management of fishing and bird hunting on the Flathead Indian Reservation, see *State/Tribal Agreement Renewed*, MONTANA FISH, WILDLIFE & PARKS, Nov. 9, 2006, *available at* http://fwp.mt.gov/news/article_5011.aspx. For background on Montana's legal context for tribal rights in fish and wildlife management, see Montana Fish, Wildlife & Parks, http://fwp.mt.gov/tmc/reports/legal.html#fw8 (last visited Dec. 30, 2008).

n88 *See, e.g.*, Eric Smith, *Some Thoughts on Comanagement*, 4 HASTINGS W.-NW. J. ENVTL. L. & POL'Y 1 (1996-98).

n89 *See generally* DAVID S. CASE & DAVID A. VOLUCK, ALASKA NATIVES AND AMERICAN LAWS (2d ed. 2002).

n90 Alaska National Interest Lands Conservation Act, Pub. L 96-487, § 802, 94 Stat. 2371, 2423 (1980) (codified at 16 U.S.C. § 3112 (2006)).

n91 16 U.S.C. § 3113 (2006).

n92 *Id.* 3120.

n93 *Id.* § 3119.

n94 *Id.* § 3121. According to David Case and David Voluck, two authorities on Alaska Natives and American Law, "[e]ach of these provisions affects public land-use decisions in Alaska in a manner not found elsewhere in the United States." CASE & VOLUCK, *supra* note 89, at 305.

n95 16 U.S.C. §§ 3118, 3126 (2006).

n96 . U.S. Fish & Wildlife Serv., Alaska Region, Federal Subsistence Management Program, http://alaska.fws.gov/asm/index.cfml (last visited Dec. 30, 2008).

n97 *See* Alaska National Interest Lands Conservation Act, Pub. L 96-487, § 805(c), 94 Stat. 2371, 2424-25 (1980) (codified at 16 U.S.C. § 3115(c) (2006)).

n98 Marine Mammal Protection Act, 16 U.S.C. § 1361 (2006).

n99 16 U.S.C. § 1371(b)(3) (2006). E.g., Didrickson v. U.S. Dep't of the Interior, 796 F. Supp. 1281 (D. Alaska 1991).

n100 CASE & VOLUCK, *supra* note 89, at 314.

n101 Smith, *supra* note 88, at 2.

n102 *Id.* at 3.

n103 The most oft-cited case here is *National Park & Conservation Association v. Stanton*, 54 F. Supp. 2d 7, 19 (D.D.C. 1999) ("Delegations by federal agencies to private parties are, however, valid so long as the federal agency or official retains final reviewing authority"). For related analyses, see, for example, Allyson Barker et al., *The Role of Collaborative Groups in Federal Land and Resource Management: A Legal Analysis*, 23 J. LAND RESOURCES & ENVTL. L. 67, 95 (2003) (analyzing subdelegation doctrine in terms of using collaborative groups in federal land management); SARAH BATES VAN DE WETERING, UNIV. OF MONT. PUB. POL'Y RESEARCH INST., THE LEGAL FRAMEWORK FOR COOPERATIVE CONSERVATION 16 (2006), *available at* http://cooperativeconservation.gov/library/LegalFrameworkCC.pdf (summarizing that "a federal agency may not fully shift its administrative responsibilities to third parties, but always must retain final decision-making authority over the public resources that are its responsibility"); Robert D. Comer, *Cooperative Conservation: The Federalism Underpinnings to Public Involvement in the Management of Public Lands*, 75 U. COLO. L. REV. 1133 (2004) (providing an expansive view of federal agency authority to cooperate with non-federal interests).

n104 Nat'l Park and Conservation Ass'n v. Stanton, 54 F. Supp. 2d 7, 18 (D.D.C. 1999) ("The relevant inquiry in any delegation challenge is whether Congress intended to permit the delegatee to delegate the authority conferred by Congress") (quoting United States v. Widdowson, 916 F.2d 587, 592 (10th Cir. 1990)).

n105 *See infra* note 110 and accompanying text.

n106 *See* JAN G. LAITOS ET AL., NATURAL RESOURCES LAW 596-97 (2006). "Tribal 'co-management' has evolved as a descriptive term encompassing a broad spectrum of tribal efforts to assert native sovereign prerogatives in resource management off the reservation." *Id.* at 596.

n107 *E.g.*, Clean Water Act, 33 U.S.C. § 1377(e) (2006); Clean Air Act, 42 U.S.C. § 7601(d) (2006); Safe Drinking Water Act, 42 U.S.C. § 300(j)-11(a) (2006).

n108 *See* United States v. Oregon, 699 F. Supp. 1456 (D. Or. 1988), *aff'd*, 913 F.2d 576 (9th Cir. 1990).

n109 *See* Goodman, *supra* note 76, at 349-50 for analysis.

n110 25 U.S.C. § 458cc(k) (2006). Section 458cc(k) provides that annual agreements cannot include programs, services, functions, or activities that are "inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe." *Id.* For a listing of eligible programs, from construction and concessions to conservation and restoration, see List of Programs Eligible for Inclusion in FY 2003 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs, 67 Fed. Reg. 16,431 (Apr. 5, 2002). The "inherently federal" provision has been subject to some debate and subsequent clarification by the Office of the Solicitor. *See* Memorandum from the Office of the Solicitor, U.S. Dept. of the Interior, to Ass't Sec'ys & Bureau Heads, on Inherently Federal Functions under the Tribal Self-Governance Act (May 17, 1996) (on file with author). Among other questions, Solicitor Leshy analyzes the constitutional issue of delegating powers to non-federal agencies. He relies upon *United States v. Mazurie*, 419 U.S. 544 (1975), in concluding that non-delegation limitations, on both Congress *and* the Executive, "are relaxed where the delegation is to a tribe in an area where the tribe exercises sovereign authority." *Id.* at 8. He also notes that while *Mazurie* concerned congressional delegation to tribes, it has also been relied upon to support executive branch delegations of a governmental function to a tribe. *Id.* at 9. The solicitor also emphasizes that "federal law makes clear that tribes are not analogous to private contractors because they possess a substantial measure of independent sovereign authority." *Id.* at 2.

n111 25 U.S.C. § 458cc(c) (2006).

n112 *See* King, *supra* note 78, at 506-08. King also lists NPS annual funding agreements, *id.* at 529-30, while providing in-depth analysis of the Act and its use at Grand Portage National Monument *id.* at 508-23.

n113 Fish and Wildlife Service and Confederated Salish and Kootenai Tribal Governments Sign Annual Funding Agreement, 70 Fed. Reg. 5205 (Feb. 1, 2005).

n114 For related debate focused on the National Bison Range, see Grady Hocutt, *Why Operation of Wildlife Refuges Shouldn't be Privatized*, HIGH COUNTRY NEWS, Jan. 22, 2007, at 20, *available at* http://www.hcn.org/issues/338/16792; Paul Bishop, *How the Indians Were Set Up to Fail at Bison Management*, HIGH COUNTRY NEWS, Jan. 22 2007, at 20, *available at* http://www.hcn.org/issues/338/16791; and Erin Patrick Lyons, *"Give Me a Home Where the Buffalo Roam": The Case in Favor of the Management-Function Transfer of the National Bison Range to the Confederated Salish and Kootenai Tribes of the Flathead Nation*, 8 J. GENDER RACE & JUST. 711 (2004-05).

n115 King, *supra* note 78, at 527. King states:

> [T]he NPS has conceptualized the TSGA not as a step in a long path toward Indian self-determination, but as an aberration in public land policy and an intrusion into public land management The NPS has narrowly construed the TSGA, framed it within the NPS's conventional tools for sharing money and authority with non-tribal entities, and proceeded carefully to avoid setting precedent. Consequently, tribes may negotiate on a government-to-government basis with the NPS, but the substantive programs look more like contracting than co-management. It is not clear that the TSGA provides a sovereign nation with any more programmatic control and decision-making authority than a contractor.

Id. at 481.

n116 For an exhaustive review of related resources, laws, and policies, see the Partnership Resource Center, http://www.partnershipresourcecenter.org (last visited Dec. 30, 2008) (providing numerous links to detailed guides about how to build partnerships with federal land agencies, especially the USFS).

n117 16 U.S.C. § 565a-1 (2006). FLPMA is even broader, allowing the Secretary to "enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands." 43 U.S.C. § 1737(b) (2006). Note, however, that FLPMA's legislative history shows that Congress did "not intend any diminution in the authority and responsibility of the Secretaries to make public land [and] National Forest decisions." H.R. REP. NO. 94-1163, at 7 (1976), *reprinted in* 1976 U.S.C.C.A.N. 6175, 6181.

n118 *See generally* AMERICAN INDIAN LAW DESKBOOK, ch. 14 (Clay Smith ed., 3d ed. 2004) (providing a representative sample in areas of environmental protection, natural resource management, taxation, law enforcement, and social services).

n119 Memorandum of Understanding between the Nez Perce Tribe and the Northern Region, Intermountain Region, and Pacific Northwest Region of the USDA Forest Service, R-4 Agreement No. 30-MOU-98-001 (May 5, 1998) (on file with author). A similar arrangement has been agreed to by the Kootenai National Forest and Confederated Kootenai-Salish and Kootenai Tribe of Idaho who also have reserved rights on ceded land on the Kootenai National Forest through the Hellgate Treaty of 1855. The Hellgate Treaty of July 16, 1855, 12 Stat. 975.

n120 For annual progress reports and discussion of management responsibilities, see Nez Perce Tribe, Wildlife Program, http://www.nezperce.org/content/Programs/wildlife_program.htm (last visited Dec. 30, 2008).

n121 For history and analysis, see Patrick Impero Wilson, *Wolves, Politics, and the Nez Perce: Wolf Recovery in Central Idaho and the Role of Native Tribes*, 39 NAT. RESOURCES J. 543 (1999).

n122 *See* U.S. FOREST SERV., LAND AND RESOURCE MANAGEMENT PLAN: WINEMA NATIONAL FOREST (1990) (providing background and the consent decree as Appendix D), *available at* http://www.fs.fed.us/r6/frewin/projects/forestplan/1990plan/winapp.pdf.

n123 Memorandum of Agreement: The Klamath Tribes and U.S. Forest Service (Feb. 17, 2005) (on file with author).

n124 25 U.S.C. § 3115a (2006).

n125 U.S. FOREST SERV., OFFICE OF TRIBAL RELATIONS, QUARTERLY REPORT (Apr. 2006) *available at* http://www.fs.fed.us/spf/tribalrelations/regs.shtml.

n126 25 U.S.C. § 3115a(c) (2006).

n127 25 U.S.C. § 3115a(e) (2006).

n128 Originally implemented on a pilot basis, Congress extended the authority of the USFS to use stewardship contracting as a way to achieve various land management goals, like restoring forest and rangeland health and water quality, improving fish and wildlife habitat, reestablishing native plant species, and reducing hazardous fuels. The contracts allow the exchange of goods for services, so the USFS could, for example, combine timber sales with restoration projects. It is also authorized to enter into stewardship projects to achieve land management objectives that meet local rural community needs, while complying with applicable environmental laws and regulations. The projects require a collaborative process, including multiparty monitoring and evaluation. Pub. L. No. 108-7, § 323, 117 Stat. 11, 275 (2003). For more background see Stewardship End Result Contracting, 68 Fed. Reg 38,285, 38,286 (June 27, 2003); U.S. Depart. of Agriculture, Stewardship Contracting, http://www.fs.fed.us/forestmanagement/projects/stewardship/index.shtml (last visited Dec. 30, 2008) (providing news and information about USFS stewardship contracting); PINCHOT INSTITUTE, POLICY REPORT No. 01-06, STEWARDSHIP CONTRACTING: A SUMMARY OF LESSONS LEARNED FROM THE PILOT EXPERIENCE (2006), http://www.pinchot.org/ (last visited Dec. 30, 2008) (reporting on the program).

n129 U.S. FOREST SERV., REPORT OF THE NATIONAL TRIBAL RELATIONS PROGRAM IMPLEMENTATION TEAM 7 (2003) [hereinafter USFS TRIBAL RELATIONS IMPLEMENTATION REPORT] (on file with author).

n130 U.S. FOREST SERV., OFFICE OF TRIBAL RELATIONS, QUARTERLY REPORT (Apr. 2006), http://www.fs.fed.us/spf/tribalrelations/regs.shtml (last visited Dec. 30, 2008).

n131 U.S. FOREST SERV., REPORT OF THE NATIONAL TRIBAL RELATIONS TASK FORCE (2000) [hereinafter USFS TRIBAL RELATIONS TASK FORCE] (on file with author).

n132 *Id.* at 21. A USFS Sacred Sites Development Team was appointed in 2002 to help develop a legal framework for managing sacred sites.

n133 USFS TRIBAL RELATIONS IMPLEMENTATION REPORT, *supra* note 129, at 7.

n134 USFS TRIBAL RELATIONS TASK FORCE, *supra* note 131, at 22.

n135 Joel Holtrop, U.S. Forest Serv. Deputy Chief, State and Private Forestry, Remarks at Working Together American Indian Tribes and the Forest Service: A Training Course for Line Officers, in Jackson, WY (May 27, 2004) (on file with author).

n136 Proclamation No 7394, 66 Fed. Reg. 7343 (Jan. 22, 2001).

n137 U.S. BUREAU OF LAND MGMT., KASHA-KATUWE TENT ROCKS NATIONAL MONUMENT PROPOSED RESOURCE MANAGEMENT PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT, ES-1 (2006).

n138 Proclamation No. 7394, *supra* note 136.

n139 U.S. BUREAU OF LAND MGMT., ASSISTANCE AGREEMENT No. GDA060004, COOPERATIVE MANAGEMENT OF THE KASHA-KATUWE TENT ROCKS NATIONAL MONUMENT (no date given) (on file with author) [hereinafter ASSISTANCE AGREEMENT No. GDA060004].

n140 Section 307(b) of FLPMA provides that "the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands." 43 U.S.C. § 1737(b) (2006).

n141 U.S. BUREAU OF LAND MGMT, STATE OF PROGRAMMATIC INVOLVEMENT FOR AN ASSISTANCE AGREEMENT (AA) FOR PUEBLO DE COCHM FOR THE MANAGEMENT OF KASHA-KATUWE TENT ROCKS NATIONAL MONUMENT (no date given) (on file with author).

n142 *Native American Sacred Places Hearing, supra* note 74, at 46 (statement of William D. Bettenberg, Director, Office of Policy Analysis, Dep't. of the Interior).

n143 *Id.*

n144 Santa Rosa and San Jacinto Mountains National Monument Act of 2000, Pub. L. No. 106-351, §§ 1-8, 114 Stat. 1362 (codified at 16 U.S.C. § 431 (2006)) (pertaining to the federal lands and interests within the Monument's established boundaries); U.S. BUREAU OF LAND MGMT. & U.S. FOREST SERV., SANTA ROSA & SAN JACINTO MOUNTAINS NATIONAL MONUMENT FINAL MANAGEMENT PLAN AND RECORD OF DECISION (2004), *available at* http://www.blm.gov/ca/st/en/fo/pahmsprings/santarosa/management_plan.html.

n145 Santa Rosa and San Jacinto Mountains National Monument Act of 2000 § 2(a)(4).

n146 *Id.* § 6(e) (the land exchange authorization recognized a related pre-existing "cooperative agreement"/Memorandum of Understanding between the Tribe and BLM that is on file with the author).

n147 *Id.* § 4(b)(2)

n148 *Id.* § 4(c)(1).

n149 *Id.* § 7.

n150 U.S. BUREAU OF LAND MGMT. & U.S. FOREST SERV., SANTA ROSA & SAN JACINTO MOUNTAINS NATIONAL MONUMENT PROPOSED MANAGEMENT PLAN AND FINAL ENVIRONMENTAL STATEMENT ES-2 (2003).

n151 U.S. BUREAU OF LAND MGMT., COOPERATIVE AGREEMENT BETWEEN THE USDI BUREAU OF LAND MANAGEMENT AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THE SANTA ROSA AND SAN JACINTO

MOUNTAINS (1999) (on file with author).

n152 U.S. BUREAU OF LAND MGMT, ASSISTANCE AGREEMENT NO. 1422-BFA-00-0001, TAMARISK REMOVAL, (multiple agreements/funding extensions between Aug. 23, 2000 and Sept. 9, 2003) (on file with author).

n153 SANTA ROSA & SAN JACINTO MOUNTAINS NATIONAL MONUMENT PROPOSED MANAGEMENT PLAN AND FINAL ENVIRONMENTAL STATEMENT, *supra* note 150, app. at B-1.

n154 Rebecca Tsosie, *The Conflict Between the "Public Trust" and the "Indian Trust" Doctrines: Federal Public Land Policy and Native Nations*, 39 TULSA L. REV. 271, 310 (2003-04).

n155 *Id.*

n156 For case law and related analysis, see generally LAITOS ET AL., *supra* note 106, at 597; JUDITH V. ROYSTER & MICHAEL C. BLUMM, NATIVE AMERICAN NATURAL RESOURCES LAW (2d ed. 2008); and GETCHES ET AL, *supra* note 56.

n157 *See generally* Edmund J. Goodman, *Indian Tribal Sovereignty and Water Resources: Watersheds, Ecosystems and Tribal Co-Management*, 20 J. LAND RESOURCES & ENVTL. L. 185 (2000) (analyzing this jurisdictional maze and how it applies to transboundary resource management).

n158 *Id.* at 191.

n159 ASSISTANCE AGREEMENT Na GDA060004, *supra* note 139, at 4-5.

n160 T'ruf Shur Bien Preservation Trust Area Act Pub. L. No 108-7, div. F, tit. IV, §§ 401-15,117 Stat. 282 (2003) (codified at 16 USC §§ 539m-1-539m-12 (2006)).

n161 *Id.* § 408(b)(2)(b). In some sections of the area hunting and trapping by members of the Pueblo "shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences." *Id.*

n162 *See generally*, THEODORE CATTON, INHABITED WILDERNESS: INDIANS, ESKIMOS, AND NATIONAL PARKS IN ALASKA (1997); ROBERT H. KELLER & MICHAEL F. TUREK, AMERICAN INDIANS AND NATIONAL PARKS (1998); MARK DAVID SPENCE, DISPOSSESSING THE WILDERNESS: INDIAN REMOVAL AND THE MAKING OF THE NATIONAL PARKS (2000); PHILIP BURNHAM, INDIAN COUNTRY, GOD'S COUNTRY: NATIVE AMERICANS AND THE NATIONAL PARKS (2000).

n163 Agreement with the Indians of the Blackfeet Indian Reservation in Montana, *supra* note 3, at ch. 389.

n164 All hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited with the limits of said park...The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of property therein, especially for...the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park.

16 U.S.C. § 170 (2006).

n165 This is a right that had to be fought for as well. *See* United States v. Kipp, 369 F. Supp. 774 (D. Mont. 1974). The Blackfeet position (as stated in 1986) holds that this decision "is an excellent precedent regarding the right of entry of its members onto the Lewis and Clark National Forest lands." 1986 Blackfeet Position Paper, *supra* note 4, at 6.

n166 The federal government argued that when Glacier was created, the Blackfeet ceded lands ceased to be "public lands" and became park lands, therefore terminating the Tribes right to hunt in the Park. *See* United States v. Peterson, 121 F. Supp. 2d 1309 (D. Mont. 2000).

n167 *Id.* at 1315.

n168 *Id.* at 1320.

n169 *See, e.g., Miccosukee Tribe of Indians v. United States*, 980 F. Supp. 448 (S.D. Fla. 1997). The Miccosukee Tribe lives on land in and around Everglades National Park. In 1994, flooding caused by Tropical Storm Gordon had nearly catastrophic impacts on tribal sites important to religious and cultural practices and the planting of corn and other vegetables, among other tribal values. Because of the flooding, the Tribe wanted vegetation cut and other steps taken in order to facilitate the flow of water through their properties in the Everglades. Arguments pertaining to the Indian trust doctrine and freedom of religion were made by the Tribe. But the court instead emphasized the laws governing the Park. The Everglades National Park Act states that nothing in the Act "shall be construed to lessen any existing rights of the Seminole Indians *which are not in conflict with the purposes for which the Everglades National Park is created*." 16 U.S.C. § 410(b) (2006) (emphasis added). The Everglades Act also incorporated the National Park Service Organic Act of 1916, which makes conserving scenery, nature, and wildlife the primary purposes of all national park management. 16 U.S.C. § 1 (2006). Under these applicable laws, said the court, "the only duty the Park Service had to the Tribe was to uphold its rights insofar as they did not conflict with overall park purposes." *Miccosukee Tribe of Indians*, 980 F. Supp. at 462. The court also emphasized how "the general trust relationship does not give rise to an affirmative duty by the government to act," *id.* at 463, nor does the First Amendment "require the government to assist any group in the exercise of its religion." *Id.* at 464 (citing *Lyng*, 485 U.S. at 448).

n170 The Supreme Court ruled that national forest plans are "tools for agency planning and management," *Ohio Forestry Ass. v. Sierra Club*, 523 U.S. 726, 737 (1998), that "do not command anyone to do anything or to refrain from doing anything; they do not grant, withhold, or modify any formal legal licenses, power, or authority; they do not subject anyone to any civil or criminal liability; they create no legal rights or obligations." *Id.* at 733. The Supreme Court made a similar decision about planning by the Bureau of Land Management (BLM). In *Southern Utah Wilderness Alliance v. Norton*, 542 U.S. 55, 65-73 (2004), the Court ruled that plans are a preliminary step in land management and are tools by which present and future uses are projected. It is "generally a statement of priorities; it guides and constrains actions, but does not (at least in the usual case) prescribe them." Plans are not a "legally binding commitment" but rather are strategic in nature. *Id.* at 71-72. The take home points from both rulings, as recently interpreted by the USFS in its 2005 planning regulations (currently enjoined), are that plans are merely strategic and aspirational in nature; they "are neither commitments nor final decisions approving projects and activities." *See* National Forest System Land and Resource Management Planning; Removal of 2000 Planning Rule, 70 Fed. Reg. 1026 (Jan. 5, 2005).

n171 For a comprehensive overview and analysis, see Dean B. Suagee, *Tribal Voices in Historic Preservation: Sacred Landscapes, Cross-Cultural Bridges, and Common Ground*, 21 VT. L. REV. 145 (1996-97).

n172 16 U.S.C. § 470-1 (2006).

n173 36 C.F.R. § 800.5(a)(1) (2008).

n174 16 U.S.C. § 470a(a) (2006).

n175 36 C.F.R. §§ 60.6, 60.9., 60.11 (2008).

n176 16 U.S.C. § 470h-2(a) (2006).

n177 16 U.S.C. § 470a(d)(6)(A) (2006).

n178 A traditional cultural property is one "associat[ed] with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community." U.S. DEPT. OF INTERIOR, NAT'L PARK SERV., NAT'L REGISTER BULLETIN NO 38, GUIDELINES FOR EVALUATING AND DOCUMENTING TRADITIONAL CULTURAL PROPERTIES (rev. ed. 1998), *available at* http://www.nps.gov/history/nr/publications/bulletins/nrb38/nrb38.pdf.

n179 16 U.S.C. § 470h-2(f) (2006).

n180 *See* Wyoming Sawmills v. U.S. Forest Serv., 179 F. Supp. 2d 1279 (D. Wyo. 2001), *aff'd* 383 F.3d 1241 (10th Cir. 2004).

n181 16 U.S.C. § 470f (2006).

n182 16 U.S.C. § 470a(d)(6)(B) (2006). Under NHPA regulations," [c]onsultation means the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them." 36 C.F.R. § 800.16(f) (2008).

n183 36 C.F.R. §§ 800.5, 800.6, 800.7 (2008).

n184 Apache Survival Coalition v. United States, 21 F.3d 895 (9th Cir. 1994).

n185 Pueblo of Sandia v. United States, 50 F.3d 856 (10th Cir. 1995). In this case, the USFS found no properties eligible for inclusion for listing on the Register and withheld relevant information from the State Historic Preservation Officer during the consultation process. *Id.*

n186 Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800 (9th Cir. 1999).

n187 For background on the District and how the USFS responded, *see* JeDon Emenheiser, *The G-O Road Controversy: American Indian Religion and Public Land* (1999), http://www.humboldt.edu/jael/ernenLyng.html (last visited Dec. 30, 2008).

n188 36 C.F.R. § 800.4 (2008).

n189 Navajo Nation v. U.S. Forest Serv., 408 F. Supp. 2d 866, 879-80 n.10 (D. Ariz. 2006).

n190 *See id.; see* Navajo Nation v. U.S. Forest Serv., 479 F.3d 1024 (9th Cir. 2007).

n191 Dean B. Suagee, *Historic Storytelling and the Growth of Tribal Historic Preservation Programs*, 17 NAT. RESOURCES & ENV'T

86, 88 (2002).

n192 *See, e.g., Native American Sacred Places Hearing, supra* note 74, at 65-69 (statement of Gene Preston, Chairman, Pitt River Tribe) (criticizing agency implementation of the NHPA concerning the sacred Medicine Lake Highlands managed by the Modoc National Forest). For a more detailed critique focused on NHPA implementation and cultural resources management by the BLM, see T. DESTRY JARVIS, NATIONAL TRUST FOR HISTORIC PRESERVATION, CULTURAL RESOURCES ON THE BUREAU OF LAND MANAGEMENT PUBLIC LANDS: AN ASSESSMENT AND NEEDS ANALYSIS (May 2006), *available at* http://www.preservationnation.org/issues/public-lands/additional-resources/NTHP-BLM-Report.pdf. Among other things, the report finds that increased energy exploration and development on BLM lands has resulted "in a decrease in the adequacy of Section 106 compliance, fewer National Register listings, and limited land use restrictions to protect cultural resources sites." *Id.* at 5.

n193 For insightful analysis *see* Diane L. Krahe, Last Refuge: The Uneasy Embrace of Indian Lands by the National Wilderness Movement, 1937-1965 (2005) (unpublished Ph.D. dissertation, Washington State University) (on file with author) (placing the story in a much larger context of New Deal-era Indian policy, the American wilderness movement, and the fight for Indian self-determination) [hereinafter Krahe, Last Refuge].

n194 According to historian Paul Sutter, Marshall's Indian roadless policy "was not meant to dispossess Indians or lock up their resources." PAUL S. SUTTER, DRIVEN WILD: HOW THE FIGHT AGAINST AUTOMOBILES LAUNCHED THE MODERN WILDERNESS MOVEMENT 228 (2002). Rather, he aimed to protect Indian economic and cultural autonomy from what he saw as a new set of threats," often coming in the form of roads. *Id.* "Rather than preserving a romanticized pristine nature against any human use, Marshall's policy sought to prohibit roads and other modern developments as a way of protecting both Native Americans and wilderness." *Id.* at 229.

n195 From the standpoint of the Indians, it is of special importance to save as many areas as possible from invasion by roads. Almost everywhere they go the Indians encounter the competition and disturbances of the white race. Most of them desire some place which is all their own. It on reservations where the Indians desire privacy, sizeable areas are uninvaded by roads, then it will be possible for the Indians of these tribes to maintain a retreat where they may escape from constant contact with white men." Office of Indian Affairs, Order No. 486, Establishment of Roadless and Wild Areas on Indian Reservations, 3 Fed. Reg 1408, 1409 (Oct 25, 1937). Curiously, however, the Order allows for access by non-Indian& and discusses the economic benefits to tribes that could result from guiding and outfitting in these roadless areas. *Id.* at 1409.

n196 Krahe, for example, calls Marshall's roadless polky "well-intentioned but ill-fitting" Krahe, Last Refuge, *supra* note 193, at 11. "Yet all the noble intentions of Marshall and his superiors could not compensate for the fact that the reservation roadless policy was itself a non-native creation, one that dictated the value and use of these designated lands without any input from the Indians to which they belonged." *Id.* at 97. She goes on No doubt Marshall believed he was defending the cultural heritage of Indians in his roadless order for reservations. Although Marshall's motives in this pursuit extended beyond native communities, he did not knowingly impose values upon Indian people against their will His mistake came in his *assumption* that each tribe shared his view on how to best use the remaining wild landscapes on reservations." *Id.* at 103-104.

n197 *National Wilderness Preservation Act: Hearings on S. 1176 Before the Comm. on Interior and Insular Affairs*, 85th Cong. 5 (1st Sess. 1957).

n198 *Id.* at 1,7.

n199 *National Wilderness Preservation Act: Hearings on S. 4028 Before the Comm. on Interior and Insular Affairs*, 85th Cong. 3 (2d Sess. 1958).

n200 A subsequent bill, S. 1123, provided a "tribal consent" clause. *See National Wilderness Preservation Act: Hearings on S.1123 Before the Comm. on Interior and Insular Affairs*, 86th Cong. 4 (1st Sess. 1959).

n201 Krahe, Last Refuge, *supra* note 193, at 180.

n202 *Id.* at 200.

n203 *Id.*

n204 Wilderness Act of 1964, Pub. L. No. 88-577, 78 Stat. 890 (codified at 16 U.S.C. §§ 1131-36 (2006)).

n205 The California Wilderness Act of 1984 designated the Chimney Rock region as part of the Siskiyou Wilderness. Pub. L. No. 98-425, § 101 (a)(30), 98 Stat. 1619 (codified at 16 U.S.C. § 1132 (2006)).

n206 Smith River National Recreation Area Act, Pub. L. No. 101-612, § 5(b)(2)(H) 104 Stat. 3209 (1990) (codified at 16 U.S.C. § 460bbb-3 (2006)) (note that references to sacred land and religion are not made in the Act).

n207 The Wilderness Act's legislative history reveals no discussion of Congressional abrogation of Indian treaty rights. This absence is important to the courts who require "clear evidence that Congress actually considered the conflict between its intended action on the one hand and Indian treaty rights on the other, and chose to resolve that conflict by abrogating the treaty." United States v. Dion, 476 U.S. 734, 740 (1986). Though written with other interests in mind, wilderness legislation typically includes "subject to valid existing rights" language, and it is reasonable to think in a similar way about preexisting off-reservation treaty rights in federal wilderness areas.

n208 An Act to establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes, Pub. L. No. 100-225, 101 Stat. 1539 (1987) (codified at 16 U.S.C. § 460uu-21 (2006)) [hereinafter El Malpais Act].

n209 *Id.* § 101 (emphasis added).

n210 *Id.* § 301 (emphasis added).

n211 *Id.* §§ 401-02.

n212 Debated issues included the boundaries and restrictions of designated wilderness, vehicle access for Native Americans, land exchanges, Indian water rights, and others. For example, the boundaries of the Cebolla Wilderness were modified by Congress to exclude a sacred spring in order to maintain access for Acoma Pueblo and to reduce potential conflicts with grazing. For a detailed legislative history and analysis, *see* KATHRYN MUTZ & DOUG CANNON, NATURAL RESOURCES LAW CENTER, EL MALPAIS AREA: NATIONAL MONUMENT, NATIONAL CONSERVATION AREA AND THE WEST MALPAIS AND CEBOLLA WILDERNESS AREAS 20-21 (2005), *available at* http://www.colorado.edu/law/centers/nrlc/projects/wilderness/ElMalpais.pdf; Ann M. Hooker, *American Indian Sacred Sites on Federal Public Lands: Resolving Conflicts Between Religious Use and Multiple Use at El Malpais National Monument*, 19 AM. INDIAN L. REV. 133 (1994).

n213 El Malpais Act § 507(a). The House Committee Report emphasizes that active management of cultural resources in the designated

wilderness areas is important and compatible with the Wilderness Act. MUTZ & CANNON, *supra* note 211 at 13.

n214 El Malpais Act § 507(c).

n215 *Id.* §§ 507(d)-08.

n216 T'uf Shur Bien Preservation Trust Area Act, Pub. L. No. 108-7, div. F, tit. IV, §§ 401-15, 117 Stat. 282 (2003) (codified at 16 U.S.C. §§ 539m-1-539m-12 (2006)).

n217 For history of this case and the legislation *see* S. REP. No 107-285 (2002).

n218 T'ruf Shur Bien Preservation Trust Area Act § 404(a)(2).

n219 *Id.* § 404(b)(2).

n220 *T'uf Shur Bien Preservation Trust Area Act: Joint Hearing Before the S. Comm. on Energy and Natural Resources and the S. Comm. on Indian Affairs*, 107th Cong. 50 (2d Sess. 2002) [hereinafter *T'uf Shur Bien Hearing*] (statement of Stuwart Paisano, Governor, Pueblo of Sandia, Sandia Tribal Council).

n221 *Id. See also* T'uf Shur Bien Preservation Trust Area Act § 405(a)(2).

n222 T'uf Shur Bien Preservation Trust Area Act § 405(c).

n223 *See, e.g., T'uf Shur Bien Hearing, supra* note 220, at 8, 10 (statements of Senators Pete Domenici & Larry Craig).

n224 "The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System." T'uf Shur Bien Preservation Trust Area Act § 411(c).

n225 *See, e.g., T'uf Shur Bien Hearing, supra* note 220, at 78-79 (statement of Edward Sullivan, Executive Director, New Mexico Wilderness Alliance).

n226 Clark County Conservation of Public Land and Natural Resources Act of 2002, Pub. L. No. 107-282, 116 Stat. 1994.

n227 Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424, 118 Stat. 2403.

n228 White Pine County Conservation, Recreation, and Development Act of 2006, Pub. L. No. 109-432, 120 Stat. 2922, 3028.

n229 Clark County Conservation of Public Land and Natural Resources Act of 2002 § 206. The White Pine County Act also authorizes a transfer of land to be held in trust for the Ely Shoshone Tribe. White Pine County Conservation, Recreation, and Development Act of 2006 § 361.

n230 Steens Mountain Cooperative Management & Protection Act of 2000, Pub. L. No. 106-399, 114 Stat. 1655, 1658 (2000) (codified at 16 U.S.C. § 460nnn (2006)). Section 5 provides that "[n]othing in this Act shall be construed to diminish the rights of any Indian tribe [nor] shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities." *Id.* § 5.

n231 *Id.* §§ 102(6)(1), (3).

n232 *Id.* § 121(d).

n233 *Id.* § 131(6)(4).

n234 *See* JANINE BLAELOCH, WESTERN LANDS PROJECT & KATIE FITE, Western Watersheds Project, *QUID PRO QUO* WILDERNESS -- A NEW THREAT TO PUBLIC LANDS, WESTERN LAND EXCHANGE PROJECT & WESTERN WATERSHEDS PROJECT 1 (May 2006), http://www.westbc.org/assets/quid-pro-quo.pdf (last visited Dec. 30, 2008) ("If this trend continues, the days of the stand-alone wilderness bill, along with the strict observance of the letter and spirit of the Wilderness Act, may become relics of the past"). For a sometimes more charitable view, including details about the political processes and players involved in these deals, see A WESTERN GOVERNORS ASSOCIATION WHITE PAPER, COLLABORATIVE CONSERVATION STRATEGIES: LEGISLATIVE CASE STUDIES FROM ACROSS THE WEST (June 2006).

n235 *Steens Mountain Cooperative Management and Protection Act: Oversight Hearing Before the Subcomm. on the National Parks, Recreation, and Public Lands of the Comm. on Resources*, 107th Cong. 81-86, 84 (2d Sess. 2002) (statement of the Burns Paiute Tribe).

n236 Tribal testimony states:

> A great number of Traditional Practices are conducted at Tse Tse Ede: subsistence gathering, secular and sacred Traditional Practices to name a few. While a number of these Traditional Practices are singular or are participated in by small groups, numerous are also participated in by larger numbers of individuals and individuals of limited mobility due to advanced age. The Burns Paiute Tribe is not willing to leave out participating Tribal members due to an arbitrary numeric limit to group size in the wilderness. The Burns Paiute Tribe is not willing to leave at home the most valued members of their community from any Traditional practice because those individuals are of limited mobility due to age solely to accommodate the limited interpretation of the Wilderness Act by environmental 'evangelists'. The Burns Paiute Tribe is not willing to alter, accommodate, or dismantle Traditional sacred practices and religion to accommodate the Wilderness Act and those individuals within the [Steens Mountain Advisory Council] and BLM who represent a singular agenda and detrimental ethnocentric view...For the Burns Paiute People to be able to continue with Traditional Practices, they all must be able to have access to Tse Tse Ede. This is not a matter of having a 'wilderness experience', but the survival of a culture.

Id. at 83. Though no tribal references are made in their critique of the Steens, Blaeloch and Fite argue that a central problem with the Act's implementation "is that locals have interpreted the Steens legislation in such a way that the 'innovations' and flexibility established in the [cooperative management and protection area] would also apply to the Wilderness." BLAELOCH & FITE, *supra* note 234, at 2. Like others, they worry that special exceptions will erode the integrity of the Wilderness Act. *Id.* at 6 (discussed below).

n237 *Id.*

n238 Northern California Coastal Wild Heritage Wilderness Act, Pub. L. No. 109-362, 120 Stat. 2064 (2006) (codified at 16 U.S.C. § 460sss (2006)).

n239 *Id.* § 4(k)(1).

n240 *Id.* §§ 4(k)(2)(A)-(B).

n241 Ojito Wilderness Act of 2005, Pub. L. No. 109-94, 119 Stat. 2106 (2005) (codified at 16 U.S.C. § 1132 (2006)).

n242 H.R. REP. NO 108-71, at 4 (2003).

n243 *Alaska Native Allotment Subdivision Act; Alaska Land Transfer Facilities Act; Ojito Wilderness Act; and Inventory and Management Program for Public Domain Lands: Hearing Before the S. Comm. on Energy and Natural Resources*, 108th Cong. 26-27 (2004) (statement of Peter M. Pino, Governor, Pueblo of Zia).

n244 This included unanimous endorsements from nearby county commissions and the Albuquerque City Council; letters of support from the Governor, Lt. Governor, State Land Commissioner and several members of the New Mexico State Legislature; support from the Navajo, Hopi, and Zuni Nations, and the All Indian Pueblo Council; and the Coalition for New Mexico Wilderness; among others. *See id.* at 28-29 (statement of Martin Heinrich, City Councilor, Albuquerque, NM). The BLM, however, expressed some concerns about the bill's transfer of public land provision *See id.* at 11-12 (statement of Kathleen Clarke, Director, BLM). *See also* April Reese, *New Mexico's Ojito Area a Signature Away from Protection*, LAND LETTER, Oct 20, 2005 (noting the broad support for the legislation). *See also* Laura Paskus, *The Little Wilderness That Could*, HIGH COUNTRY NEWS, Nov. 28, 2005, at 3, *available at* http://www.hcn.org/issues/311/15941 (noting that the "Ojito also lacks surface water, known oil and gas reserves, and forests full of timber").

n245 Ojito Wilderness Act of 2005 § 4(d)(1).

n246 Paskus, *supra* note 244.

n247 Ojito Wilderness Act of 2005 § 4(d)(2).

n248 H.R. 860, 110th Cong. § 102(p) (2007) (ensuring access to wilderness areas for traditional cultural and religious purposes with authorization for temporary closures affecting the smallest practicable area).

n249 S. 647, 110th Cong. §§ 802, 804 (2007) (establishing priority use areas in Mount Hood National Forest for the gathering of "first foods" by members of Indian tribes with treaty-reserved gathering rights). This bill contains an extraordinary amount of controversial provisions. Furthermore, the Confederated Tribes of the Warm Springs Reservation of Oregon opposed an earlier version of this bill's wilderness designation. Though Tribal leadership supported the purpose and intent of the bill, they "are simply not convinced that wilderness designation is the appropriate protective tool to achieve *this purpose, as it can lead to some unintended consequences such as substantial timber losses from fire and disease." Development in Lincoln County, Nevada [sic]; Designate Wilderness in Oregon; and Reforestation of Appropriate Forest Cover on Forest Land: Hearing Before the S. Comm. on Energy and Natural Resources*, 108th Cong. 85-87 (2004) (statement of the Confederated Tribes of the Warm Springs Reservation of Oregon). Given their substantial history in forest management, the Tribe expressed particular concern about the transboundary nature of unmanaged wilderness, and how easily problems could spread onto adjacent timber lands, including those on the Reservation. The Tribe also expressed concern that wilderness designation could attract more recreationists and lead to excessive overuse and more trespass on the Reservation. *Id.* at 87.

n250 S. 3794, 109th Cong. (2006). Among other tribal provisions, nothing in this Bill diminishes "the rights of any Indian tribe, including rights of access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities." *Id.* § 4. Title IV of this Bill also contains provisions related to cultural resource management and supports "a broad range of measures to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes." *Id.* tit. IV. *See also* Owyhee Initiative Agreement, http://www.owyheeinitiative.org/agreement.htm (last visited Dec. 30, 2008) (providing more details on how the Agreement deals with cultural resources and tribal aboriginal claims).

n251 H.R. 222, 110th Cong. § 208 (2007) (providing that "[n]othing in this title shall be construed to diminish the rights of any Indian tribe" nor "to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities").

n252 H.R. 1975, 110th Cong. § 504 (2007).

n253 *Id.* § 504(b).

n254 *Id.*

n255 *Id.* § 504(c).

n256 *Id.* § 108.

n257 H.R. 1975, 110th Cong. § 602 (2007) also states that "[n]othing in this Act may be construed to affect or modify any treaty or other right of an Indian tribe."

n258 *Id.* § 108(e).

n259 *Id.* § 108(f).

n260 *See* Ross W. GORTE, CONGRESSIONAL RESEARCH SERVICE, 98-848 ENR, WILDERNESS LAWS: PROHIBITED AND PERMITTED USES (1998); NATURAL RESOURCES LAW CENTER, SPECIAL USE PROVISIONS IN WILDERNESS LEGISLATION (2004), http://www.colorado.edu/law/centers/nrlc/projects/wilderness/SpecialUseProvisions.pdf (last visited Dec. 30, 2008).

n261 *See* GEORGE NICKAS & KEVIN PROESCHOLDT, WILDERNESS WATCH, KEEPING THE WILD IN WILDERNESS: MINIMIZING NON-CONFORMING USES IN THE NATIONAL WILDERNESS PRESERVATIONSYSTEM (2005), http://www.wildernesswatch.org/pdf/Special%20Provisions.pdf (last visited Dec. 30, 2008).

n262 *See* MUTZ & CANNON, *supra* note 212, at 32.

n263 General BLM wilderness management regulations state that American Indians may use wilderness areas for traditional religious purposes, subject to the provisions of the Wilderness Act and other applicable laws and regulation. 43 C.F.R. § 6302.18 (2008). They also state that "[w]hen necessary to carry out the provisions of the Wilderness Act and other Federal laws, BLM may close or restrict the use of lands or waters within the boundaries of a BLM wilderness area and will limit any such closure to affect the smallest area necessary for the shortest time necessary." 43 C.F.R. §6302.19 (2008). *See also* 43 C.F.R. § 8364.1 (2008) (providing information on closures and restrictions); Wilderness Management 65 Fed. Reg. 78,358 (Dec. 14, 2000) (to be codified at 43 C.F.R. pts. 6300 & 8560) (providing information on reasoning and discussion).

n264 MUTZ & CANNON, *supra* note 212, at 32.

n265 *Id.*

n266 *Id.*

n267 The Boundary Waters Canoe Area Wilderness Act, Pub. L. No. 95-495, 92 Stat. 1649 (1978), is unique among older wilderness legislation in that it explicitly makes reference to tribal treaty rights. Section 17 of the Act provides that "[n]othing in this Act shall affect the provisions of any treaty now applicable to lands and waters which are included in the mining protection area and the wilderness." *Id.* § 17.

n268 United States v. Gotchnik, 57 F. Supp. 2d 798 (D. Minn. 1999), *aff'd*, United States v. Gotchnik, 222 F.3d 506 (8th Cir. 2000).

n269 *Gotchnik*, 57 F. Supp. 2d at 802. Unlike the use of a motorized ice augur in the wilderness, which the lower court found acceptable in this case, on appeal, the Eighth Circuit Court of Appeals found the use of motorized vehicles "peripheral" to protected treaty rights: "A motorboat, all-terrain vehicle, or helicopter for that matter, may make it easier to reach a preferred fishing or hunting spot within the Boundary Waters Area, but the use of such motorized conveyances is not part and parcel of the protected act of hunting or fishing, as is the use of rifle, ice augur, or other hunting and fishing instrument." *Gotchnik*, 222 F.3d at 510.

n270 *See Gotchnik*, 57 F. Supp. at 804.

n271 *Gotchnik*, 222 F.3d at 511.

n272 *See, e.g.*, R.C. GORDON-MCCUTCHAN, THE TAOS INDIANS AND THE BATTLE FOR BLUE LAKE (1995); WILKINSON, BLOOD STRUGGLE, *supra* note 79; and John Bodine, *Blue Lake: A Struggle for Indian Rights*, 1 AM. INDIAN L. REV. 23 (1973).

n273 Act of Dec. 15, 1970, Pub. L. No. 91-550, § 4(b), 84 Stat. 1437 (1970).

n274 Grand Canyon National Park Enlargement Act, Pub. L. No. 93-620, § 10(a), 88 Stat. 2089 (1975) (codified as amended at 16 U.S.C. § 228i (2006)).

n275 *See id.* § 10(c).

n276 *See* KELLER & TUREK, *supra* note 162, at 156-84, for history including the bitter fight between Indians and environmentalists over the Act.

n277 Grand Canyon National Park Enlargement Act §§ 10(b)(1)-(6).

n278 *See id.* § 10(b)(7).

n279 See, for example, Timbisha Shoshone Homeland Act, Pub. L. No. 106-423, 114 Stat. 1875 (2000) (codified at 16 U.S.C. § 410aaa (2006)), which transferred lands within Death Valley National Park to the Tribe. The law also created a "Timbisha Shoshone Natural and Cultural Preservation Area" consisting of NPS and BLM lands, and includes other provisions pertaining to access and cooperative management with the NPS and BLM. *See* Steven Haberfeld, *Government-to-Government Negotiations: How the Timbisha Shoshone Got Its Land Back*, 24 AM. INDIAN CULTURE & RESEARCH J. 127 (2000). *See also* U.S. DEPART. OF THE INTERIOR, NAT'L PARK SERV., DEATH VALLEY NATIONAL PARK GENERAL MANAGEMENT PLAN (2002), *available at* www.nps.gov/deva/parkmgmt/upload/GMP_001.pdf. *See also* Valles Caldera Preservation Act, Pub. L. No. 106-248, § 104(g), 114 Stat. 598 (2000) (allowing the Secretary of Agriculture to "assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch"). In another prominent case, Senator Gordon Smith of Oregon introduced legislation that would return about 62,000 acres of the Siuslaw National Forest, with a high concentration of cultural sites and forest management potential, to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw. *See Native American Sacred Places Hearing, supra* note 74, at 30. The Klamath Tribes have made one of the most controversial proposals in seeking the return of roughly 690,000 acres of land currently managed by the Winema and Fremont National Forests. *See* April Reese, *Tribal Claims Meet Resistance*, LAND LETTER, Dec. 11, 2003, *available at* http://www.eenews.net/ll/archive. See Timothy C. Seward, *Survival of Indian Tribes Through Repatriation of Homelands*, 21 NAT. RESOURCES & ENV'T 32 (2007), for more on protection of cultural properties through repatriation and tribal acquisition. *See also* John P. LaVelle, *Rescuing* Paha Sapa: *Achieving Environmental Justice by Restoring the Great Grasslands and Returning the Sacred Black Hills to the Great Sioux Nation*, 5 GREAT PLAINS NAT. RESOURCES J. 40 (2001) (explaining the historic effort by the Sioux Tribes to reclaim the Black Hills of the Northern Plains). See the Indian Land Tenure Foundation, http://www.indianlandtenure.org/index.html (last visited Dec. 31, 2008); Indian Lands Working Group, http://www.ilwg.org/ (last visited Dec. 31, 2008); and the Trust for Public Land's Tribal and Native Lands Program, http://www.tpl.org/ (last visited Dec. 31, 2008), for associated organizations and programs.

n280 See the Trees Foundation website for an overview of the InterTribal Sinkyone Wilderness Council and its history, at http://www.treesfoundation.org/affiliates/specific-22 (last visited Dec. 31, 2008), and http://www.treesfoundation.org/publications/article-274 (last visited Dec. 31, 2008).

n281 Letter from Hawk Rosales, Executive Director, InterTribal Sinkyone Wilderness Council, to Martin Nie (June 21, 2007) (on file with author).

n282 25 C.F.R. §§ 265.1, 265.3 (2008).

n283 See Krahe, Last Refuge, *supra* note 193, at 245-52, for a discussion of how the Wind River Reserve is managed in contrast to the Wilderness Act.

n284 Within the boundaries of this officially designated roadless area it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of ways constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise...Foot trails and horse trails are not barred. The Superintendent of the Wind River Reservation on which this roadless area has been established will be held strictly accountable for seeing that the area is maintained in a roadless condition. Elimination of this area or any part thereof from the restriction of this order will be made only upon a written showing of an actual and controlling need.

25 C.F.R. § 2653 (2008).

n285 This overview draws heavily from three excellent histories of the wilderness area *See generally* CONFEDERATED SALISH AND KOOTENAI TRIBES, MISSION MOUNTAINS TRIBAL WILDERNESS: A CASE STUDY (2005) (prepared for the Native Lands and Wilderness Council), *available at* http://wild.org/wp-content/uploads/2008/11/mmcase-study_smfile.pdf [hereinafter CSKT, MISSION MOUNTAINS TRIBAL WILDERNESS]; Diane L. Krahe, *A Sovereign Prescription for Preservation: The Mission Mountains Tribal Wilderness, in* TRUSTEESHIP IN CHANGE TOWARD TRIBAL AUTONOMY IN RESOURCE MANAGEMENT 195 (Richmond L. Clow & Imre Sutton, eds., 2001) [hereinafter Krahe, *A Sovereign Prescription for Preservation]*; The Univ. of Mont, Wilderness Mgmt. Distance Educ. Program, *Mission Mountains Tribal Wilderness Case Study* (Apr. 29, 1999) (draft), *available at* http://www.wilderness.net/toolboxes/documents/IFST/mmtw_case.pdf.

n286 Like other tribes impacted by this Order, the CSKT requested that the tribal land be withdrawn and this was done in 1959. *See* Krahe, *A Sovereign Prescription for Preservation, supra* note 285, at 207.

n287 CSKT, MISSION MOUNTAINS TRIBAL WILDERNESS, *supra* note 285, at 11.

n288 *Id.* at 11-12.

n289 *Id.* at 11.

n290 *Id.* at 12.

n291 *Id.* at 10. Compare Article IX of the Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, *available at* http://www.cskt.org/documents/gov/cskt_constitution.pdf, which contrasts to CSKT "primitive areas" that were put to referendum vote and designated as such in 1979.

n292 The Wilderness Act provides no buffer zone provision. The New Mexico Wilderness Act of 1980 was the first bill to include "no buffer zone" language:

> Congress does not intend that designation of wilderness areas in the State of New Mexico lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

An Act to Designate Certain National Forest System Lands in the State of New Mexico for Inclusion in the National Wilderness Preservation System, and for Other Purposes, Pub. L. No. 96-550, § 105, 94 Stat. 3221 (1980). The Natural Resources Law Center found that similar language appears in 17 wilderness bills. *See* NATURAL RESOURCES LAW CENTER, *supra* note 260, at 1BOL 45 f "Symbol" s 116.

n293 CSKT, MISSION MOUNTAINS TRIBAL WILDERNESS, *supra* note 285, at 25.

n294 *See* CONFEDERATED SALISH AND KOOTENAI TRIBES, FORESTRY DEPT., MISSION MOUNTAIN WILDERNESS BUFFERZONE RECLASSIFICATION: ENVIRONMENT ASSESSMENT (2005), *available at* http://www.csktorg/documents/forestry/fmpamendment_nov2005.pdf (providing maps of the buffer zone and its relation to hazardous fuels reduction and recommending a policy change so that land in the buffer zone classified as "commercially unavailable" is changed to "restricted management").

n295 CONFEDERATED SALISH AND KOOTENAI TRIBES, 2007-2008 RESERVATION PERMIT VENDORS FOR NON-MEMBERS, *available at* http://www.cskt.org/clocuments/nrd/2007-08nonmemregs.pdf (adjacent tribal "primitive areas," on the other hand, are closed to nonmembers except member spouses and children).

n296 CSKT, MISSION MOUNTAINS TRIBAL WILDERNESS, *supra* note 285, at 7.

n297 Arizona Desert Wilderness Act of 1990, Pub. L. No. 101-628, 104 Stat. 4469.

n298 *See generally* DOUGLAS KENNEY & DOUG CANNON, GILA BOX AREA: GILA BOX RIPARIAN NATIONAL CONSERVATION AREA, AND THE FISHHOOKS AND NEEDLE'S EYE WILDERNESS AREAS (2005) (in-depth case study) [hereinafter KENNEY & CANNON, GILA BOX AREA], *available at* http://www.colorado.edu/law/centers/nrlc/projects/wilderness/GilaBox.pdf.

n299 Arizona Desert Wilderness Act § 201(a).

n300 *Id.* § 201(d)(2).

n301 KENNEY & CANNON, GILA BOX AREA, *supra* note 298, at 13.

n302 NATURAL RESOURCES LAW CENTER, PROTECTIVE DESIGNATIONS ON FEDERAL LANDS: CASE STUDIES OF NATIONAL CONSERVATION AREAS, NATIONAL MONUMENTS, NATIONAL PARKS, NATIONAL RECREATION AREAS, AND WILDERNESS AREAS 16 (2004), *available at* http://www.colorado.edu/law/centers/nrlc/projects/wilclemess/OtherProtectiveDesignations.pdf.

n303 *Id.* at 16.

n304 *Id.* at 12.

n305 *See generally* Martin Nie, *Governing the Tongass: National Forest Conflict and Political Decision Making*, 36 ENVTL. L. 385 (2006).

n306 The Quincy Library Group wrote a controversial "Community Stability Proposal" on how to manage the Lassen, Plumas, and part of the Tahoe National Forests. With the USFS unable or not willing to adopt the proposal, the group took to Washington and succeeded with passage of The Herger-Feinstein Quincy Library Group Forest Recovery Act. Pub. L. No. 105-277, tit. IV, § 401, 112 Stat. 2681-305 (1998). This Act required that the pilot project must be consistent with applicable federal laws, but it also provided place-specific direction concerning how these national forests should be managed, in terms of fire, silviculture, roadless area protection, and other things.

M-Bears Ears

CO-MANAGEMENT OR CONTRACTING? AGREEMENTS BETWEEN NATIVE AMERICAN TRIBES AND THE U.S. NATIONAL PARK SERVICE PURSUANT TO THE 1994 TRIBAL SELF-GOVERNANCE ACT

*Mary Ann King**

I. INTRODUCTION

The 1994 Tribal Self-Governance Act[1] ("TSGA") provides a mechanism for transferring authority over federal programs, including the management of federal land, to Indian tribes. The TSGA permits tribes to petition bureaus within the Department of the Interior ("DOI") to manage federal programs that are of "special geographical, historical, or cultural significance"[2] to the tribe. Additionally, the TSGA links tribal self-determination policy and federal land management, and has the potential to alter federal-tribal relationships and transform institutions for natural resource and public land management.

This Article assesses how the TSGA structures the relationship between Indian tribes and federal land management agencies[3] using the National Park Service ("NPS") as a case study. It inquires into the use and implementation of the 1994 Act as it relates to the management of public land, and uses the TSGA as a lens for analyzing contemporary relations between tribes and federal land management agencies.

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* M.S., University of California at Berkeley. This Article has roots in many places. It delights me to thank the many people in those many places who have been a part of the process: Professor Sally K. Fairfax, Professor Philip Frickey, Professor Lynn Huntsinger, Scott Aikin, Laura Baxter, Curtis Berkey, Emogene Bevitt, Wendy Bustard, Leah Carpenter, Timothy Cochrane, David Cooper, Jerry Cordova, Norman Deschampe, Patrick Durham, Ronnie Emery, Doug Eury, Melvin Gagnon, Willis Gainer, James Hamilton, Claire Horsley, Tadd Johnson, Diane Krahe, Dana Logan, Sue Marcus, Beth Rose Middleton, Patricia Parker, Kenneth Reinfeld, Curt Roy, David Ruppert, Deborah Schaaf, William Sinclair, James Stockbridge, Geoffrey Strommer, Scott Travis, Barbara White, Scott Williams, Cindi Wolff, Fred York, and the University of California at Berkeley Department of Environmental Science, Policy, and Management.

[1] The TSGA refers to Title IV of the Indian Self-Determination Act. 25 U.S.C. §§ 458aa-hh (2006). The TSGA addresses non-Bureau of Indian Affairs ("BIA") programs within the Department of the Interior.

[2] 25 U.S.C. § 458cc(c) (2006).

[3] Defined as the U.S. Forest Service ("USFS"), National Park Service ("NPS"), Fish and Wildlife Service ("FWS") and Bureau of Land Management ("BLM"). Note that the USFS does not fall under the TSGA because it is in the Department of Agriculture, not the Department of the Interior. The Bureau of Indian Affairs ("BIA") is excluded from my definition of federal land management agencies.

A. Rationale for Looking at the TSGA

The TSGA is a useful tool for both tribes and federal agencies. It amends the 1975 Indian Self-Determination and Education Assistance Act ("ISDEAA") and extends it in three major ways: by (1) including non-Bureau of Indian Affairs ("non-BIA") programs,[4] (2) expanding coverage from programs exclusively for the benefit of Indians because of their status as Indians[5] to other programs of significance to tribes, and (3) (impliedly) including options for management of federal land and natural resources.

The TSGA acknowledges the effect that land management by federal agencies has had on tribal sovereignty, and it provides a vehicle for tribal participation in federal land management. The creation of public land has had devastating implications for tribes, their members, and tribal sovereignty. Federal land management has often led to the loss or direct expropriation of tribal land and resources, jurisdiction, and control. As a result, the physical boundary between Indian country[6] and federal land is complex. One scholar describes how "[a]s an extension of the meaning of self-determination, numerous tribes have asserted their historical traditions on lands no longer part of reservations."[7] The TSGA represents a significant step toward federal acceptance of such tribal assertiveness and congressional recognition that federal public land management can both undermine and augment tribal sovereignty.

Legal scholars have suggested that the TSGA represents a significant step toward co-management of protected areas in the United States, even referring to the TSGA's potential for integrating tribal cultural values, traditional ecological knowledge, and Native American management practices into public land management as "profound."[8] The TSGA has simultaneously

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[4] "Non-BIA" refers to bureaus or offices within the Department of the Interior other than the BIA: NPS, BLM, FWS, U.S. Geological Survey ("USGS"), Bureau of Reclamation ("BOR"), Minerals Management Service ("MMS"), Office of Surface Mining ("OSM"), and the Office of the Special Trustee for American Indians ("OST").

[5] A program is "for the benefit of Indians because of their status as Indians" where Indians are the "primary and significant beneficiaries as evidenced by: (1) authorizing or appropriations legislation or legislative history; (2) implementing regulations; or (3) the actual administration of the program." *Indian Self-Determination and Education Assistance Act: Oversight Hearing Before the H. Subcomm. on Native American Affairs of the Comm. on Natural Resources*, 103d Cong. 40-41 (1994) [hereinafter *Hearing* (1994)] (statement of Bonnie Cohen, Asst. Secretary—Pol'y, Management and Budget, U.S. Dep't of the Interior).

[6] "The land within the borders of all Indian reservations, the land occupied by an Indian community (whether or not located within a recognized reservation), and any land held in trust by the United States but beneficially owned by an Indian or tribe." BLACK'S LAW DICTIONARY 787 (8th ed. 2004).

[7] Richmond L. Clow, *Introduction to Self-Determination: Pursuing Indigenous and Multiagency Management*, *in* TRUSTEESHIP IN CHANGE: TOWARD TRIBAL AUTONOMY IN RESOURCE MANAGEMENT 225 (Richmond L. Clow & Imre Sutton eds., 2001).

[8] Dean B. Suagee, *Tribal Self-Determination and Environmental Federalism: Cultural Values as a Force for Sustainability*, 3 WIDENER L. SYMP. J. 230, 236 (1998); *see also* Dave Egan & M. Kat Anderson, *Theme Issue: Native American Land Management Practices in National Parks*, 21 ECOLOGICAL RESTORATION 245 (2003); David Ruppert, *Building Partner-*

generated a fair amount of controversy: during the legislative process senators seeking to clarify the consequences of including the non-BIA provisions placed multiple holds on the Bill;[9] the same provisions led to a protracted negotiated rulemaking session (for regulation drafting). Additionally, agreement negotiations have been the subject of much media attention.[10]

Despite the attention and controversy the TSGA has generated in the abstract, however, its implementation has received little scholarly analysis. A single law review article examines the legislative history of the 1994 amendments in general and describes the non-BIA provisions within that larger context,[11] and newspaper coverage sheds little light on the TSGA's implementation.

It is important to understand the contours of the TSGA and the details of its implementation because it expands the avenues available to tribes to participate in public land management in two ways. First, it establishes a government-to-government negotiation process that obligates agencies to negotiate with tribes.[12] Johnson and Hamilton write:

> In the past, Bureaus other than the BIA refused to cooperate with tribes, but their cooperation is now compelled. It was the intent of the Committees of jurisdiction that any activities performed by any division or agency of the Interior Department on or near the reservation were negotiable items for self-governance tribes. The Sec-

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ships Between American Indian Tribes and the National Park Service, 21 ECOLOGICAL RESTORATION 261, 262 (2003); Rebecca Tsosie, *The Conflict Between the "Public Trust" and the "Indian Trust" Doctrines: Federal Public Land Policy and Native Nations*, 39 TULSA L. REV. 271, 308-09 (2003); Rebecca Tsosie, *Tribal Environmental Policy in an Era of Self-Determination: The Role of Ethics, Economics, and Traditional Ecological Knowledge*, 21 VT. L. REV. 226 (1996-1997) [hereinafter Tsosie, *Tribal Environmental Policy*].

[9] Telephone Interview with Tadd Johnson, Former Staff Director and Counsel, U.S. House Subcomm. on Native American Affairs (Apr. 22, 2005) (on file with the Harvard Environmental Law Review).

[10] *See, e.g.*, B.L. Azure, *Bison Range-Management Opponents Try to Buffalo Officials*, CHAR-KOOSTA NEWS, Sept. 1, 1995, at 4; B.L. Azure, *Burns Accuses Tribes, USFWS of Secret Bison Range Negotiations*, CHAR-KOOSTA NEWS, Nov. 29, 1996, at 3; B.L. Azure, *Council Miffed by USFWS Actions Concerning Bison Range*, CHAR-KOOSTA NEWS, Jan. 24, 1997, at 1; Dan Hansen, *Tribe Wants Control of Bison; Push to Take Over Management of Wildlife Refuges Sparks Sharp Debate in Montana*, SPOKESMAN REV., June 10, 2003, at B1; Mark Matthews, *Back on the Range?*, HIGH COUNTRY NEWS, July 7, 2003, at 4; Kit Miniclier, *Babbitt Plans to Let Indians Care for Some Public Lands*, DENVER POST, Nov. 18, 1994, at B-04; Lisa Morris, *The Compacting of Our National Refuges and Parks: National Bison Range Revisited Through Grand Portage Tribe*, OJIBWE NEWS, Nov. 13, 1998, at 1; Jim Robbins, *Bison Roam in the Refuge, but That's on a Reservation*, N.Y. TIMES, Nov. 24, 2003, at A16.

[11] A literature search reveals only one article that addresses the 1994 amendments in detail: Tadd M. Johnson & James Hamilton, *Sovereignty and the Native American Nation: Self-Governance for Indian Tribes: From Paternalism to Empowerment*, 27 CONN. L. REV. 1251 (1995). No other scholarship appears to address the provisions pertaining to or agreements with non-BIA bureaus in any depth.

[12] It does not require the agencies to reach agreement. This is a significant difference between BIA and non-BIA programs. The BIA is mandated to enter into contracts or compacts with tribes for BIA programs that are for the benefit of Indians because of their status as Indians. 25 U.S.C. § 450f (2006).

retary is mandated by Section 403(b)(2) to sit down with tribes on these matters.[13]

The process established by the TSGA contrasts with existing avenues for tribal participation. For example, agency consultation of tribes has been harshly critiqued,[14] and courts have largely deferred to agency decision-making when tribes have attempted to access federal land for religious use and to protect sacred sites.[15] The result has been what one scholar has described as an "incremental loss of Indian rights behind a curtain of administrative discretion."[16] Although agreements negotiated pursuant to the TSGA still hinge largely on agency and bureau discretion, the TSGA establishes a new process for government-to-government relations, and provides another way for tribes to participate in federal public land management and management decisions.[17]

The second way the TSGA expands tribes' ability to manage public land is by allowing them to exercise congressionally-delegated federal authority through Annual Funding Agreements ("AFAs"). AFAs are instruments negotiated pursuant to the TSGA that govern the transfer of federal programs and funds to tribes. Although the delegation of federal authority to tribes is not new,[18] the TSGA may permit the delegation of authority over federal programs and federal land for the first time.

Tribes are sovereign political entities that retain inherent sovereign powers despite their close relationship with the United States federal government. Tribes retain sovereign powers that have not (a) been ceded through treaties or other agreements, (b) divested by the courts (both by Justice Marshall[19] and in the later cases regarding implicit divestiture[20]), or (c) lost

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[13] Johnson & Hamilton, *supra* note 11, at 1272.

[14] Derek C. Haskew, *Federal Consultation with Indian Tribes: The Foundation of Enlightened Policy Decisions, Or Another Badge of Shame?*, 24 AM. INDIAN L. REV. 21, 26-28 (1999-2000).

[15] Marcia Yablon, *Property Rights and Sacred Sites: Federal Regulatory Responses to American Indian Religious Claims on Public Land*, 113 YALE L.J. 1623, 1638 (2004) ("After Lyng, it became clear that the courts would not mandate protection for Indian sacred sites, and that the majority of such sites would only be protected if federal land management agencies decided that they should be."). *See also* Imre Sutton, *Indian Cultural, Historical, and Sacred Resources: How Tribes, Trustees, and the Citizenry Have Invoked Conservation*, *in* TRUSTEESHIP IN CHANGE: TOWARD TRIBAL AUTONOMY IN NATURAL RESOURCE MANAGEMENT, *supra* note 7, at 165, 186.

[16] Mary Christina Wood, *Symposium on Clinton's New Land Policies: Fulfilling the Executive's Trust Responsibility Toward the Native Nations on Environmental Issues: A Partial Critique of the Clinton Administration's Promises and Performance*, 25 ENVTL. L. 733, 761 (1995).

[17] For a discussion of identity as an influence on public land claims and the Marin Coast Miwok, see Jennifer Sokolove et al., *Managing Place and Identity: The Marin Coast Miwok Experience*, 92 GEOGRAPHICAL REV. 23 (2002).

[18] Title 25 of the U.S. Code, for example, contains many examples of such delegation, including the Indian Child Welfare Act, 25 U.S.C. §§ 1901–1963 (2006); Indian Law Enforcement Reform Act, 25 U.S.C. §§ 2801–2809 (2006); and the Indian Self-Determination Act, 25 U.S.C §§ 450-458 (2006).

[19] Worcester v. Georgia, 31 U.S. 515 (1832).

through Congress' exercise of plenary power over tribes.[21] However, plenary power and tribes' status as sovereigns also allows Congress to delegate federal authority to tribes, expanding tribal authority.[22]

Federal delegations thus augment tribal power and may provide an alternative basis for tribal jurisdiction.[23] Delegations under the TSGA may extend the extra-territorial dimensions of tribal sovereignty,[24] and strengthen the ability of tribes to control and participate in managing programs and functions that impact tribal sovereignty but are located outside Indian country.[25] These programs are not normally within the scope of a tribe's retained sovereign authority, but may exist through delegation of federal authority over federal lands to tribes. By offering tribes the opportunity to expand their authority, the TSGA represents a useful, even "underutilized,"[26] tool for tribes and parks.

B. Rationale for the NPS as a Case Study

The NPS provides an excellent case study for examining the implementation of the TSGA. The creation of national parks, by force or with tribal consent, has often displaced tribes, tribal members, traditional communal property rights systems, tribal institutions, and tribal resource management regimes. As a result, national parks often border or surround sacred sites and places of ongoing traditional use (such as gathering).[27] Because national

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[20] Montana v. United States, 450 U.S. 544 (1981); Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

[21] Philip P. Frickey, *A Common Law for Our Age of Colonialism: The Judicial Divestiture of Indian Tribal Authority over Nonmembers*, 109 YALE L.J. 1, 8-14 (1999); Professor Philip Frickey, Federal Indian Law Lecture at Boalt Hall School of Law (Nov. 15, 2004).

[22] *Id.*

[23] Thomas P. Schlosser, *Federal Delegation of Tribal Jurisdiction Over Nonmembers*, Morisset, Schlosser, Homer, Jozwaik & McGaw, Sept. 1999, http://www.msaj.com/papers/feddeleg.htm (last visited Mar. 18, 2007) (on file with the Harvard Environmental Law Review).

[24] Note that tribal sovereignty is not coterminous with territory. It has elements concerning reservation boundaries, land ownership and tribal membership. *See, e.g.*, Edmund J. Goodman, *Indian Tribal Sovereignty and Water Resources: Watersheds, Ecosystems and Tribal Co-Management*, 20 J. LAND RESOURCES & ENVTL. L. 185, 190 (2000).

[25] The "Indian Estate" encompasses a number of categories of land upon which tribes may exercise varying degrees and types of jurisdiction. These may include tribally owned land within and outside of reservation boundaries (which may or may not be held in trust by the federal government), individual allotments held in trust, Indian land claims, and non-reservation lands on which Indians have usufructuary rights. *See* Charles Geisler, *Property Pluralism, in* PROPERTY AND VALUES: ALTERNATIVES TO PUBLIC AND PRIVATE OWNERSHIP 65, 73-75 (Charles Geisler & Gail Daneker eds., 2000).

[26] PACIFIC WEST REGION, SUMMIT OF NATIONAL PARKS-TRIBES-CONSERVATION ORGANIZATIONS, A NEW BEGINNING FOR EQUITY AND UNDERSTANDING – NATIONAL PARKS AND TRADITIONALLY ASSOCIATED AMERICAN INDIAN TRIBES 33 (2003) [hereinafter PACIFIC WEST REGION].

[27] As David Ruppert states,

> . . . living Indian cultures offer cultural resource protection that goes far beyond the protection of archaeological sites or abandoned ruins. Through traditional resource collecting and the application of traditional knowledge related to this collecting ac-

parks and Indian reservations are often close neighbors (in some cases the two are even superimposed), it is necessary to examine what role, if any, the TSGA may play in providing a means for tribes to participate meaningfully in the management of federal lands and resources to which they have ties.

This Article examines the implementation of the TSGA by the NPS through a case study at Grand Portage National Monument ("GPNM"). The NPS negotiated one of the first AFAs under the TSGA at GPNM. The GPNM AFA was the first AFA to include programmatic functions (other agreements tend to be concerned with performance of discrete projects), and it has become a model for subsequent efforts across the DOI.[28]

This Article analyzes how the TSGA works as a tool for sharing authority between the NPS and tribes, and seeks to extend a growing literature on tribal-NPS relations and cooperative management efforts within the national parks.

C. Structure

This Article is organized into five Parts. Part II includes a brief history of the relationships between the NPS and Native American tribes and identifies a range of cooperative efforts between tribes and parks. Part III charts the evolution and expansion of Indian self-determination policy between 1975 and 1994. It describes how the TSGA defines the contours of negotiations and agreements between non-BIA bureaus and tribes, and the constraints the TSGA places on tribal involvement and eligible programs. Part IV examines the implementation of the TSGA across the DOI and through a case study at GPNM. This includes a review of the history of the relationship between the NPS and the Grand Portage Band of Minnesota Chippewa ("Band") and a discussion of the Band's efforts to use the TSGA to manage the monument's maintenance department. Part V explores why the TSGA has yet to achieve widespread or particularly substantive changes in the management of federal land and federal programs.

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tivity, Indian peoples maintain their living cultural heritage as well as continue to affect and shape the environment around them. If land management agencies have an interest in understanding the histories of the lands and resources they manage, they would benefit by finding ways to incorporate indigenous management techniques into their own management regimes.

Ruppert, *supra* note 8, at 261-62.

[28] For example, Federal Register documents announcing the Fish and Wildlife Service's AFAs both reference the Grand Portage AFA. Fish and Wildlife Service and Confederated Salish and Kootenai Tribal Governments Sign Annual Funding Agreement Notice, 70 Fed. Reg. 5205 (Feb. 1, 2005) [hereinafter FWS & CSKT]; Fish and Wildlife Service and Council of Athabascan Tribal Governments Sign Annual Funding Agreement Notice, 69 Fed. Reg. 41,838 (July 12, 2004) [hereinafter FWS & CATG].

D. Conclusions

The TSGA represents an incremental extension of the 1975 ISDEAA. Congress broadened Indian self-determination policy to include public land management (within the Department of the Interior), and the tools, processes, and mechanisms established by the TSGA are familiar to the realm of federal Indian self-determination policy. The TSGA is narrow: it allows only tribes that meet an established set of requirements to petition for management of programs and functions, and the eligibility of programs is narrowly circumscribed by the TSGA and subject to agency and bureau discretion.

Despite the background of the TSGA and its limited nature, the NPS has conceptualized the TSGA not as a step in a long path toward Indian self-determination, but as an aberration in public land policy and an intrusion into public land management. The NPS has narrowly construed the TSGA, framed it within the NPS's conventional tools for sharing money and authority with non-tribal entities, and proceeded carefully to avoid setting precedent. Consequently, tribes may negotiate on a government-to-government basis with the NPS, but the substantive programs look more like contracting than co-management. It is not clear that the TSGA provides a sovereign nation with any more programmatic control and decision-making authority than a contractor.

Even though its application has been limited, the TSGA compels a very different and potentially useful process for Native American tribes and the NPS. The GPNM case study explores this process and demonstrates how important supportive NPS leadership and informal relationships are for sustaining the formal agreement under the TSGA. The TSGA offers the possibility for tribes and the NPS to foster cooperation and to build trust. This Article analyzes how the TSGA works as a tool for sharing authority between the NPS and tribes, and seeks to extend a growing literature on tribal-NPS relations and cooperative management efforts within the national parks.

II. Overview of Tribal-National Park Service Relations

The TSGA provides a lens for viewing contemporary relationships between tribes and the National Park Service, and the growing literature on NPS and tribal relations has just begun to focus on this issue.[29] The purpose

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[29] Sources that begin to address the history include: Philip Burnham, Indian Country, God's Country: Native Americans and the National Parks (2000); Theodore Catton, Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska (1997); Steven Haberfeld, *Government-to-Government Negotiations: How the Timbisha Shoshone Got Its Land Back*, 24 Am. Indian Culture & Res. J. 127 (2000); Jim Igoe, *History, Culture, and Conservation: In Search of More Informed Guesses About Whether "Community-Based Conservation" Has a Chance to Work*, 13 Pol'y Matters 174 (2004); Robert H. Keller & Michael F. Turek, American Indians & National Parks (1998); John F. Martin, *From*

of this section is to provide a brief history of tribal-NPS relations over time and to contextualize the TSGA by looking at both the tools available and precedent for tribal-NPS cooperation.

A. Brief Overview: Tribal-NPS Relations

National Park Service and tribal relations are presently and historically complex and vexed. Although the diversity of tribes and parks makes generalizations about NPS policy hazardous, this section provides a brief history as an orientation to the 1994 Tribal Self-Governance Act. The history suggests a rationale for extending Indian self-determination policy to NPS programs. The NPS, like the BIA, has centralized land management.[30] It has often benefited indirectly from the erosion of tribal land and authority through federal Indian policies, and has also actively engaged in the dispossession of tribal land, the removal of tribal members from their homes, and the prohibition of tribal uses and practices upon certain lands. The history of the interaction between the NPS and Native American tribes begins to explain tribes' claims to land in NPS ownership, the complexity of boundaries between Indian reservations and national parks,[31] and why greater inclusion of tribes in park decision-making and management might be warranted.

The creation of national parks preceded the 1916 establishment of the National Park Service by at least forty years.[32] Responsibility for managing

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Judgment to Land Restoration: The Havasupai Land Claims Case, *in* IRREDEEMABLE AMERICA: THE INDIANS' ESTATE AND LAND CLAIMS 271 (Imre Sutton ed., 1985); PETER NABAKOV & LAWRENCE LOENDORF, RESTORING A PRESENCE: AMERICAN INDIANS AND YELLOWSTONE NATIONAL PARK (2004); Paul Gerrald Sneed, National Parklands in Northern Homelands: A Comparison of Co-Management of National Parks with Native People in Alaska (U.S.A.) and the Yukon (Canada) (1998) (unpublished Ph.D. dissertation, University of Hawaii) (on file with the Harvard Environmental Law Review); Sokolove et al., *supra* note 17; MARK DAVID SPENCE, DISPOSSESSING THE WILDERNESS: INDIAN REMOVAL AND THE MAKING OF THE NATIONAL PARKS (1999); Steve Ulvi, *On Common Ground: An Enduring Wilderness as Cultural Landscape and Biotic Reserve*, *in* CROSSING BOUNDARIES IN PARK MANAGEMENT: PROCEEDINGS OF THE 11TH CONFERENCE ON RESEARCH AND RESOURCE MANAGEMENT IN PARKS AND ON PUBLIC LANDS 274 (David Harmon ed., 2001) (regarding Gates of the Arctic National Park and Preserve, Alaska National Interest Lands Conservation Act ("ANILCA") and the relationship between the NPS, tribal councils, and regional native associations).

[30] David Louter, *Nature as We See It: National Parks and the Wilderness Ideal*, 21 ECOLOGICAL RESTORATION 251, 253 (2003) ("Conservation changed the ties between native peoples and the lands within national parks . . . by centralizing authority over the use of resources within parks and other federal reserves.").

[31] Six units of the NPS are on, or contain, tribal trust land; one national park has been designated by Congress as Indian Country; twelve park units are on Indian reservations but do not contain trust land; and thirteen park units in Alaska contain land belonging to twenty-eight distinct Alaska Native groups. EMOGENE BEVITT, AMERICAN INDIAN LIAISON OFFICE, NAT'L PARK SERV., NATIONAL PARKS, TRIBAL TRUST LAND AND INDIAN RESERVATIONS (Aug. 2004).

[32] Although Yellowstone National Park (est. 1872) is frequently referred to as the "first" national park, the first reserve that did not rely on the War Powers and that was retained in federal ownership was actually the Hot Springs Reservation in Arkansas in 1832. Yosemite National Park, although reserved earlier than Yellowstone, was initially granted to the state for management in 1868. SALLY K. FAIRFAX ET AL., BUYING NATURE: THE LIMITS TO LAND ACQUISITION AS A CONSERVATION STRATEGY, 1780-2004, at 36 (2005). The 1916 National Park

early parks and reservations fell to the United States Army.[33] Virtually all of the park units established before 1916 were imposed upon tribes through land cessions.[34]

The national park system has embodied and reflected a number of different attitudes toward tribes over time. Scholars noting that wilderness need not preclude human inhabitation have pointed to the words of painter and traveler George Catlin who, in the 1830s, articulated one conception of a national park: "containing man and beast, in all the wild and freshness of their nature's beauty."[35] Catlin's paternalistic vision included the presence of tribes and their members, although largely as either museum pieces or part of nature. The parks that were created embodied not Catlin's vision, but rather a desire to create accessible tourist attractions glossed as uninhabited wilderness.[36] This often resulted in the exclusion of tribal members from their land, the prohibition of traditional tribal land uses within park units,[37] and the extinguishment of Indian title and rights altogether. "Uninhabited

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Service Organic Act described the purpose of the national parks, monuments and reservations under NPS jurisdiction: "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." National Park Service Organic Act, 16 U.S.C. § 1 (2006).

[33] DUANE HAMPTON, HOW THE U.S. CAVALRY SAVED OUR NATIONAL PARKS (1971).

[34] Parks and monuments include Yellowstone, Yosemite, Mount Rainier, Crater Lake, Sully's Hill, Platt, Mesa Verde, Rocky Mountain, and Glacier. *See* KELLER & TUREK, *supra* note 29, at 19, 27.

[35] SPENCE, *supra* note 29, at 10.

[36] RICHARD WEST SELLARS, PRESERVING NATURE IN THE NATIONAL PARKS: A HISTORY 16-17, 293 (1997).

[37] Nor were Native Americans the only communities excluded from park boundaries. Cochrane explores how the dispossession of fishermen from Isle Royale National Park changed the fishermen's language, stories, and consciousness about their relationship with the environment. Timothy Cochrane, *Place, People, and Folklore: An Isle Royale Case Study*, 46 WESTERN FOLKLORE 1 (1987). Bruce Weaver's study of the campaign to establish Great Smoky Mountains National Park provides an interesting parallel to the body of literature on Native American dispossession in two respects: (1) Historians studying Native Americans and national parks have described the propagation of myths that Indians never inhabited the areas that park advocates sought to preserve. *See, e.g.*, NABAKOV & LOENDORF, *supra* note 29, at 29-30 (concerning Yellowstone National Park); KELLER & TUREK, *supra* note 29, at 94 (concerning Olympic National Park). Weaver describes how the campaign and rhetoric around the Great Smokies (est. 1934) was remarkably similar, focusing on a theme of "empty wilderness." Promotional materials described the mountains (which were home to Cherokees and mountaineers) as "unknown," "unvisited by man," and "uninhabited." Bruce J. Weaver, *"What to Do with the Mountain People?": The Darker Side of the Successful Campaign to Establish the Great Smoky Mountains National Park*, *in* THE SYMBOLIC EARTH: DISCOURSE AND OUR CREATION OF THE ENVIRONMENT 151, 159-60 (James G. Cantrill & Christine L. Oravec eds., 1996); (2) The promoters and the NPS also played the other side of the coin, portraying, romanticizing, and using Indians and white mountaineers as tourist attractions: the mountain communities were promoted as "a museum of mountain culture," and the Great Smoky Mountains Conservation Association advertised: "Like the mountaineers, our Indians will retain possession of their abodes within the Park, and perhaps enjoy their new dignity being objects of interest to million[s] of tourists." Weaver, *supra*, at 161-62; *see also* Joseph L. Sax, *The Trampas File*, 84 MICH. L. REV. 1389 (1985-1986).

wilderness had to be created before it could be preserved,"[38] and the national park system has benefited from the erosion of Indian country.

The literature suggests at least three ways tribes have been dispossessed of their land and resources for national park units. First, the NPS has expropriated land and resources, removed and excluded Native Americans from park boundaries, and prohibited activities and use.[39] One scholar writes that present-day "denials of native claims on parks have served only to perpetuate the legacy of native dispossession."[40]

Second, the NPS has changed land management by focusing its management regimes on enhancing visitors' scenic experiences through both tourism development and the direct manipulation of nature, including the promotion of certain species.[41] Management for tourism and scenery changed the nature of the land and the human and ecological communities that occupied it. Traditional tribal communities and structures were displaced by visitor facilities and new "resident communities" consisting of NPS and concessions staff and short-term visitors. Native Americans, if included in the park at all, were treated as visitor attractions.[42] Such management regimes also displaced indigenous management and knowledge, and with it, activities of cultural import to tribes and their members.[43]

Finally, in some situations, tribes have consented to NPS acquisition or management of tribal land. But cessions by the tribe, especially where the tribe was either coerced or sought economic benefit in the midst of poverty, are not voluntary.

To some extent, national park policy toward tribes mirrored federal Indian policy at the time. The early Yellowstone (est. 1872) "model" of creating uninhabited wilderness, engaging in Indian removal, restricting traditional tribal hunting and subsistence uses, and viewing Native Americans as visitors rather than inhabitants, reflects the federal policies of removal (1830s-1860s), reservation (1860s-1887), and allotment (1870s-1934).[44] The NPS, later the manager of many of the national monuments reserved under the Antiquities Act of 1906, came into direct conflict with tribes in its charge to protect archaeological resources of tribes' historic culture—often to the detriment of tribes' contemporary culture and resources. The NPS institutionalized notions of static, past-tense tribes and tribal cul-

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[38] SPENCE, *supra* note 29, at 4.

[39] *See id.*; Lynn Huntsinger & Sarah McCaffrey, *A Forest for the Trees: Forest Management and the Yurok Environment, 1850 to 1994*, 19 AM. INDIAN CULTURE & RES. J. 155 (1995).

[40] SPENCE, *supra* note 29, at 6.

[41] SELLARS, *supra* note 36, at 4.

[42] SPENCE, *supra* note 29, at 107.

[43] *See* M. Kat Anderson & Michael G. Barbour, *Simulated Indigenous Management: A New Model for Ecological Restoration in National Parks*, 21 ECOLOGICAL RESTORATION 269 (2003).

[44] ROBERT N. CLINTON ET AL., AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM 26-32 (4th ed. 2005).

tures that threatened to displace its concern for living, dynamic and evolving modern tribes.

Aided, perhaps, by competition between the BIA and the NPS within the DOI, the era of the Indian Reorganization Act and the Indian New Deal (1834-1940s) provided some change:

> If anything, the 1930s marked the beginning of several new attempts to open up national park areas for traditional uses. . . . While no one within the Indian Service directly supported native claims to the national parks, Collier's Indian New Deal did foster a level of tribal activism that made it difficult for the park service to "preserve" more wilderness areas at the expense of Indian communities.[45]

During this period of the Indian New Deal, some park unit enabling legislation and national monument designations began to explicitly reserve rights and privileges for tribes and their members.[46]

The era of termination was also reflected throughout the park system (1940s-1960s).[47] The NPS continued its policy of Indian removal from national parks well into the 20th century. For example, in 1953, Yosemite National Park adopted the Yosemite Indian Village Housing Policy, permitting only permanent government employees (and their families) to live within the park. By 1969, the policy had resulted in the destruction of the Indian village and the removal of non-government-employed Yosemite Indians from the valley.[48] The NPS and concessioners at the Grand Canyon carried out a similar policy with the Havasupai in 1955.[49] But tribes also reacted against the NPS: drawing on tribal council resolutions dating from 1934, the Navajo Nation created the first tribal park in 1958 as an alternative to continued NPS ownership and management on the Navajo reservation.[50]

Interestingly, in 1963, even while the NPS's *Leopold Report* recommended that ". . . biotic associations within each park be maintained, or

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[45] SPENCE, *supra* note 29, at 134.

[46] For example: Canyon de Chelly in 1931 and Pipestone National Monument in 1937. 16 U.S.C. § 445 (2006) (authorizing the President to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Arizona); 16 U.S.C. § 445c (2006) (establishing Pipestone National Monument, Minnesota).

[47] Termination was the official policy of the federal government from the 1940s through the 1960s. It sought to end federal responsibility for Indian affairs and to eliminate federal programming for Indians. Congress terminated over 100 tribes, ending their coverage under federal Indian laws and subjecting them to state laws, severing their trust relationship with the federal government, and converting their land to private ownership. FRANCIS PAUL PRUCHA, THE GREAT FATHER 1014 (1995).

[48] The tribe is not federally recognized. It was formally known as the American Indian Council of Mariposa County, and is now known as the Southern Sierra Miwok Nation. SPENCE, *supra* note 29, at 129-32, 173 n.59.

[49] *Id.* at 135.

[50] Jeffrey Mark Sanders, Tribal & National Parks on American Indian Lands 68-70 (1989) (unpublished Ph.D. dissertation, University of Arizona) (on file with the Harvard Environmental Law Review).

where necessary recreated, as nearly as possible in the condition that prevailed when the area was first visited by the white man," and that "a national park should represent a vignette of primitive America,"[51] there was little discussion of the habitation of wilderness and the role of humans as hunters, predators, and participants in the ecosystem.[52] Sellers writes, "Ignoring Native American perceptions of landscapes and wilderness and the possibility of ecological change resulting from Native American use of lands, this New World imagery suggested a kind of wilderness *pastorale* that had enormous appeal to many in the Park Service."[53] The irony is that although many parks have been created to preserve "historical vignettes of the settlement period, Indians were not part of that vignette. Instead, the parks preserve an empty landscape, vacated by or cleared of native inhabitants."[54]

The 1960s were also a time of increased attention to tourism in the national parks, and this included the potential for recreation on Indian reservations. The NPS promoted park units as agents of tribal economic development, both through park establishment[55] and exchanges with tribes.[56] As discussed below, at GPNM the NPS provided advisory assistance in planning recreation development on the Grand Portage reservation at the same time that it was actively involved in national recreation planning efforts at the local, state and national level.

Tribes have witnessed some change in NPS-tribal relations in the era of self-determination (1960s-present). Keller and Turek consider the Lake Superior Chippewa's successful effort to halt the acquisition of tribal land for Apostle Islands National Lakeshore in 1970 the beginning of a new era in which "the NPS could no longer ignore resident Indians."[57] A few tribes were able to secure a return or transfer of land from federal agencies.[58] The

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[51] A.S. Leopold et al., Wildlife Management in the National Parks: The Leopold Report (1963), *available at* http://www.cr.nps.gov/history/online_books/leopold/leopold4.htm.

[52] *See, e.g.*, PACIFIC WEST REGION, *supra* note 26, at 11.

[53] SELLARS, *supra* note 36, at 214. *But see* ALFRED RUNTE, NATIONAL PARKS: THE AMERICAN EXPERIENCE 199-200 (1987) (arguing that the Leopold Committee considered Native American manipulation of the environment, particularly periodic burning, to be "original" and "natural," and therefore, part of the baseline conditions at the time of European contact). The committee may have perpetuated a view of Native Americans as part of natural rather than human history. *See, e.g.*, STEVEN CONN, HISTORY'S SHADOW: NATIVE AMERICANS & HISTORICAL CONSCIOUSNESS IN THE NINETEENTH CENTURY 30-31 (2004).

[54] Thanks to Lynn Huntsinger for her comments on this section.

[55] Nez Perce National Historical Park was established in 1965 as a result of efforts by the Nez Perce Tribe to foster economic development and create jobs through tourism. *See* TED CATTON, NEZ PERCE NATIONAL HISTORICAL PARK: ADMINISTRATIVE HISTORY ch. 1 (1996), *available at* http://www.nps.gov/nepe/adhi/adhi.htm.

[56] In 1962, the NPS and Navajo Nation signed a memorandum of agreement that allowed NPS use of Navajo land in exchange for specific economic privileges within the monument. Memorandum of Agreement Between the Navajo Tribes, Bureau of Indian Affairs, and National Park Service Relating to the Recreational Development of the Navajo National Movement (May 8, 1962).

[57] KELLER & TUREK, *supra* note 29, at 16.

[58] On a number of occasions, the creation of a national park has been offered as a compromise by both tribes and the federal government where tribes have made claims to the restora-

Havasupai Tribe obtained additional reservation land and usage rights in the Grand Canyon National Park Expansion Act of 1975. In 1980, the Alaska National Interest Lands Conservation Act ("ANILCA") added ten new park units in Alaska, provided for subsistence use in nine of the units, and established Subsistence Resource Commissions with seats and a voice for Alaska Natives.[59]

Since the 1990s, legislation has expanded the substantive and procedural remedies available to tribes with regard to public lands.[60] In 1994, the TSGA included non-BIA bureaus like the NPS in its provisions, and amendments to the Marine Mammal Protection Act authorized the Secretaries of

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tion and transfer of federal land. During the occupation of Alcatraz Island (1969-1971), the federal government refused to acknowledge the Indians' claims to the "surplus land," and "offered instead to make Alcatraz a national park with an Indian theme, an Indian name, and Indian employment preference in hiring the necessary park personnel." ALCATRAZ IS NOT AN ISLAND 65-68 (Peter Blue Cloud ed., 1972). The Indians rejected the proposal. Alcatraz Island became part of Golden Gate National Recreation Area ("GGNRA") in 1973. Interestingly, U.S. Representative Burton's original GGNRA bill excluded Alcatraz from the park and provided that the government sell it to the Indian people; Alcatraz was later added. HAL K. ROTHMAN, THE PARK THAT MAKES ITS OWN WEATHER: AN ADMINISTRATIVE HISTORY OF GOLDEN GATE NATIONAL RECREATION AREA 28–30 (2002).

Conversely, the Sioux Nation proposed a national park under tribal ownership in the Black Hills, which later led to the introduction of federal legislation calling for joint NPS-tribal management. In 1983, after the Sioux Nation was awarded compensation in the Court of Claims (Sioux Nation of Indians et al. v. United States, 650 F.2d 244 (1981)), and the hope of a judicial land restoration grew dim, the Sioux drafted a bill to return land to the Sioux Nation. It involved a land exchange and creation of a tribal religious area and Sioux Park. Imre Sutton, *Incident or Event?: Land Restoration in the Claims Process*, *in* IRREDEEMABLY AMERICA: THE INDIANS' ESTATE AND LAND CLAIMS 211, 224 (Imre Sutton ed., 1985). The Sioux National Black Hills Act or "Bradley Bill" was introduced in 1985 and called for joint management of the park between the NPS and the Sioux Nation. Office of Sen. Daniel Inouye, *1986 Black Hills Hearing on S.1453: Introduction*, 4 WICAZO SA REV. 10 (1988). (Thank you to Professor Frickey for sharing this information from his files.) It never made it out of committee. A similar bill was introduced in 1990. John P. LaVelle, *Rescuing Paha Sapa: Achieving Environmental Justice by Restoring the Great Grasslands and Returning the Sacred Black Hills to the Great Sioux Nation*, 5 GREAT PLAINS NAT. RESOURCES J. 40, 92 (2001); *see also* David Melmer, *Historic Partnership: State And Federal Officials Meet With Oglala Sioux*, INDIAN COUNTRY TODAY, Mar. 2, 2005, at B1. Neither the Alcatraz offer nor the Black Hills proposal succeeded, but in both examples the creation of national parks has served as a pawn in negotiations regarding Indian land claims.

[59] Sneed, *supra* note 29, at 109, 160.

[60] This includes amendments to the National Historic Preservation Act in 1992, Pub. L. No. 102-575, 106 Stat. 4600 (1992) (codified as amended at 16 U.S.C. § 470 (2006)); the Native American Graves Protection and Repatriation Act in 1990, 25 U.S.C. §§ 3001-3013 (2006); President Clinton's Memorandum on Government-to-Government Relations with Native American Tribal Governments, 59 Fed. Reg. 22,951 (May 4, 1994); Jack F. Trope & Walter R. Echo-Hawk, *The Native American Grave Protection and Repatriation Act: Background and Legislative History*, 24 ARIZ. ST. L.J. 35, 61-70 (1992). *But see* Wood, *supra* note 16, at 749; President Clinton's Executive Order on Consultation and Coordination with Indian Tribal Governments, Exec. Order No. 13175, 65 Fed. Reg. 67,249 (Nov. 9, 2000). *See generally* Erik B. Bluemel, *Accommodating Native American Cultural Activities on Federal Public Lands*, 41 IDAHO L. REV. 475 (2005); Dave Egan, *Defining Cultural and Ethnographic Landscapes*, 21 ECOLOGICAL RESTORATION 258 (2003); Dean B. Suagee, *Tribal Voices in Historic Preservation: Sacred Landscapes, Cross-Cultural Bridges, and Common Ground*, 21 VT. L. REV. 145 (1996-97); Sandra B. Zellmer, *Sustaining Geographies of Hope: Cultural Resources on Public Lands*, 73 U. COLO. L. REV. 413 (2002).

Interior and Commerce to enter into agreements with Alaska Native organizations to "conserve marine mammals and provide co-management of subsistence use by Alaska Natives."[61] In February 1995, the NPS created the American Indian Liaison Office ("AILO").[62] A number of tribes have used this emphasis on cooperation and government-to-government relations to secure agreements with national park units.[63]

Yet relations remain vexed. In 1996, six tribes—the Navajo Nation, Five Sandoval Indian Pueblos, Hualapai Tribe, Timbisha Shoshone Tribe, Miccosukee Tribe, and Pai 'Ohana—established the Alliance to Protect Native Rights in National Parks.[64] It is not clear what the next era in federal Indian policy or NPS-tribal relations will be.

B. Avenues for Tribal–NPS Cooperation[65]

Tribes and parks have used a variety of tools and methods for creating more cooperative relationships, representing a range of options and experience. For example, joint management of Canyon de Chelly National Monument by the Navajo Nation and the NPS originated in 1931, and demonstrates that cooperative efforts between tribes and parks are neither implausible nor novel.[66] Nonetheless, the NPS has rarely relinquished ownership or control over land to tribes. Instead, other types of agreements are more common. It is important to situate the TSGA among four categories of tools for NPS-tribal cooperation: land transfers and exchanges, co-management, agreements, and tribal parks.

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[61] Marine Mammal Protection Act Amendments of 1994, Pub. L. No. 103-238, 108 Stat. 532 (codified as amended at 16 U.S.C. § 1388(a)). In 1997, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service and the Biological Resources Division signed a Memorandum of Agreement for the negotiation of the Marine Mammal Protection Act Section 119 Agreements with the Indigenous People's Council for Marine Mammals, an Alaska-wide agency. For more information, see Jennifer L. Schorr, The Integration of Traditional Ecological Knowledge and Science Under Marine Mammal Protection Act Co-Management Agreements (Mar. 9, 1998) (unpublished Master's thesis, University of Washington).

[62] American Indian Liaison Office, Aug. 2000, *available at* http://crm.cr.nps.gov/archive/23-09/23-09-10.pdf.

[63] This is addressed later in Part II.C.

[64] *See* Todd Wilkinson, *Native Americans Challenge Park Agency for Land Rights*, CHRISTIAN SCI. MONITOR, Oct. 22, 1996, at 1.

[65] A few sources address current NPS Management Policies; the NPS website has a long but non-exhaustive list. Compilation of NPS Management Policies Pertaining to Native Americans, Jan. 2003, *available at* http://www.nps.gov/policy/NativeAmericanPolicies.htm. *See generally* Bluemel, *supra* note 60 (exploring agency directives); Egan, *supra* note 60 (discussing management policies).

[66] It is revealing that the co-management occurs on tribal land rather than federal land.

1. *Land Transfers and Exchanges*[67]

In rare cases, tribes have been able to secure rights and privileges, or even transfers of land, when changes to the park are necessary or desired by the NPS. For example, a park expansion at Grand Canyon and a change from monument to park designation at Death Valley provided the political and administrative opening for the Havasupai and Timbisha Shoshone tribes to assert their voices effectively to secure land for tribal use or ownership. At Grand Canyon National Park, the Havasupai Tribe was able to secure additional tribal land use and ownership rights within the park under the Grand Canyon Expansion Act of 1975.[68] The Timbisha Shoshone Tribe was able to secure land for a reservation within Death Valley National Park and to designate a Timbisha Shoshone Natural and Cultural Preservation Area with some specified locations for co-management by the park and tribe.[69]

The Eastern Band of Cherokee Indians participated in a land exchange with Great Smoky Mountains National Park and the Blue Ridge Parkway in 2003. The Eastern Band of Cherokee Indians Land Exchange Act of 2003[70] authorized the National Park Service to exchange 143 acres of land within Great Smoky Mountains National Park and the Blue Ridge Parkway (adjacent to the tribe's trust land and part of the tribe's aboriginal territory) for 218 acres of land acquired by the Eastern Band of Cherokee Indians ("EBCI") adjacent to the Blue Ridge Parkway.[71] The Act places the exchanged land in trust for the EBCI, which intends to build educational facilities on the land. It also prohibits gaming,[72] and directs the NPS and EBCI to agree on standards for construction on the land.[73] Evidently, once a park enters NPS own-

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[67] For references regarding the repatriation of federal land (NPS and non-NPS) see Sutton, *supra* note 58, at 211; Tsosie, *Tribal Environmental Policy*, *supra* note 8, at 306.

[68] *See* Janet R. Balsom, *Inclusion in NPS Management at Grand Canyon: Tribal Involvement and Integration*, *in* CROSSINGS BOUNDARIES IN PARK MANAGEMENT: PROCEEDINGS OF THE 11TH CONFERENCE ON RESEARCH AND RESOURCE MANAGEMENT IN PARKS AND ON PUBLIC LANDS 250 (David Harmon ed., 2001); BURNHAM, *supra* note 29, at 182-83; KARL JACOBY, CRIMES AGAINST NATURE: SQUATTERS, POACHERS, THIEVES AND THE HIDDEN HISTORY OF AMERICAN CONSERVATION 149-92 (2001); KELLER & TUREK, *supra* note 29, at 156; MARTIN, *supra* note 29, at 271.

[69] *See* BURNHAM, *supra* note 29, at 307; Catherine S. Fowler et al., *Caring for the Trees: Restoring Timbisha Shoshone Land Management Practices in Death Valley National Park*, 21 ECOLOGICAL RESTORATION 302, 303 (2003); Haberfeld, *supra* note 29, at 154-56; THE TIMBISHA SHOSHONE TRIBAL HOMELAND REPORT: A DRAFT SECRETARIAL REPORT TO CONGRESS TO ESTABLISH A PERMANENT TRIBAL LAND BASE AND RELATED COOPERATIVE ACTIVITIES, part 3(c), http://www3.iwvisp.com/blm/report (last visited Jan. 3, 2007) (on file with the Harvard Environmental Law Review).

[70] Eastern Band of Cherokee Indians Land Exchange Act of 2003, 16 U.S.C. § 460a-5 (2006).

[71] The exchanged land appears to have been acquired in anticipation of the Act. The NPS and EBCI also have some history with regard to acquisitions of rights-of-way for the Blue Ridge Parkway. *See* FAIRFAX ET AL., *supra* note 32, at 123.

[72] 16 U.S.C. § 460a-5(e) (2006).

[73] *Id.* § 460(d)(2).

ership and is given national park unit designation, however, such a park is rarely transferred from federal to tribal control.

2. *Co-Management*

True sharing of park management, or co-management, is probably more rare than land transfers. However, a recent agreement at the Southern Unit of Badlands National Park provides a glimpse at the possibilities for co-management. The Oglala Sioux Tribe manages the visitor center for the Southern Unit of Badlands National Park under a recently negotiated Memorandum of Understanding ("MOU") negotiated with the NPS.[74] But the closest co-management arrangement between tribes and parks may be between the NPS and the Navajo Nation at Canyon de Chelly.

Canyon de Chelly was established in 1931 by presidential proclamation. It lies within the Navajo reservation in northeastern Arizona and, although managed as a park unit by the NPS, is retained in ownership by the Navajo Nation. The enabling legislation,[75] in addition to providing for the rights of Navajos within the monument, loosely defined what activities would be governed by the tribe and the NPS. Generally, the NPS has responsibility for archaeological resources; cultural and historic resources; objects and issues of scientific interest; and visitor services. The Navajo Nation manages water, forest, mineral and subsurface resources and grazing allotments. The Navajo Nation assumes jurisdiction, in cooperation with the NPS, over land use regulation, primarily through the tribe's allocation of agricultural land use permits. Although the enabling legislation does not provide a clear mandate to cooperate with the tribe in monument management, the NPS and the Navajo Nation coordinate various management efforts (e.g., law enforcement, interpretation, and facilities management).[76]

3. *Agreements*

More common than either co-management agreements or land transfers are agreements in which tribes have secured favorable language in the ena-

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[74] Associated Press, *One Badlands Tourist Center Now Run By Tribe* (Oct. 4, 2004), *available at* http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=lm&list=H-AmIndian (then follow "October 2004" hyperlink; then follow "FYI: News Items of Interest 10/5/2004" hyperlink) (on file with the Harvard Environmental Law Review).

[75] Pub. L. No. 71-667, 46 Stat. 1161 (Feb. 14, 1931). Canyon de Chelly National Monument was not established under the Antiquities Act of 1906. A 1927 act required congressional action for changes to reservation boundaries. 25 U.S.C. § 398d (2006). Thus, a presidential proclamation under the Antiquities Act would not be sufficient. As a result, Congress passed an act to authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Arizona. Act of Feb. 14, 1931, 16 U.S.C. § 445 (2006). The boundaries to the park were later changed by Pub L. No. 72-404, 47 Stat. 1419 (1933) (codified as amended at 16 U.S.C. § 445 (2006)).

[76] Interview with Scott Travis, Superintendent, Canyon de Chelly Nat'l Monument, at Canyon de Chelly Nat'l Monument, Ariz. (Mar. 23, 2004).

bling legislation establishing park units and recognizing the rights and privileges of tribes and tribal members regarding hiring preferences, sharing of management, preference in concessions, and hunting and/or gathering within park boundaries.

Tribes and the NPS have entered into a variety of agreements with tribes for different purposes. For example, the NPS regularly enters into memoranda of agreement ("MOAs") or MOUs.[77] It also negotiates cooperative agreements that provide a means for transferring funds from NPS to other entities, including tribes.[78] For example, some tribes have entered into general agreements to formalize the government-to-government relationship between the park unit and themselves.[79] Other tribes have been able to gather or hunt within parks where NPS regulations are generally hostile to such activities.[80] The activities are permitted when park enabling legislation (or other legislation) so provides,[81] where treaty rights (or case law) apply,[82] or where superintendents have used their discretion to permit such gathering to occur.[83] Where treaty rights are at issue, the rights may include servitudes

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[77] For example, the NPS has an MOA with the Navajo Nation for Navajo National Monument. The monument is within the Navajo reservation, but is under primarily NPS ownership. A 1962 MOA permits the NPS to manage an additional 240 acres that remains in Navajo ownership. For a sampling of MOUs and MOAs between tribes, states, and federal agencies, see Oregon Law Institute, Northwestern School of Law of Lewis & Clark College, *Protection of Cultural Resources & Co-Management of Natural Resources by Tribes and the Government,* Course Materials from the July 28, 2000 Program in Portland [hereinafter Oregon Law Institute].

[78] This is used, for example, at Chaco Culture National Historic Park. The park has a "long-standing cooperative agreement" with the Navajo Nation concerning the Chaco Protection Sites Program pursuant to the Chacoan Outliers Protection Act of 1995. E-mail from Wendy Bustard, Museum Curator, Chaco Culture NHP Museum Collection, Department of Anthropology, University of New Mexico, to author (Feb. 24, 2005) (on file with the Harvard Environmental Law Review). *But see* KELLER & TUREK, *supra* note 29, at 192 (suggesting that attempts at cooperative management at Chaco Culture NHP have been unsuccessful).

[79] General Agreement Among the National Park Service, Redwood National Park; California Department of Parks and Recreation, Prairie Creek Redwoods State Park; and the Yurok Tribe–to formalize the government-to-government relationship, Agreement No. G84800 20005 (Mar. 27, 2003).

[80] Ruppert, *supra* note 8, at 261-62.

[81] *E.g.*, Big Horn Canyon National Recreation Area and Crow Tribe; Lake Mead National Recreation Area and Hualapai Tribe; Big Cypress National Preserve and Miccosukee and Seminole Tribes; Organ Pipe Cactus National Monument and Indians of the Papago Reservation; Pipestone National Monument and "Indians of all tribes," Act of Aug. 25, 1937, 16 U.S.C. §§ 445c-d (2006) (establishing Pipestone National Monument, Minnesota); Grand Canyon National Park and Havasupai Tribe (16 U.S.C. §§ 221-228 (2006)). The Grand Canyon National Park Enlargement Act of 1975 permits use of 185,000 acres for traditional purposes, including hunting and gathering. 16 U.S.C. § 228a (2006).

[82] Looking not at the NPS, but at the U.S. Forest Service, Wilkinson explores some of the contention between the Nez Perce Tribe and USFS regarding off-reservation rights, campground fees and stay limits, and the nature of the USFS's obligation to protect treaty resources. Charles F. Wilkinson, *Indian Tribal Rights and the National Forests: The Case of the Aboriginal Lands of the Nez Perce Tribe*, 34 IDAHO L. REV. 435, 450-61 (1998).

[83] *See, e.g.*, NAT'L PARK SERV., U.S. DEP'T OF THE INTERIOR, HAWAII VOLCANOES NAT'L PARK, POLICY STATEMENT ON NATIVE HAWAIIAN USE OF HAWAII VOLCANOES NATIONAL PARK (1995).

across federal land to access resources.[84] Goodman has also suggested that such rights may lend themselves not only to claims of rights to use the resource and the right to the resource itself, but even a right to manage or co-manage the resource.[85] A number of park units have negotiated use agreements with federally recognized tribes.[86]

4. *Tribal Parks as Alternatives*

Tribes may also seek to manage their own land with tribal park designations. Historian Diane Krahe describes the efforts of the tribes of the Flathead reservation in Montana that protested the imposition of wilderness and roadless areas by the Indian Office/BIA, and eventually developed and adopted their own wilderness designation, a model, in Krahe's words, for "preserving the natural integrity of Indian lands on Indian terms."[87]

There are a number of tribal parks in existence. The Navajo Nation has an active tribal park system.[88] Prompted by concerns about NPS control and

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[84] *See* United States v. Winans, 198 U.S. 371, 381 (1905). Bluemel has suggested that using such property-based claims may represent a difficult but perhaps unexplored and useful alternative to achieve accommodation of Native American use of public land. Bluemel, *supra* note 60, at 546-54.

[85] Ed Goodman, *Protecting Habitat for Off-Reservation Tribal Hunting & Fishing Rights: Tribal Co-Management as a Reserved Right*, 30 ENVTL. L. 279, 282 (2000). Some have proposed that the TSGA be amended to provide for mandatory compacting between non-BIA bureaus and tribes where treaty resources are a consideration. Telephone Interview with Geoffrey Strommer, Attorney, Hobbs, Straus, Dean and Walker (Apr. 22, 2005) (on file with the Harvard Environmental Law Review).

[86] Zion National Park, Cedar Breaks National Park, and Pipe Spring National Monument have signed a Memorandum of Understanding with the Kaibab Band of Paiute Indians, the Moapa Band of Paiute Indians, and the Paiute Indian Tribe of Utah. This agreement allows tribal members to gather plants in the park for traditional cultural-religious purposes under prescribed conditions. Memorandum of Understanding Regarding the Gathering of Plant Resources for American Indian Traditional Cultural-Religious Purposes from National Park Lands (May 2, 1998-Mar. 4, 1999). Zion National Park also has a "formal park policy that exempts Southern Paiute tribal members from paying fees if they enter the park for nonrecreational activities (i.e. traditional religious, ceremonial, medicinal, or other customary activities)." NAT'L PARK SERV., U.S. DEP'T OF THE INTERIOR, ZION NATIONAL PARK: GENERAL MANAGEMENT PLAN 8 (2001). The Nisqually Indian Nation and Mount Rainier National Park entered into a cooperative use agreement for gathering on November 23, 1999. Memorandum of Understanding Regarding the Gathering of Plant Resources for American Indian Traditional Cultural-Religious Purposes from National Park Lands between Mount Rainier National Park and the Nisqually Indian Tribe, No. 1443-MU9450-99-002 (Nov. 23, 1998); DANIEL BOXBERGE, THE LEGAL CONTEXT OF NATIVE AMERICAN LAND AND RESOURCE USE IN MOUNT RAINIER NATIONAL PARK (1998). The agreement included a sunset provision and its future is uncertain. Public Employees for Environmental Responsibility, a non-governmental organization, threatened to bring suit if the agreement is renewed. PACIFIC WEST REGION, *supra* note 26, at 29. An agreement between Lassen Volcanic National Park and the Mooretown Rancheria also allows members of the tribe to collect or gather plants within the park. General Agreement Between Lassen Volcanic National Park and Mooretown Rancheria, No. GA8400-99 001 (Sept. 30, 1999).

[87] Diane L. Krahe, *A Sovereign Prescription for Preservation: The Mission Mountains Tribal Wilderness*, *in* TRUSTEESHIP IN CHANGE, *supra* note 7, at 198.

[88] *See* Sanders, *supra* note 50, at 61.

authority over tribal land, a 1934 Navajo Tribal Council resolution called for the return of NPS lands within the Navajo reservation, specifically at Canyon de Chelly.[89] The resolution communicated the desire of the Navajo Nation to protect its own lands and provide for public use, with the acknowledgement that the Navajo "have a greater love for their country and its beauties than any other people can possibly have," "know more about their country and always will have a greater interest in its welfare than any other people," and that the "management by ourselves of our own scientific and scenic areas would give us an additional source of income necessary to maintain our ever-increasing population."[90] The Navajo Nation's first tribal park, Monument Valley, was established in 1958 partly in response to "persistent NPS efforts to acquire the valley."[91]

The Navajo Parks and Recreation Department currently manages Monument Valley, Antelope Canyon–Lake Powell, Bowl Canyon, Little Colorado River Gorge, Window Rock, and Four Corners National Navajo Tribal Park.[92] The Navajo Nation is not alone: the Intertribal Sinkyone Wilderness Council manages the Sinkyone InterTribal Park in California, the Ute Mountain Tribe of the Ute Mountain Reservation operates a tribal park in Colorado,[93] and the Pueblo of Santa Clara own and operate the Puye Cliff Dwellings in New Mexico.[94]

In sum, there are a variety of avenues for NPS-tribal cooperation, including land transfers and exchanges, co-management, agreements, and tribal parks. Part III analyzes the TSGA as one of these avenues by examining its background and provisions to shed light on its use. If the restoration of tribal land or exclusive management is the desired goal, the TSGA is an inadequate tool. However, as land restoration appears to be a rare, unlikely,[95] or even politically impossible option, and as litigation under the First Amendment continues to fail,[96] the TSGA and the opportunities it presents for increasingly tribal participation in federal land management might be useful.

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[89] DAVID M. BRUGGE & RAYMOND WILSON, ADMINISTRATIVE HISTORY: CANYON DE CHELLY NATIONAL MONUMENT, ARIZONA 23 (1976).

[90] 19 N.T.C. § 1 (1970).

[91] Keller & Turek, *supra* note 29, at 213.

[92] *See* Navajo Nation Parks and Recreation Department, http://www.navajonationparks.org/parks.htm (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[93] *See* Ute Mountain Ute Tribal Park, http://www.utemountainute.com/tribalpark.htm (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[94] *See* Puye Cliff Dwellings, http://www.hanksville.org/voyage/misc/puye.html (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[95] *See* Sutton, *supra* note 58, at 211, 228-29.

[96] These are what Bluemel has called the "traditional claims raised by Native American activists" and the subject of much legal literature. *See* Bluemel, *supra* note 60, at 483, 496-98.

III. The 1994 Tribal Self-Governance Act: History and Provisions

The TSGA is one step in a long aggregation of amendments to the ISDEAA, and represents an effort by Congress to link the programs of non-BIA bureaus within the Department of the Interior to Indian self-determination policy. The inclusion of non-BIA DOI bureaus (like the NPS) in the TSGA represents not a provision aberrant to the ISDEAA's history, but rather an incremental step consistent with both its history and its intent. It is significant, and perhaps new, that the TSGA recognizes the import of programs of non-BIA bureaus to Indian self-determination. Even so, their inclusion follows a trend of gradual expansion of the scope of the ISDEAA.

A. *Evolution of the Indian Self-Determination Act and Amendments*[97]

Although scholars have identified early examples of Indian self-determination policy[98] throughout the pendulum swings of federal policy toward Native Americans, self-determination emerged as a major policy goal in the 1960s and 1970s. A response to both the American Indian Movement and the destructiveness of termination, it brought sweeping changes. President Nixon, in his special message to Congress in 1970, stated, "The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions."[99] Changes in Indian education and Indian health services and the enactment of the Indian Child Welfare Act followed.[100]

Federal self-determination policy, with the passage of the ISDEAA in 1975, aimed to reduce the dominance of the federal government, and specifically the BIA, by encouraging tribes to assume control over federal programs for Native Americans. The ISDEAA was intended to provide a mechanism for transitioning from federal planning and administration to tribal self-determination,[101] and from federal paternalism to tribal empower-

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[97] For quick overviews, see Vine Deloria, Jr. & Clifford M. Lytle, Americans Indians, American Justice 21-24 (1983); Prucha, *supra* note 47, at 1085-1170.

[98] The origins of self-determination policy are beyond the scope of the article. See, e.g., Russell Lawrence Barsh, *Are We Stuck in the Slime of History?* 15 Am. Indian Q. 1 (1991); and a response from Richmond L. Clow, *A Hesitant Second*, 15 Am. Indian Q. 39 (1991). Johnson and Hamilton also describe how early policies have been used by tribes more recently. For example, an 1834 Act (25 U.S.C. § 48 (2006)) that permitted competent tribes (as deemed by the Secretary of the Interior) to "direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them," was used by the Red Lake Band of Chippewa Indians in the 1980s. Johnson & Hamilton, *supra* note 11, at 1256.

[99] Message from the President of the United States Transmitting Recommendations for Federal Indian Policy, H.R. Doc. No. 91-363, at 1 (1970).

[100] Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. § 450 (2006); Indian Health Care Improvement Act of 1976, 25 U.S.C. § 1601 (2006); Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 (2006).

[101] *See* Prucha, *supra* note 47, at 1113 (listing the main points of Nixon's proposals to Congress).

ment.[102] The congressional findings in the 1994 amendments state the point succinctly: "[T]he Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs."[103] The ISDEAA, then, created a "process by which resources dedicated to administering and implementing Indian programs are removed from Bureau of Indian Affairs personnel and placed directly into the hands of tribal governments."[104]

The ISDEAA also reflects fear of termination.[105] Concerned about the possibility of losing all federal funding and assistance,[106] many tribes sought—and Nixon advocated—"self-determination without termination."[107] As a result, legislators opted not to pass a "takeover" bill that would have allowed tribes to assume complete administration from the federal government. The ISDEAA instead provided for a different mechanism for transfer of responsibility, one that explicitly acknowledged a commitment to the federal trust responsibility, allowing tribes to assume responsibility through a contracting process.[108]

The federal policy of Indian self-determination has continued to expand since the enactment of the ISDEAA in 1975.[109] Amendments to the ISDEAA, including the TSGA, have enlarged its scope from BIA and Indian Health Service to non-BIA agencies, from contracts to more sophisticated and flexible compacts and annual funding agreements, and from programs exclusively for the benefit of Indians because of their status as Indians to programs to which tribes have geographical, historical, and cultural connections.[110]

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[102] *See generally* Johnson & Hamilton, *supra* note 11.

[103] Indian Self-Determination Act Amendments of 1994, Pub. L. No. 103-413, § 202(3), 108 Stat. 4270, 4271 (codified in 25 U.S.C. § 458aa (2006)).

[104] Johnson & Hamilton, *supra* note 11, at 1252.

[105] *See supra* note 47 for a definition of termination. *See generally* CLINTON ET AL., *supra* note 44, at 40.

[106] *Id.* at 45-46.

[107] PRUCHA, *supra* note 47, at 1112.

[108] It should be noted that "638" contracts are to be distinguished from contracts between the federal government and private parties. They are agreements between two sovereigns and could be (and have been) likened to treaties. Johnson & Hamilton, *supra* note 11, at 1256 n.24, 1262–63.

[109] *Id.* at 1262-78.

[110] From 1975 to 1994, the ISDEAA and its amendments have reflected different emphases in federal policy: civil rights in 1975, localism and devolution in 1988, and outsourcing and reduced government in 1994. The TSGA was drafted during the Clinton administration, and its language reflects some of the rhetoric of the times (e.g., Gore's Reinventing Government campaign). One of the policy goals of the title of the Act is to "provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy." 25 U.S.C. § 458aa (2006). However, although the TSGA has been framed incorrectly as another outsourcing measure (*see, e.g.*, Paul McHugh, *Bush's Plan for Preserves*, S.F. CHRONICLE, Oct. 16, 2003, at C9), AFAs were not and are not part of an explicit part of government outsourcing. The major policy goal is not an increase in efficiency or savings in program costs (although that may well occur), but rather an emphasis on reconnecting federal programs to tribes that have an association to them. 25 U.S.C. § 450 (2006). Regardless, outsourcing may continue to color the debates about the TSGA, particularly the possibility of federal job displace-

Under the 1975 ISDEAA, Native American tribes and Alaska Native Villages were given the right to assume responsibility for BIA or Indian Health Service ("IHS")[111] programs performed pursuant to federal law that *benefited Indians because of their status as Indians*.[112] Under Indian Self-Determination Act contracts (commonly referred to as "638 contracts"), tribes have been given discretion over program operations and received federal funds[113] that the BIA or IHS would have received to provide the same services.[114] The types of programs available to tribes range widely, and some tribes have used the ISDEAA to assume control over tribal natural resource management.[115] But the ISDEAA was not without its critics; some argued that the BIA was interpreting the Act's language so narrowly as to prevent tribes from obtaining any real discretion and control over programs.[116]

In response to calls for greater flexibility in allocating federal resources, and prompted by a series of articles on mismanagement and waste within the BIA in the *Arizona Republic*, Congress began discussion on the 1988 amendments to the Indian Self-Determination Act.[117] The 1988 amendments created the Self-Governance Demonstration Project ("Project"), which did two things. First, it created two new instruments for transferring federal programs to tribes: compacts[118] and AFAs.[119] Compacts and AFAs were in-

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ment. *See* Indian Self-Governance in the National Park Service, DRAFT Subject to Policy Review 7 (Apr. 24, 1995) (on file with the Harvard Environmental Law Review) [hereinafter ISG in the NPS] (describing how the NPS will attempt to relocate employees affected by AFAs and stating that "a reduction-in-force could be required. While this would not normally seem necessary, in this time of downsizing there simply may not be the FTE available in which to place affected employees"). Much of the opposition to the Act has centered on the loss of federal jobs, and as the Grand Portage case study will demonstrate, the Band and NPS went to great lengths to create arrangements to protect a NPS employee's position.

[111] The BIA is in the Department of the Interior. The Indian Health Service is in the Department of Health and Human Services.

[112] *See supra* note 5.

[113] Tribes often invest additional funds into the programs under "638 contracts."

[114] H.R. REP. No. 106-477, at 61-67 (1999).

[115] *See* HISTORICAL RESEARCH ASSOCIATES, INC., THE FORESTS OF ANISHINABE: A HISTORY OF MINNESOTA CHIPPEWA TRIBAL FORESTRY, 1854-1991, at 7-19 (1992); Huntsinger & McCaffrey, *supra* note 39, at 180-81. Because the ISDEAA pertained only to programs provided pursuant to federal law for the benefit of Indians, tribal control was likely limited to natural resources on tribal land. The TSGA extends the programs and functions available to tribes.

[116] Russell Lawrence Barsh & Ronald L. Trosper, *Title I of the Indian Self-Determination and Education Assistance Act*, 3 AM. INDIAN L. REV. 361, 361 (1975).

[117] *See, e.g.*, Chuck Cook et al., *Indians Are Sold Out by U.S.*, ARIZ. REPUBLIC, Oct. 4, 1987, at A1; Johnson & Hamilton, *supra* note 11, at 1267.

[118] A compact is an "executed document that affirms the government-to-government relationship between a self-governance Tribe and the United States. The compact differs from an AFA in that parts of the compact apply to all bureaus within the Department of the Interior rather than a single bureau." 25 C.F.R. § 1000.2 (2006).

[119] As 25 C.F.R. § 1000.121 states:

> Annual funding agreements for non-BIA programs are legally binding and mutually enforceable agreements between a bureau and a Tribe/Consortium participating in the self-governance program that contain: (a) A description of that portion or portions of a bureau program that are to be performed by the Tribe/Consortium; and (b)

tended to provide tribes more flexibility and control over programs and funds than were possible under self-determination contracts. The difference between self-determination contracts and self-governance compacts/AFAs centers on the ability of tribes to allocate funds between programs. The compacts function to establish a government-to-government relationship; the AFAs allow a tribe to concentrate various program funds within one funding package. Thus, if a tribe seeks to manage multiple programs, it can receive the funds for all the programs under one AFA, rather than negotiating a multitude of self-determination contracts. Under the 1988 amendments, funds could be distributed as block grants rather than as categorical program grants.[120]

Second, the 1988 amendments established a separate category for tribes wishing to enter into compacts and AFAs. To be eligible "Self-Governance tribes," tribes had to meet four requirements: (1) the tribe(s) must be federally recognized; (2) the tribe must request participation with an official action of the tribal governing body; (3) the tribe must demonstrate financial stability and management capability by having no material audit exceptions in the tribe's "638 contract" audit; and (4) the tribe must have "successfully completed a planning phase, requiring the submission of a final planning report which demonstrates that the tribe has conducted legal and budgetary research and internal tribal government and organizational planning."[121] Under the 1988 amendments, up to twenty tribes were permitted to negotiate for AFAs for various programs, and the Act would sunset after five years. The result of the 1988 amendments was to streamline the process and also allow tribes greater decision-making authority to allocate and re-allocate the AFA funds among various programs with less federal oversight.

The 1988 amendments also extended the ISDEAA another way: they permitted bureaus within the DOI other than the BIA to contract for programs established for the benefit of Indians because of their status as Indians. By 1994, the Bureau of Reclamation and Bureau of Land Management had negotiated "638 contracts" with a number of tribes under this provision to, for example, construct water delivery services and irrigation projects or to do cadastral survey work meant to benefit the tribes.[122]

The 1991 Tribal Self-Governance Demonstration Project Act extended the duration of the Project, increased the number of tribes from twenty to thirty, and required that the tribes undergo a one-year planning period prior

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Associated funding, terms, and conditions under which the Tribe/Consortium will assume a program, or portion of a program.

25 C.F.R. § 1000.121 (2006).

[120] *See* Robert N. Clinton, *Redressing the Legacy of Conquest: A Vision Quest for a Decolonized Federal Indian Law*, 46 ARK. L. REV. 77, 134-41 (1993-1994).

[121] *See* H.R REP. No. 106-477, at 64-65 (1999).

[122] *Hearing* (1994), *supra* note 5, at 39–40 (statement of Bonnie Cohen, Asst. Secretary—Pol'y, Management and Budget, U.S. Dep't of the Interior).

to compact negotiation.[123] The DOI permanently established the Office of Self-Governance in 1991 and a Northwest Field Office in 1993 (for negotiation and implementation in the Northwest and Alaska).[124] The number of tribes under self-governance and the number of compacts/AFAs grew steadily between 1991 and 1994.[125]

Until the 1994 amendments, the Indian Self-Determination Act had only included non-BIA agency programs that were intended to benefit Indians because of their status as Indians. Comments at a number of congressional hearings foreshadowed the possibility of extending the scope of non-BIA agency programs available to tribes within the Self-Governance Project.[126]

The 1994 Self-Determination Act Amendments brought three significant changes. First, they permanently established the Self-Governance Program within the DOI. Second, they allowed tribes to establish consortia, that is, groups of "two or more otherwise eligible Indian tribes . . . [that are] treated as a single Indian tribe for the purpose of participating in Self-Governance . . . ."[127] Third, and most importantly for the purposes of this Article, Title IV of the ISDEEA as amended in the TSGA allowed tribes (or consortia) to petition non-BIA bureaus within the DOI (Bureau of Land Management ("BLM"), Bureau of Reclamation ("BOR"), Minerals Management Service ("MMS"), NPS, Office of Surface Mining and Reclamation Enforcement ("OSM"), U.S. Fish and Wildlife Service ("FWS"), and U.S. Geological Survey ("USGS"))[128] to manage federal programs in two areas: (1) the familiar programs available to Indians because of their status as Indians,[129] and (2) programs of "special geographic, historical, or cultural signif-

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[123] Tribal Self-Governance Demonstration Project Act, P.L. 102-184, 105 Stat. 1278 (1991) (codified as amended at 25 U.S.C. § 450f (2006)).

[124] Tribal Self-Governance: 2004 Annual Report to Congress to be Submitted by the Sec. of the Interior 3 (Nov. 27, 2006), *available at* www.tribalselfgov.org/OSG_KenPosts/Kens_docs/Feb07_Ken/Fina1%202004%20Annual%20Report.pdf.

[125] 65 Fed. Reg. 78,688 (Dec. 15, 2000) (codified at 25 C.F.R. pt. 1000 (2006)).

[126] *See Tribal Self-Governance Demonstration Project Act: Hearing Before the S. Select Comm. on Indian Affairs*, 102d Cong. 6 (1991) (statement of Eddie F. Brown, Asst. Secretary for Indian Affairs, Bureau of Indian Affairs, U.S. Dep't of the Interior); *see also Hearing* (1994), *supra* note 5 (statement of Bonnie Cohen, Asst. Secretary—Pol'y, Management and Budget, U.S. Dep't of the Interior).

[127] 25 U.S.C. §§ 458aa-cc (2006).

[128] Note that this does not include the U.S. Forest Service, which is in the Department of Agriculture. One explanation for why the Forest Service is not included is that the amendments to the Act show a pattern in expanding from the BIA (which is in the DOI) to other DOI bureaus. Reid Peyton Chambers, *Judicial Enforcement of the Federal Trust Responsibility to Indians*, 27 STAN. L. REV. 1213, 1234 n.101 (1975) (asserting that the trust responsibility is particularly pronounced with the Department of the Interior, which is "charged with primary responsibility for Indian affairs"). Granted, the Act does include the Indian Health Service (Department of Health and Human Services). Note that even though it is not included in the Act, the USFS has negotiated cooperative agreements with tribes. *See* Oregon Law Institute, *supra* note 77.

[129] Some of the AFAs have been negotiated under this first category. 25 U.S.C. § 458cc(b)(2) (2006). *See, e.g.*, Bureau of Reclamation, Summary of Mid Pacific's Region

icance" to the participating tribe/consortium.[130] Most debate has centered on the latter type.

B. 1994 Tribal Self-Governance Act: Participation and Eligible Programs

1. *Structuring Tribal-NPS Relations: Who May Participate and How*

The TSGA establishes a process that allows for the participation of a select group of tribes, and the hurdles to participate are large. Although BIA and IHS programs are available to federally recognized tribes through self-determination contracts, only self-governance tribes may enter into AFAs for non-BIA programs fitting within the geographic, historical, cultural nexus. Once a tribe has entered into the Self-Governance program, it may then petition the bureau for management of programs and functions (or portions thereof). Because NPS units may only negotiate with self-governance tribes, this substantially narrows the field of tribes eligible to participate. There are currently about 230 self-governance tribes (of approximately 562 federally-recognized tribes) represented under eighty-eight compacts or AFAs with the BIA and sixteen AFAs with non-BIA bureaus (including the Office of the Special Trustee for American Indians). Barriers to entry into the Self-Governance program are significant, and tribes must prove themselves competent managers by meeting requirements set by the federal government.[131] The requirements likely serve as a deterrent to many tribes. For some, the cost of legal fees and protracted negotiations may be prohibitive. Capable and qualified tribes with significant connections to national park units may be excluded because they do not wish to enter into the Self-Governance program. On the other hand, the rigorous standards might also serve to counter some of the opposition to the TSGA. The tribes eligible to assume non-BIA programs are a select group that have chosen to prove that they meet financial and organizational standards set by the federal government.

Tribes are themselves not uniformly enthusiastic about self-governance. Because the TSGA divides tribes into two groups, self-governance tribes and non-self-governance tribes, many have expressed concern that the Act is divisive, alienating, colonial, and may lead to abrogation of the federal trust

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Native American Program, http://www.usbr.gov/native/news/2005/mp2005.html (last visited May 18, 2007) (on file with the Harvard Environmental Law Review).

[130] 25 U.S.C. § 458cc(c) (2006). Interestingly, in its request to enter into negotiations with the NPS, the Band argued that the monument would meet both categories for inclusion: the management of the monument as a program for Indians as well as a program of geographic, historical, and cultural significance. Letter from Norman Deschampe, Chairman, Grand Portage Reservation Tribal Council, to Pat Parker, Chief, Am. Indian Liaison Office, Nat'l Park Serv. (Nov. 5, 1996).

[131] *See infra* note 121 and accompanying text.

responsibility.[132] One scholar comments that "[t]he invitation to participate carries with it a divisiveness that draws some participants toward assimilation while it creates alienation among factions that choose not to participate."[133]

The TSGA has certain provisions that recognize tribal sovereignty: it does not waive tribal sovereign immunity, abrogate the federal trust responsibility, or mandate tribal consultation with the public. Yet federal bureaus are still required to use public consultation "when required by law or when appropriate under bureau discretion."[134] The regulations do provide guidelines for appropriate procedures for inclusion and notification of the tribes/consortia in the public consultation process, but they do not require tribes to consult the public. Nor is the action considered a significant federal action triggering the National Environmental Policy Act ("NEPA"). In drafting regulations, the rulemaking committee received public comments requesting that requirements be established for tribal public consultation procedures, but "[t]he Committee rejected this comment, because the Tribes/consortia are considered sovereign entities and the Department of the Interior has no authority . . . to dictate guidelines for their internal purposes."[135] Although the AFA negotiation process neither precludes nor requires public consultation, the Secretary of the Interior is required to submit an array of reports to Congress regarding the administration of self-governance and the status of non-BIA programs, and to publish lists of programmatic targets in the Federal Register.[136] In sum, the statute allows tribes that manage federal programs to be treated differently from federal agencies because of their status as sovereign nations.

After an AFA has been negotiated and a draft is completed by the park and tribe, it is then reviewed by the NPS regional office with jurisdiction over the park (of which there are seven), the Department of the Interior's

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[132] In the NPS context, this does not appear to have been a problem in current AFA negotiations, although difficulties might arise if AFAs were negotiated with certain tribes (Self-Governance tribes) while excluding others (i.e., non-Self-Governance tribes) that also have affiliations with the park unit. The NPS has articulated similar concerns: "The National Park Service is particularly concerned with the effect annual funding agreements may have on existing relationships, agreements, and partnerships with Indian tribes or Indian people who may or may not be eligible tribes as defined by the Act." ISG in the NPS, *supra* note 110, at 7.

[133] George S. Esber, Jr., *Shortcomings of the Indian Self-Determination Policy*, *in* STATE AND RESERVATION: NEW PERSPECTIVES ON FEDERAL INDIAN POLICY 212, 221 (George Pierre Castile & Robert L. Bee eds., 1992). Esber also argues that "[w]hat has been called economic development is an ethnocentric persuasion to model tribal economies after the U.S. pattern." One might argue that it is not just a persuasion to model tribal economies after the United States but also tribal government: many tribes have mirror images of federal agencies and bureaus (e.g., Tribal Historic Preservation Offices, Tribal Environmental Protection Agencies, etc.).

[134] Office of the Asst. Secretary-Indian Affairs; Tribal Self-Governance, 65 Fed. Reg. 78,688, 78,697 (Dec. 15, 2000) (codified at 25 C.F.R. § 1000).

[135] *Id.*

[136] *See* List of Programs Eligible for Inclusion in Fiscal Year 2003 Annual Funding Agreements To Be Negotiated with Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs, 67 Fed. Reg. 16,431, 16,431-35 (Apr. 5, 2002).

Office of Self-Governance, the regional Solicitor, the NPS American Indian Liaison Office, and/or the Washington Solicitor's Office.[137]

Unlike other tools for Tribal-NPS cooperation (like specific enabling legislation), the TSGA is relevant to the entire national park system. Because Congress has authorized executive agencies to delegate authority to tribes, the AFA is not dependent upon subsequent congressional approval by statute (although the TSGA does provide for a ninety-day period for congressional review).[138]

2. *Programs Eligible for Negotiation*

Self-governance tribes may petition for management of programs and functions or portions thereof, but the scope of agency/bureau discretion and the extent to which an agency/bureau is compelled to negotiate with a tribe for a non-BIA program remained in dispute.[139] As noted above,[140] the TSGA does not appear to *compel* bureau action with non-BIA programs to the extent that it does with BIA programs (where the Secretary is obligated to negotiate *and* contract with tribes meeting specific requirements). Although the NPS is compelled to negotiate, no substance is guaranteed. The programs made eligible for inclusion under an AFA are also a matter of bureau discretion. Because bureaus may not permit the transfer of "inherently federal" responsibilities under the TSGA, how bureaus define "inherently federal functions" will likely determine the degree to which tribes may participate in managing federal programs.[141]

a. Inherently Federal

The inclusion of non-BIA programs "was the very last item negotiated in the measure and was highly controversial."[142] As the TSGA was drafted, language prohibiting the transfer of inherently federal responsibilities was added in response to opposition to tribal control over non-BIA programs and resources. The opposition was raised primarily by the International Associa-

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[137] Telephone Interview with Emogene Bevitt, Program Analyst, Am. Indian Liaison Office, Nat'l Park Serv. (Dec. 3, 2003) (on file with the Harvard Environmental Law Review).

[138] 25 U.S.C. § 458cc(f) (2006) states that the Secretary of the Interior shall submit a copy of each AFA to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives for review at least 90 days before the AFA is to go into effect.

[139] See for example the regulations for the 2000 amendments to the Act which discuss the various positions. Office of the Asst. Secretary-Indian Affairs; Tribal Self-Governance, 65 Fed. Reg. 78,688, 78,694 (Dec. 15, 2000) (codified at 25 C.F.R. § 1000).

[140] *See supra* note 12.

[141] For example, this was at issue in the negotiations between the Confederated Salish and Kootenai Tribes and the Fish and Wildlife Service over the National Bison Range Complex. Erin Patrick Lyons, *"Give Me a Home Where the Buffalo Roam": The Case in Favor of the Management-Function Transfer of the National Bison Range to the Confederated Salish and Kootenai Tribes of the Flathead Nation*, 8 J. GENDER RACE & JUST. 711, 728-29 (2005).

[142] Johnson & Hamilton, *supra* note 11, at 1271-72.

tion of Fish and Wildlife Agencies.[143] The Association expressed concern about the impact of the TSGA on "the existing jurisdiction and authority of the tribal, state and Federal governments over natural resources . . ."[144] and suggested that the statute "could raise expectations about programs which are not intended to be eligible for compact, or the Secretary is otherwise constrained from compacting to the tribes."[145]

In response to the opposition, section 403 was amended by subsection (k), which states: "Nothing in this section is intended or shall be construed to expand or alter existing statutory authorities in the Secretary so as to authorize the Secretary to enter into any agreement under sections 403(b)(2) and 405(c)(1) with respect to functions that are inherently Federal . . . ."[146] The language left the question of what is considered an inherently federal function open to definition by the Department of the Interior. It also opened the possibility that federal land managers wishing to shrink the scope of the TSGA's application could broadly interpret "inherently federal" to include all park management functions.[147]

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[143] The International Association of Fish and Wildlife Agencies was founded in 1902 and represents fish and wildlife professionals. *See* Association of Fish and Wildlife Agencies, Introduction, http://www.fishwildlife.org/intro_approach.html (last visited Mar. 18, 2007) (on file with the Harvard Environmental Law Review).

[144] 140 CONG. REC. S14,678 (daily ed. Oct. 7, 1994) (statement of Sen. McCain).

[145] The Association appeared to be most concerned about threats to state authority. Letter from R. Max Peterson, Executive Vice-President, Int'l Assoc. of Fish & Wildlife Agencies, to Sen. John McCain, Co-Chairman, Senate Comm. on Indian Affairs (Oct. 3, 1994) (printed in 140 CONG. REC. S14,680 (daily ed. Oct. 7, 1994)). An exchange of communication between Senator McCain and then-Secretary of the Interior, Bruce Babbitt ensued. Babbitt wrote, "I realize that there are some who are concerned about the possibility that Self-Governance tribes may compact for national programs that benefit the public at large." Letter from Bruce Babbitt, Sec. of the Interior, to Sen. John McCain, Vice Chairman, Senate Comm. on Indian Affairs (Sept. 22, 1994) (printed in 140 CONG. REC. S14,679 (daily ed. Oct. 7, 1994)). He continued in a later letter:

> Nothing . . . would change jurisdictional responsibilities for administering federal laws governing natural resources . . . . The Secretary of the Interior has no authority to change state law or jurisdiction. Consequently, I have no authority to confer on an Indian tribe jurisdiction exercised by a state government over any natural resource.

Letter from Bruce Babbitt, Sec. of the Interior, to Sen. John McCain, Vice Chairman, Senate Comm. on Indian Affairs (Sept. 28, 1994) (printed in 140 CONG. REC. S14,679 (daily ed. Oct. 7, 1994)).

[146] Indian Self-Determination Act Amendments of 1994, Pub. L. No. 103-413, 108 Stat. 4250, 4275 (codified as amended at 25 U.S.C. § 458dd (2006)).

[147] The bureaus could easily define inherently federal to include all management functions, leaving little for tribes. A similar critique of the 1975 Act suggests that "the provisions of the statute referring to 'trust responsibility' have been interpreted by the Bureau to make all of its regulatory powers non-delegable. Because no governing power is returned to tribes, Congress' explicit legislative goal of training Indians for leadership responsibility will not be achieved." Barsh & Tosper, *supra* note 116, at 361.

b. Defining Inherently Federal: DOI Solicitor's Opinion

In 1996, after the passage of the TSGA and in the absence of promulgated regulations,[148] then DOI Solicitor John Leshy issued an opinion to provide a department-wide standard for defining "inherently federal."

Leshy identified two types of limitations that arise from the "inherently federal" concept: limitations on the transfer of (1) functions "that have been determined by the courts not to be delegable under the Constitution," and "discretionary functions vested in Federal officials."[149]

Discussing the first limitation, Leshy states that the applicable constitutional restriction is the non-delegation doctrine, which limits the ability of Congress or the executive branch to transfer power to non-federal entities.[150] Leshy notes that the limits that the doctrine may place on delegation are "relaxed where the delegation is to a tribe in an area where the tribe exercises sovereign authority."[151]

How the non-delegation doctrine applies to Indian tribes was at issue in *United States v. Mazurie*.[152] The Supreme Court found lawful a federal statute that delegated regulatory power over the sale of alcohol by non-members in Indian country to the tribe, essentially confirming that Congress may delegate power to tribes that is not delegable to private, non-governmental entities.[153] Harold Krent, in his assessment of the contexts in which Congress has authorized the exercise of administrative power by non-federal persons or

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[148] The promulgated regulations, as the *Federal Register* notice states, do not address what functions are inherently federal. Instead, the Department of the Interior will decide "on a case to case basis after consultation with the Office of the Solicitor." Office of the Asst. Secretary-Indian Affairs; Tribal Self-Governance, 65 Fed. Reg. 78,688, 78,690 (Dec. 15, 2000) (codified at 25 C.F.R. § 1000).

[149] Memorandum from the Office of the Solicitor, U.S. Dep't of the Interior, on Inherently Federal Functions Under the Tribal Self-Governance Act 6 (May 17, 1996) [hereinafter Inherently Federal Functions] (on file with the Harvard Environmental Law Review). The limitations were described by Sen. McCain. 140 Cong. Rec. S14,678-79 (daily ed. Oct. 7, 1994).

[150] *See* Harold J. Krent, *Fragmenting the Unitary Executive: Congressional Delegations of Administrative Authority Outside the Federal Government*, 85 Nw. U.L. Rev. 62 (1990); George W. Liebmann, *Delegation to Private Parties in American Constitutional Law*, 50 Ind. L.J. 650 (1975); David M. Lawrence, *Private Exercise of Governmental Power*, 61 Ind. L.J. 647 (1986).

[151] Inherently Federal Functions, *supra* note 149, at 7-8.

[152] 419 U.S. 544 (1975).

[153] In *Mazurie*, the Court stated:

> This Court has recognized limits on the authority of Congress to delegate its legislative power . . . . Those limitations are, however, less stringent in cases where the entity exercising the delegated authority itself possesses independent authority over the subject matter . . . .
> Cases such as [*Worcester* and *Kagama*] surely establish the proposition that Indian tribes within "Indian country" are a good deal more than "private, voluntary organizations," . . . These same cases, in addition, make clear that when Congress delegated its authority to control the introduction of alcoholic beverages into Indian country, it did so to entities which possess a certain degree of independent authority over matters that affect the internal and social relations of tribal life.

Mazurie, 419 U.S. at 556–57 (citations omitted).

entities, echoes *Mazurie*: "Delegations to states and Indian Tribes are undoubtedly the easiest to accept because of our federal structure. . . . The Executive's supervisory role can be shared with other political sovereignties in our system."[154] The Solicitor relies on the decision in *Mazurie*[155] to conclude that Congress may delegate power to tribes under the TGSA that "could not be properly delegated to a non-governmental private organization."[156]

To define the second limitation (on the delegation of discretionary functions vested in federal employees), Leshy draws upon both a list of functions provided by Sen. McCain,[157] and an Office of Management and Budget ("OMB") Policy Letter on Inherently Governmental Functions.[158] Senator McCain states that inherently federal functions "certainly could include discretionary administration of Federal fish and wildlife protection laws, promulgation of regulations, obligation and allocation of Federal funds, and other discretionary functions vested in Federal officials."[159] The OMB Policy Letter defines an inherently governmental function as "a function that is so intimately related to the public interest as to mandate performance by Government employees."[160] It places those functions into two categories: "The act of governing, i.e., the discretionary exercise of Government authority, and . . . monetary transactions and entitlements."[161] Leshy is careful to note that the OMB guidance is prepared to address contracting with private entities, which "tribes are not."[162]

In the end, the Solicitor's opinion provided general guidance on defining inherently federal functions, and left much room for interpretation in the TSGA's implementation. It also left open for debate whether the TSGA is a congressional authorization of tribal power or a congressional delegation of federal authority. The language of the TSGA is vague: it authorizes the tribe to "plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the Department of the Interior."[163] The TSGA does not describe the nature of the programs being administered by the DOI. Some sources suggest that tribes managing programs under the TSGA are exercising federal authority: Leshy's opinion re-

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[154] Krent, *supra* note 150, at 111.

[155] 419 U.S. 544 (1975).

[156] WILLIAM C. CANBY, JR., AMERICAN INDIAN LAW IN A NUTSHELL 72 (1998).

[157] 140 Cong. Rec. S14,678 (daily ed. Oct. 7, 1994) (statement of Sen. McCain).

[158] Inherently Federal Functions, *supra* note 149, at 11. Subcategories in the OMB guidelines (e.g., concerning the "ultimate control over the acquisition, use or disposition" of federal property) could be relevant to the implementation of the TSGA. OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF FEDERAL PROCUREMENT POLICY, POLICY LETTER NO. 92-1, POLICY LETTER ON INHERENTLY FEDERAL FUNCTIONS, 57 Fed. Reg. 45,096 (Sept. 30, 1992) [hereinafter OMB POLICY LETTER].

[159] 140 CONG. REC. S14,678 (daily ed. Oct. 7, 1994) (statement of Sen. McCain).

[160] OMB POLICY LETTER, *supra* note 158.

[161] *Id.*

[162] Inherently Federal Functions, *supra* note 149, at 12.

[163] 25 U.S.C. § 458cc (2006).

fers to delegations of federal authority,[164] and the Supreme Court has suggested that the authority exercised by the federal government over federal lands, even within Indian reservations, is federal.[165]

However, the TSGA also suggests that the federal programs are at least partially tribal.[166] We might ask, for example, whether a national park on an Indian reservation can be accurately described as a wholly federal endeavor. Where the TSGA allows tribes to control programs administered by the Secretary of the Interior that are geographically, historically, and/or culturally significant to tribes, those activities are also tribal in nature. When tribes manage the programs, they take on the responsibilities of the NPS and manage the programs by virtue of both their inherent sovereignty and the authority granted to them by the Secretary of the Interior. The Solicitor's opinion recognizes a mix of federal and tribal authority and allows for a sliding scale:

> Departmental agencies should consider requests in relation to the extent of tribal sovereignty over the nature and scope of the functions sought to be delegated. The more a delegated function relates to tribal sovereignty over members or territory, the more likely it is that the inherently Federal exception of section 403(k) does not apply.[167]

The TSGA creates a new avenue for federal-tribal relations, one that some have described as a marriage of tribal and federal bureaucracies.[168]

C. Conclusion

The TSGA is a product of a gradual evolution of amendments to the Indian Self-Determination Act. The TSGA constrains which tribes may participate and what authority can be delegated. Although the TSGA and the Solicitor's opinion suggest that non-BIA bureaus ought to treat tribes as more than private organizations, both in the process of negotiation and in determining what functions are eligible for inclusion in AFAs, decision-making ultimately rests with the non-BIA bureaus. Under the TSGA, they can either restrict or broadly construe what is considered an inherently federal function. They are obligated to negotiate, but not to come to an agreement.

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[164] Inherently Federal Functions, *supra* note 149, at 6-10.

[165] *South Dakota v. Bourland*, 508 U.S. 679 (1993) (holding that the condemnation of tribal land within the Cheyenne River Reservation by the BOR for a dam and reservoir and the opening of the area to public use abrogated the tribe's power to regulate non-Indian hunting and fishing on the taken land).

[166] *See* CLINTON ET AL., *supra* note 44, at 233-39.

[167] Inherently Federal Functions, *supra* note 149, at 12.

[168] Telephone Interview with Timothy Cochrane, Superintendent, Grand Portage Nat'l Monument (Dec. 5, 2003).

This overview of the TSGA leads to a number of questions to explore when examining the Act and its implementation: How slowly or quickly have tribes moved to use the TSGA to negotiate for non-BIA programs and functions? How will tribes and non-BIA bureaus address the question of what is an inherently federal function? How will the AFA change the relationship and dynamics between tribes and park units? Does tribal decision-making differ from NPS decision-making? So far, this Article has detailed how the TSGA structures the federal-tribal relationship in the abstract. An overview of the implementation of the TSGA across non-BIA bureaus and an in-depth case study of GPNM provide an opportunity to analyze the TSGA on the ground.

IV. Implementation of the 1994 Tribal Self-Governance Act

A. Non-BIA Annual Funding Agreements

1. *Overview*

AFAs negotiated pursuant to the TSGA have involved limited delegations of federal authority, especially outside the context of the FWS and the NPS. The TSGA requires non-BIA bureaus to submit for publication in the *Federal Register* a list of programs eligible for negotiation with tribes/consortia. For FY 2000, the BLM listed ten programs, the FWS listed nine programs (and identified nineteen refuges and hatcheries in close proximity to self-governance tribes), and the NPS listed twenty-two programs (and identified fifty-three park units with known geographic, historic or cultural connections to tribes and programs/activities eligible for negotiation).[169] However, AFAs between tribes and non-BIA bureaus have not been as numerous as the *Federal Register* list might imply. (For an overview of AFAs negotiated by other non-BIA bureaus, see Appendix A.) The USGS and OSM had not negotiated any AFAs with Indian tribes as of April 11, 2007.[170] The BLM[171] has negotiated an AFA with one tribal consortium. The BOR

[169] List of Programs Eligible for Inclusion in Fiscal Year 2006 Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs, 70 Fed. Reg. 53,680, 58,680 (Sept. 9, 2005).

[170] Telephone communication with Kenneth Reinfeld, Senior Policy/Program Analyst, U.S. Dep't of the Interior (April 11, 2007) (notes on file with the Harvard Environmental Law Review). The OSM has no AFAs, but it does provide funding through annual grants to the Navajo, Hopi, Northern Cheyenne, and Crow Tribes under the Energy Policy Act of 1992 to "develop[ ] tribal regulations and policies with respect to surface mining," assist OSM in the "permitting and inspection of coal mining on tribal lands," and to train and educate tribal staff. E-mail from Willis Gainer, Office of Surface Mining, to author (Apr. 1, 2005) (on file with the Harvard Environmental Law Review).

[171] The BLM has been involved in a number of other cooperative arrangements with tribes. For example, at Kasha-Katuwe Tent Rocks National Monument, public access may be closed by order of the Pueblo Cochiti Tribal Governor. *See* Rio Puerco Field Office, Bureau of Land Mgmt., Kasha-Katuwe Tent Rocks National Monument, http://www.nm.blm.gov/recrea-

has negotiated AFAs with seven tribes.[172] The work has included construction, data collection and analysis, and archaeological curation.[173]

The FWS entered into AFAs with the Confederated Salish and Kootenai Tribes ("CSKT") at the National Bison Range Complex ("NBR") in Montana in March 2005, and with the Council of Athabascan Tribal Governments at the Yukon Flats National Wildlife Refuge in Alaska in April 2004.[174] Negotiations at the NBR Complex began earlier than the negotiations at GPNM, but have been much more contentious,[175] likely because the CSKT petitioned the FWS for control over management of all NBR operations.[176] At GPNM, the Band originally petitioned for monument management but scaled back its request to maintenance functions. The NBR and GPNM negotiations influenced each other.[177] In fact, the same DOI Assistant Solicitor negotiated AFAs at GPNM and at the NBR.[178]

A number of groups have contested the NBR AFA, protesting tribal hiring preferences, lack of public comment, loss of jobs for federal employees, and fragmentation of the refuge system.[179] A Montana State legislator even sponsored a resolution opposing tribal management of the NBR.[180] Defining "inherently federal" has also been a major focus of the negotiations. The FWS and CSKT signed an AFA in 2005 for FY 2005-2006 stating that the CSKT will perform functions and programs concerning refuge management, the biological program, the fire program, the maintenance program,

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tion/albuquerque/kasha_katuwe.htm (last visited Jan. 3, 2007) (on file with the Harvard Environmental Law Review). The enabling legislation for El Malpais National Monument and Conservation Area (managed jointly by the BLM and NPS) provides that areas of the monument may be temporarily closed to "protect the privacy of religious activities." 16 U.S.C. § 460uu-47 (2006).

[172] E-mail from Barbara White, Native Am. Affairs Office, U.S. Bureau of Reclamation, to author (Apr. 25, 2005) (attachment entitled "History of P.L. 93-638, as amended, Title IV Self-Governance Agreements in the Bureau of Reclamation, Department of the Interior") (on file with the Harvard Environmental Law Review).

[173] Telephone interview with Barbara White, Native Am. Affairs Office, U.S. Bureau of Reclamation (Feb. 18, 2005) (notes on file with the Harvard Environmental Law Review).

[174] FWS & CSKT, *supra* note 28.

[175] *See generally* Lyons, *supra* note 141.

[176] Letter from D. Fred Matt, Chairman, CSKT Tribal Council to Gale Norton, Sec'y of the Interior and Dave Wiseman, Project Leader, National Bison Range Complex (Apr. 23, 2003). The CSKT excluded law enforcement activities from their request. *Id.*

[177] Interview with James Hamilton, Attorney, Hamilton Quigley & Twait PLC, in St. Paul, Minn. (Mar. 19, 2005).

[178] *Id.*

[179] Lyons, *supra* note 141, at 727-32. Even though not legally mandated, the CSKT and the FWS solicit public comments on their website. Confederated Salish & Kootenai Tribes and U.S. Fish & Wildlife Service, News Release, http://mountain-prairie.fws.gov/cskt-fws-negotiation/ (last visited Jan. 3, 2007) (on file with the Harvard Environmental Law Review).

[180] The non-binding resolution read: "Be it further resolved, that the Montana Legislature desires that programs not established specifically for American Indians, such as the National Bison Range, continue under the sole management of the appropriate federal agency for the benefit of all Americans." H.J. Res. 11, 55th Leg. (Mont. 1997). The resolution died in committee. E-mail from Angie Gifford, Montana State Legislature Library, to author (Dec. 3, 1997) (on file with the Harvard Environmental Law Review).

and visitor services.[181] It represents the most substantive and wide-reaching AFA to date in terms of content, but remains contentious. Recent media coverage suggests that the NBR management has been plagued by distrust and failed communication on both sides.[182] The AFA was set to expire in March 2006, but has been extended on a provisional basis.[183]

2. *The National Park Service Annual Funding Agreements*

Five tribes/consortia have negotiated AFAs with the National Park Service, and four have ongoing AFAs (see Figure 1). With the exception of GPNM, NPS AFAs have included discrete projects—for example, river and watershed restoration, ethnographic and archaeological studies, and planning and construction efforts for NPS facilities—rather than programmatic control and decision-making. The circumstances are different at GPNM in that the Grand Portage Band manages the entire maintenance department rather than individual maintenance tasks and projects. Grand Portage affords an opportunity not only to analyze the implementation of the TSGA, but also to use the Act as a lens for viewing past and contemporary tribal-NPS relations at the Monument.

B. Grand Portage National Monument Case Study

1. *History of Grand Portage Band, Minnesota Chippewa Tribe and NPS*

In many ways, Grand Portage National Monument (est. 1951) is very different from the early national parks. At GPNM, NPS control over the land resulted not from forced dispossession, but rather from the Grand Portage Band of Minnesota Chippewa ("Band") and Minnesota Chippewa Tribe ("MCT") hoping both to protect a site of significance to the MCT and Band, the NPS, and the public, and to reap some of the economic benefits of a federal endeavor.

GPNM is located in the northeastern tip of Minnesota and follows the Grand Portage trail from Lake Superior to Fort Charlotte on the U.S.-Canadian border. The Monument commemorates fur trade history: in the seventeenth century, it emerged as a center of economic activity, and the name Grand Portage, or "Great Carrying Place," refers to the route traversed by

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[181] Fiscal Years 2005-2006 Annual Funding Agreement Between the United States Fish and Wildlife Service and the Confederated Salish and Kootenai Tribes of the Flathead Reservation 8 (2004), *available at* http://mountain-prairie.fws.gov/cskt-fws-negotiation/nbrc_afa_12104final.pdf (on file with the Harvard Environmental Law Review).

[182] Jim Robbins, *Sharing of Bison Range Management Breaks Down*, N.Y. TIMES, Feb. 13, 2007, at A15.

[183] Press Release, Public Employees for Environmental Responsibility, Troubled First Year for Bison Range Refuge Tribal Operation (July 20, 2006), http://www.peer.org/news/news_id.php?row_id=715 (on file with the Harvard Environmental Law Review).

French voyageurs and tribes from Lake Superior to the Pigeon River for travel inland.[184] Canoes and supplies were carried across the well-traveled trail to avoid waterfalls and other obstructions along the river.[185] The Monument transects the reservation of the Band. The Band and the MCT[186] donated about half of the monument's approximately 710 acres.[187] Since its inception, the Band has been active in the management of the Monument by donating land for the Monument, securing language within the enabling legislation that guarantees the MCT and Band and their members certain rights, and continuing to advocate for an active role in Monument management.

a. Tribal Protection and Restoration Efforts: State and NPS Proposals

Long before GPNM was established, the Band was experienced in working with federal agencies to maintain the historic fur trading site. In the 1930s, the Band members received money for efforts of the Indian Division of the Civilian Conservation Corps.[188] At the time, suggestions that a park or recreational facilities be constructed also began to appear in BIA documents and NPS sources. A letter circulated within the BIA in 1935 suggested developing a "co-operative Indian summer resort undertaking" and urged the consideration of recreational planning in highway placement.[189] An Office of Indian Affairs Report recommended establishing an Indian owned and managed "out-of-doors and recreational paradise" as part of the Indian Reorganization Act-based land acquisition project aimed at mitigating the effects of allotment.[190] In 1937, the BIA designated 19,000 acres around Fort Charlotte and 11,000 acres along the Grand Portage trail as roadless areas on the

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[184] NAT'L PARK SERV., FINAL GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT: GRAND PORTAGE NATIONAL MONUMENT, COOK COUNTY, MINNESOTA ix (2005) [hereinafter GPNM FINAL GMP].

[185] NAT'L PARK SERV., DRAFT GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT: GRAND PORTAGE NATIONAL MONUMENT, COOK COUNTY, MINNESOTA (2001) [hereinafter "GPNM DRAFT GMP"].

[186] The Grand Portage Band and the Minnesota Chippewa Tribe are both federally recognized Native American tribes. The Grand Portage Band is one of the six member reservations of the Minnesota Chippewa Tribe. Minnesota Chippewa Tribe, http://www.mnchippewatribe.org/ (last visited Feb. 15, 2007) (on file with the Harvard Environmental Law Review).

[187] *See* Division of Land Acquisition, Nat'l Park Serv., Master Deed Listing, Status of Lands as of 12/31/76 [hereinafter Master Deed Listing] (on file with the Harvard Environmental Law Review) (describing the "Chippewa Indian" donation as 335.26 acres, almost half of the 709.97 acres in the Monument). A map of GPNM is located in GPNM DRAFT GMP, *supra* note 185, at 3.

[188] RON COCKRELL, GRAND PORTAGE NATIONAL MONUMENT, MINNESOTA: AN ADMINISTRATIVE HISTORY 14-15 (1983), *available at* http://www.cr.nps.gov/history/online_books/grpo/adhi1.htm.

[189] Letter from Bob Marshall, Dir. of Forestry, Office of Indian Affairs, to William Zimmerman, Asst. Comm'r, Office of Indian Affairs (June 28, 1935) (on file with the Harvard Environmental Law Review).

[190] Office of Indian Affairs, Grand Portage Land Acquisition Project (Indian) 13 (Oct. 24, 1935) (on file with the Harvard Environmental Law Review). The Band and the BIA were engaged in buying back land within the reservation that had been allotted. *See also* Sutton,

Grand Portage Reservation.[191] (The Band succeeded in having the roadless area designations eliminated in 1959.)[192] Proposals for state[193] and national parks were also on the table throughout the 1930s.[194]

b. Grand Portage National Historic Site

In 1950, the Band invited the NPS to discuss the possibility of acquiring National Historic Site status for the land. A 1950 letter describes the National Historic Site designation as three-fold: to preserve and protect the site in perpetuity, to attract public attention and visitors, and to encourage travel to nearby Isle Royale National Park (est. 1940). A representative of the NPS also informed the Tribal-Band committee that the NPS was "not seeking to take over any land from the Indians," noting in his letter that

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supra note 58, at 211-12 (regarding New Deal programs of the 1930s that supported "land acquisition for and restoration to the tribes").

[191] Office of Indian Affairs, Order No. 486, "Establishment of Roadless and Wild Areas on Indian Reservations," 3 Fed. Reg. 606, 607 (March 22, 1938); Diane L. Krahe, Last Refuge: The Uneasy Embrace of Indian Lands by the National Wilderness Movement, 1937 – 1965, ch. 4 (2005) (unpublished Ph.D. dissertation, Washington State University) (on file with the Harvard Environmental Law Review).

[192] Establishment of Roadless and Wild Areas on Indian Reservations: Elimination of Certain Areas, 24 Fed. Reg. 8257 (Oct. 10, 1959). The removal of the designation occurred between the time of the authorization and establishment of the national monument, but it is unclear if the events are related. The relationship between the roadless area designations on the reservation, made by the BIA, and the historic site and monument designations, made by the NPS, as well as the relationship between the NPS and BIA (at Grand Portage and in general), could provide a fascinating and informative area for future study.

[193] A "Fort Charlotte State Park" had been proposed to the Minnesota legislature in 1923 but was halted when the state realized some of the complications of acquiring Indian trust land. COCKRELL, *supra* note 188, at 12.

[194] A letter to Horace Albright, Director of the NPS, in 1932 suggests that Grand Portage is a site worthy of national monument status but laments the lack of interest on the part of the state of Minnesota in purchasing the land for the NPS. Letter from Charles H. Ramsdell, landscape architect, to Horace Albright, Dir., Nat'l Park Serv. (Mar. 8, 1932). Although the letter makes no reference to the wishes of the Band or Tribe, it is interesting to read in light of NPS practice of soliciting state acquisition and donation to the NPS (e.g., in the Appalachian mountains and at nearby Isle Royale [auth: 1931; est. 1940]). *See generally* FAIRFAX ET AL., *supra* note 32, ch. 4. The letter states:

> It's one thing to buy the Great Smokies for the Park Service, but quite another to tell Ole Dahl up-state legislator and farmer from Kandiyohi County, that Minnesota cash should buy Grand Portage for the same reason. . . . I will say this-If the State of Iowa had such a spot, I'll warrant their State Park planners would have been there years ago and done something too.

Letter from Charles H. Ramsdell to Horace Albright, *supra*. In 1935, an NPS representative studied the "historical values" of the Grand Portage area, and the National Parks Advisory Board approved Grand Portage as a site of national significance in 1936. Merrill J. Mattes & George F. Ingalls, Nat'l Park Serv., Report on Proposed Grand Portage National Historic Site, Including Proposed Agreement Between United States Department of the Interior and the Chippewa Tribe and Grand Portage Band of Indians (1951) (on file with the Harvard Environmental Law Review).

"[a]pparently there has been some local suspicion on this score."[195] The national historic site was created in 1951 after the DOI and the Band and the MCT signed a memorandum of agreement.

The MOA provided that the Secretary of the Interior would agree to cooperate with the MCT and Band in preservation (and use), interpretation, planning on adjacent lands, encouraging the production and sale of art and handicrafts, and providing preferential employment on related projects, explicitly referring to maintenance. It also acknowledged the rights of the MCT and the Band to hunt, fish, and trap on the land, and stated that materials and development plans for the site "shall be mutually agreed upon by the parties to this agreement and they shall mutually consult on all other matters of importance to the program."[196] The land remained in tribal ownership and under Band management, and the NPS provided limited technical assistance,[197] but the historic site designation did not "turn on the federal money spigot."[198]

With increasing NPS and conservation group pressure (e.g., the Wilderness Society), and with limited funds available for historic site management, the MCT decided that pursuing national monument status would be "highly desirable."[199] Congress authorized the GPNM in 1958,[200] but made establishment subject to relinquishment of tribal lands by the Band and the MCT.[201] GPNM almost literally bisects the Band's reservation, and many Band members contested ceding reservation land to the federal government.[202] Nonetheless, the Band and the MCT donated 258 and 50 acres, respectively.[203] GPNM was established in 1960 as a unit of the National Park System. In addition to the tribal land donations, the NPS purchased allotments from

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[195] Memorandum from Merrill J. Mattes, Reg'l Historian, Region 2, Nat'l Park Serv., and George F. Ingalls, Reg'l Chief, Land and Recreational Planning, Region 2, Nat'l Park Serv., to Lawrence O. Merriam, Reg'l Dir., Region 2, Nat'l Park Serv. (Sept. 8, 1950).

[196] Memorandum of Agreement Between the Department of the Interior, and the Minnesota Chippewa Tribe and the Grand Portage Band of Indians Relating to the Establishment of Grand Portage National Historic Site (Aug. 1, 1951) (on file with the Harvard Environmental Law Review).

[197] COCKRELL, *supra* note 188, at 30.

[198] CAROLYN GILMAN, THE GRAND PORTAGE STORY 130 (1992).

[199] COCKRELL, *supra* note 188, at 32.

[200] 16 U.S.C. § 450oo (2006); GPNM FINAL GMP, *supra* note 184, at 1.

[201] COCKRELL, *supra* note 188, at 1, 36. The enabling legislation provides:

> Establishment of the foregoing areas as the Grand Portage National Monument shall be effective when title to that portion of the aforesaid lands and interests in lands which is held in trust by the [U.S.] for the [MCT] and the [Band] has been relinquished . . . to the Secretary . . . for administration . . . .

16 U.S.C. § 450oo (2006).

[202] COCKRELL, *supra* note 188, at 35.

[203] Resolution of the Grand Portage Band Council (Feb. 25, 1959); Resolution of the Minnesota Chippewa Tribe (Mar. 21, 1959).

individual tribal members (held in trust),[204] approximately eighty acres of Band and MCT land, and non-trust fee land within the reservation.[205] Some have noted that "it was perhaps the first time in which agency personnel had worked together with Native representatives on a park proposal."[206]

c. Grand Portage National Monument Enabling Legislation

The Monument's enabling legislation does not provide for joint management, but does recognize certain rights and privileges for members of the Band and the MCT. The legislation transfers "custody, control, and administration" of the donated property to the Secretary of the Interior, relinquishing "all right, title, and interest of the [MCT] and the [Band]."[207] It provides members of the Band and MCT with certain privileges and preferences, primarily intended to promote tribal economic development.[208] Section 3 provides the MCT tribal members privileges such as visitor accommodations and guide services within the Monument.[209] Section 4 provides for preferential employment for members of the MCT,[210] and Section 5 encourages the production and sale of Band "handicrafts" within the monument.[211] Tribal members may use docking facilities constructed and maintained by the Department of the Interior (NPS).[212] They also have the "privilege of traversing the area," meaning they may, among other things, cross the monument on snowmobiles and ATVs at five designated locations, "subject to reasonable regulation by the superintendent."[213] Hunting and trapping are not permitted within the Monument boundaries. The Act states that the Secretary of the Interior shall "provide consultative or advisory assistance" to the MCT and Band in planning facilities and development around the monument.[214]

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[204] Letter from John F. Aiton, Acting Asst. Reg'l Dir., Midwest Region, Nat'l Park Serv., to Superintendent, Grand Portage, and enclosure, Summary of Meeting with Bureau of Indian Affairs for Nov. 26-29, 1962, Bemidji, Minn. (Jan. 15, 1963).

[205] Master Deed Listing, *supra* note 187.

[206] FRANK NORRIS, ALASKA SUBSISTENCE: A NATIONAL PARK SERVICE MANAGEMENT HISTORY ch. 2 (2002) *available at* http://www.cr.nps.gov/history/online_books/norris1/chap2b.htm. That is, of course, to ignore Canyon de Chelly.

[207] 16 U.S.C. §§ 450oo-1 (2006) (providing for the establishment of Grand Portage National Monument).

[208] *Id.* §§ 450oo-3 to -9.

[209] *Id.* § 450oo-3.

[210] *Id.* § 450oo-4. The hiring preference is defined further in GPNM's Minnesota Chippewa Tribal Preference Policy, GPNM Policy # 97–01. GPNM FINAL GMP, *supra* note 184, at 6.

[211] 16 U.S.C. § 450oo-5.

[212] *Id.* § 450oo-7.

[213] GPNM FINAL GMP, *supra* note 184, at 67 (quoting the original act, Pub. L. No. 85-910 (1958)).

[214] Act of Sept. 2, 1958, 16 U.S.C. § 450oo-8 (2006). This provision has been used by the tribe to enlist NPS help; it also suggests that the NPS maintained an interest in controlling land use adjacent to the monument. Note that this includes both members of the MCT and the Band, a reflection of the donation of land by both.

The enabling legislation, although reserving some privileges for the Band within the Monument, does not explicitly provide any right to the Band to co-manage the Monument. Nonetheless, the Monument was specifically established "to work with the Grand Portage Band in preserving and interpreting the heritage and lifeways of the Ojibwe people,"[215] and a number of agreements codify and formalize that relationship,[216] including the annual funding agreement under the TSGA that has allowed the Band to assume control over the Monument's maintenance program.

d. Grand Portage Indian Park Proposals

Long before the Band petitioned to enter into an AFA with the NPS under the Self-Governance Act, the NPS and the Band explored the possibility of establishing an Indian park adjacent to GPNM. The park proposals do not suggest returning GPNM to Band ownership or control, and the proposals were never formally enacted. Nevertheless, these proposals and land use plans are relevant to a discussion of the TSGA and GPNM because they envision a relationship between tribe and park that is similar to that set by the AFA, and provide examples of both tribal park planning and NPS involvement in tribal recreational land use planning, two relatively unexplored areas of Native American and NPS history.[217]

In 1961, shortly after the establishment of the monument, the Band requested under the GPNM enabling legislation that the Secretary of the Interior provide advisory assistance regarding the development of reservation lands.[218] The NPS responded, publishing *A Recreational Land Use Plan: Grand Portage Indian Reservation, Minnesota* in 1961. The plan allowed the NPS to participate in decisions regarding land use adjacent to GPNM (timber harvesting and private resort development[219] on reservation lands were particular concerns) and suggested that cooperation with the Band would be consistent with the NPS's involvement in national and state recreation planning.[220] Some of the NPS proposals included integrating the utilities for the Village, Monument, and proposed Indian Park; providing "elbow room"

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[215] GPNM DRAFT GMP, *supra* note 185, at 4.

[216] *See infra* Part IV.B.2.b.

[217] The proposals for a tribal park in Minnesota (although never formally enacted) correspond with the Navajo Nation's successful efforts to create tribal parks and a tribal park system during the same time period. *See* SANDERS, *supra* note 50, at 68-70.

[218] 16 U.S.C. § 450oo-8 (2006) ("To the extent that appropriated funds and personnel are available therefor, the Secretary of the Interior shall provide consultative and advisory assistance to the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, in the planning of facilities or developments upon lands adjacent to the monument."); *see also* NAT'L PARK SERV., A RECREATIONAL LAND USE PLAN: GRAND PORTAGE INDIAN RESERVATION, MINNESOTA 4 (1961) [hereinafter RECREATIONAL LAND USE PLAN].

[219] RECREATIONAL LAND USE PLAN, *supra* note 218, at 1–3.

[220] *Id.* at 2. A few years earlier, the NPS published a report recommending Pigeon Point as an area for future study and suggesting that the road from Duluth to Canada be developed as a parkway. NAT'L PARK SERV., OUR FOURTH SHORE: GREAT LAKES SHORELINE RECREATIONAL AREA SURVEY (1959). It also coincided with a similar focus by the BIA, and newly appointed

around the monument;[221] establishing a tribal park to be administered by the Band with campgrounds, trails, and picnic areas as well as a system and organization for park management;[222] and recommending that the Secretary of the Interior work to acquire privately-owned parcels within the reservation to further park protection.[223]

Mission 66, the NPS program to increase park capacity through construction and reconstruction of roads, visitor centers, and visitor accommodations, brought more planning efforts to GPNM.[224] The Mission 66 Edition of the GPNM Master Plan, published in 1961, reflected the NPS's concern about land use adjacent to GPNM. It recommended "[c]ooperat[ing] with and encouraging the Grand Portage Indian Band to[ ] develop a reservation Master Plan . . . in accord with the Master Plan for the Monument,"[225] and suggested that development within the monument might require additional land from the Band.[226] It also reiterated that the Monument should provide benefits to the Band, as stated in the GPNM enabling legislation.[227]

In 1965, the Band again requested the Secretary of the Interior's assistance, this time regarding the development of a tribal park.[228] To provide recommendations, Secretary Udall commissioned a task force consisting of representatives of the BIA, NPS, Public Health Service, Minnesota Conservation Department, Band, and MCT.[229] In 1967, the Task Force released its recommendations: that an Indian park of 12,644 acres be established with federal investment, that the park be owned and eventually managed by the Band (but that initially, the endeavor be directed and supervised by the Secretary of the Interior until the Band built sufficient capacity to manage the

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commissioner of Indian Affairs Philleo Nash, in building recreational facilities on reservations to attract tourism. PRUCHA, *supra* note 47, at 1091–92.

[221] RECREATIONAL LAND USE PLAN, *supra* note 218, at 12.

[222] *Id.* at 21.

[223] *Id.* at 19.

[224] Mission 66 coincided with the 50th anniversary of the creation of the NPS in 1966. RUNTE, *supra* note 53, at 173.

[225] NAT'L PARK SERV., MASTER PLAN FOR THE PRESERVATION AND USE OF GRAND PORTAGE NATIONAL MONUMENT: MISSION 66 EDITION 10 (1961).

[226] *Id.* at 6.

[227] The report states:

> The apparent intent in the Monument establishment Act that the *rights of Indians* in and around the Monument areas be protected, and that the *Service cooperate* in making the Monument an asset to the Grand Portage community, is to be observed in relations with the Band. In view of the desire of the Grand Portage Band, as expressed in a formal resolution of their Council, that plans for the development and growth of their village be made in accord with the Service's plans for development of the Monument, assistance will be given to the Band in working out a mutually desirable scheme of development in the vicinity of the Monument.

Id. at 6-7 (emphasis in original). The report recommends creating additional and suitable space for tribal concessions. *Id.* at 7.

[228] Jim Hull, *Messages from the Manager*, MOCCASIN TELEGRAPH, n.d., at 4-5.

[229] GRAND PORTAGE TASK FORCE, A TASK FORCE REPORT ON A PROPOSED GRAND PORTAGE INDIAN PARK AND THE GRAND PORTAGE NATIONAL MONUMENT, MINNESOTA 7 (1967) [hereinafter TASK FORCE REPORT].

park), and that private (primarily non-Indian) landholdings be acquired for the park with federal assistance.[230]

The proposal appeared to meet the needs of the NPS. It provided some extra-territorial control over lands adjacent to the monument at a time when NPS employees were concerned about the threat of resource extraction, particularly timber harvest and mining, and "uncoordinated development" on reservation lands.[231] It also gave the NPS additional control over Indian lands. Congressional appropriations would be channeled through the DOI and the NPS to be allocated to a Grand Portage Indian park board of directors "under the terms of a contract or memorandum of understanding."[232]

The Band also saw advantages to such a proposal, including employment opportunities, the development of a self-sustaining local economy,[233] effective management of the historical and recreational resources of the reservation,[234] fulfillment of the promise and potential for the development of the monument areas,[235] and possible funds to acquire land within the reservation held by non-Indians. The Band, however, also understood the negative aspects of the proposal:

> The Committee is fully aware of the probable economic impact of the Indian Park on this community. We know also that the Indian Park can produce a situation in which our children can prosper and improve their way of life. In short, we need no one to convince us of the value and the desirability of the Park concept as we now know it.
>
> However, we are dealing with the last remaining small possession of many of the Indian people of our community. We are obligating and dedicating this last possession, this land, to certain purposes which are sure to conflict with traditional Indian usage. In order to justify the inevitable restrictions, we must be able to produce positive assurance that the land itself will not be lost and that our peo-

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[230] *Id.* at 8-9.

[231] *Id.* at 8. (It appears that one private landowner retained mineral rights when he sold tracts within the reservation to the federal government in the 1930s. The rights remained a concern after the individual signed a mineral lease with a mining company that included lands under the Grand Portage trail. NAT'L PARK SERV., MASTER PLAN: GRAND PORTAGE NATIONAL MONUMENT, MINNESOTA 22 (1973) [hereinafter GPNM MASTER PLAN].)

[232] TASK FORCE REPORT, *supra* note 229, at 25.

[233] Hull, *supra* note 228, at 1-2.

[234] TASK FORCE REPORT, *supra* note 229, at 7.

[235] It is a frequent and long-standing source of contention between the Band and the NPS that the NPS failed to provide the amount of economic development and tourism that was promised when the park was established. *See, e.g.*, Hull, *supra* note 228, at 4-5. A Grand Portage Reservation Business Committee resolution, issued in response to the first General Management Plan planning process in 1971, stated that the NPS has "failed to provide the new structures and development which were promised as a condition to release of monument lands by the Grand Portage Indians," and that the Master Plan provides "no assurance as to when, if ever the [NPS] will begin to fulfill its contractual commitments to Grand Portage." Grand Portage Res. 20-22 (Nov. 24, 1971).

> ple will be given every opportunity to derive maximum benefits from the Indian Park. . . .
>
> We want this Park very badly, but if we are to have it at all, it must come on terms that we and our children can live with.[236]

An exchange between State Representative William Trygg and members of the Grand Portage Tribal Council in the local newspaper in 1968 reveals a similar sentiment.[237] The Cook County News Herald published a story detailing Trygg's proposal for a national park for the Grand Portage reservation.[238] Members of the tribal council responded:

> Mr. Trygg forgot to add that these are the Indians . . . whose future livelihood depends upon the continued and increasing productivity of the Reservation . . . it is extremely unlikely that these Indian lands will ever be ceded, seized, or purchased for strictly National Park usage . . . . So you see Mr. Trygg, we already have our plans for the future [referring to the proposed Indian park] and the creation of a Voyageurs National Park at Grand Portage is not one of them.[239]

Although a bill was drafted to authorize the Secretary of the Interior to work with the Band and Tribe to "establish, develop, and manage the Grand Portage Indian Park,"[240] the Indian park was never established. Historian Ron Cockrell attributes the inaction to "differing opinions" and lack of federal appropriations, but further research is expected to provide clarification.[241]

Nevertheless, many aspects of the proposals have come to fruition. The Band now enacts its own zoning ordinances on the reservation and considers the NPS holdings in its zoning decisions,[242] and the Band has implemented a

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[236] TASK FORCE REPORT, *supra* note 229, at 7.

[237] Trygg was also hired as a land use consultant and published one of the many studies on the resources of the reservation. J. WILLIAM TRYGG, A PRELIMINARY STUDY OF THE HISTORICAL, NATURAL & CULTURAL RESOURCES FOR THE GRAND PORTAGE INDIAN RESERVATION, TOURIST AND RECREATIONAL RESOURCES PLAN (n.d.). The purpose of the report was to develop "such plans and estimates as will attract tribal and private capital to be invested in recreational facilities to the end that new employment opportunities will be introduced into the Reservation Areas, and that the economic standards of the areas will be improved." *Id.*

[238] *Grand Portage Reservation Proposed for National Park*, COOK COUNTY NEWS HERALD (Grand Marais, Minn.), Jan. 25, 1968, at 1.

[239] Paul LeGarde, Letter to the Editor, COOK COUNTY NEWS HERALD, Feb. 1, 1968, at 22.

[240] Memorandum from Bernard R. Meyer, Assoc. Solicitor, Parks and Recreation, to Members of the Task Force on Grand Portage Indian Park 1 (Mar. 1, 1968).

[241] COCKRELL, *supra* note 188, at 45, 47.

[242] The NPS's interest in controlling land use adjacent to the monument, particularly timber harvest, has been continuous. The Band identifies a separate category for "Parks & Recreation" areas operated by tribal, federal or state governments, and it considers adjacency to NPS land in making zoning determinations. Interview with Norman Deschampe, Chairman, Grand Portage Band, in Grand Portage, Minn. (Mar. 21, 2005); Grand Portage Band of Lake Superior Chippewa Indians, Land Use Ordinance 95-02, art. 8.10 (June 26, 1996).

number of the proposals for recreation and tourism on reservation lands. Perhaps most interestingly, the Band has recently participated in the creation of the Grand Portage State Park and cooperatively manages the land around Pigeon Falls (initially designated as part of the Indian park proposals).

The Band's participation at Grand Portage State Park ("GPSP") and interaction with the Minnesota Department of Natural Resources (Parks and Recreation Division) have been shaped by the Band's experience with NPS. Like the Monument, the state park lies within the Grand Portage reservation. Non-tribal land was purchased for the park with the help of private donations. The State of Minnesota acquired the land, but unlike the Monument, it has not retained ownership. Instead, it donated the land to the Band, and the Band leases it back to the state for operation as a state park.[243] GPSP opened to the public in 1995, and is co-managed by the Band and the State. The Band negotiated for special hiring preferences and created an employment classification specifically for Band members. The co-management agreement "provides that staff positions should be held by those with significant knowledge of Indian culture, preferabl[y] knowledge of the Grand Portage Band."[244] The Band also participates in the selection of park managers. The Band exercises considerably more control over the management of the GPSP than of GPNM. It has strengthened its control over selection of park managers, modified hiring preferences to ensure that Band members are considered and hired at all levels, maintained ownership of the designated land, and asserted greater control over general management and programs park-wide. It also operates from years of experience participating in recreational land use planning efforts for the area.

In sum, the proposals for an Indian park at Grand Portage are important for a number of reasons: they provide an unexplored chapter in our knowledge of the history and development of tribal parks, bear a strong resemblance to the language of the TSGA and its structuring of cooperative management arrangements, and provide examples of the NPS's involvement in coordinating outdoor recreation policy and creating parks with tribes and on tribal land. Although the plans would have resulted in the Band sharing authority over tribal land with the NPS, it nevertheless provides an early proposal for co-management between tribes and the NPS.

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[243] Minnesota Indian Affairs Council: Grand Portage, http://www.indianaffairs.state.mn.us/tribes_grandportage.html (last visited Mar. 21, 2007) (on file with the Harvard Environmental Law Review); *see also Grand Portage: Rich in Land, and Protective of It* (Minnesota Public Radio broadcast June 21, 2003), *available at* http://news.minnesota.publicradio.org/features/2003/06/21_ap_grandportage (on file with the Harvard Environmental Law Review).

[244] Minnesota Indian Affairs Council: Grand Portage, *supra* note 243.

2. *Grand Portage National Monument and the 1994 Tribal Self-Governance Act*

a. Negotiations

Grand Portage National Monument and the Grand Portage Band have been actively engaged in self-governance annual funding agreement ("AFA") negotiations since 1996, when the Band first approached the NPS and secured an early planning grant from the DOI Office of Self-Governance.[245] Under the AFA, first implemented in February 1999, the Band is responsible for administering the maintenance program for GPNM.[246]

The Band first approached the NPS in November 1996 and requested to enter into negotiations for a Compact and Annual Funding Agreement for "the assumption of the operation of the Grand Portage National Monument."[247] According to Band Chairman Norman Deschampe, the Band wanted to enter into negotiations to increase tribal participation in the Monument. The park unit may be managed and owned by the NPS, but the Monument bisects the reservation and is surrounded by the tribal community. It was thought that if the Reservation Tribal Council ("RTC") took a more active role in managing the Monument, the community would increase its involvement as well. The Band could then play a role in managing its "own land."

Grand Portage National Monument may be the "poster child" for implementation of the TSGA.[248] Some have suggested that it was contemplated as one of the logical places for use by the drafters of the Act itself.[249] In some ways, it represents the easy case for AFA negotiation. Unlike many parks, where tribes were removed from within park boundaries and land was taken with little or no compensation, at GPNM, the Band solicited protection of the land by the NPS, donated land for the Monument, and entered into a number of cooperative agreements with the NPS regarding management of the site. As an RTC resolution notes, the Monument was created "specifically to establish a preference for the employment and involvement of the

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[245] The Band entered into the Self-Governance Program in 1996 and contracted for its own programs from the BIA before it approached the NPS. Interview with Norman Deschampe, *supra* note 242. The Band has actively used the ISDEAA and its amendments. It has used 638 contracts for natural resource management, including hiring personnel and preparing a number of natural resource management plans. *See* HISTORICAL RESEARCH ASSOCIATES, INC., *supra* note 115, at 7-19. Planning grants had been made available to tribes wishing to enter into negotiations. They have since been discontinued. Telephone Interview with William Sinclair, Dir., DOI Office of Self-Governance and Self-Determination (Mar. 4, 2005) (on file with the Harvard Environmental Law Review).

[246] *See generally* John Myers, *Park Service, Ojibwe Band Team Up*, DULUTH NEWS-TRIBUNE, Oct. 1, 1998, at A1.

[247] Grand Portage Reservation Tribal Council, Resolution No. 45-96 (Sept. 25, 1996); Letter from Norman Deschampe, Grand Portage Band, to Pat Parker, Nat'l Park Serv. (Nov. 5, 1996) (on file with the Harvard Environmental Law Review).

[248] Interview with James Hamilton, *supra* note 177.

[249] *Id.*

Grand Portage Band and its members in the operation and administration of the monument."[250] NPS proposals for an Indian park adjacent to the Monument suggest that the NPS has recognized the Band as a capable park manager, and the activities that the Band sought to negotiate for (the maintenance program) were not only mentioned in the historic site designation legislation, but also performed by Band members prior to the involvement of the NPS. Thus, the "geographic, historical and cultural" significance criteria were easily met. Plus, GPNM is not a premiere park unit. It is likely that negotiations would have been much more difficult if the AFA concerned one of the "crown jewels" of the park system.[251] One might ask, if the TSGA would not work at Grand Portage, where would it work?

Although perhaps the "easy case" relative to other national park units and public lands, the negotiations were by no means easy. Planning and negotiations between GPNM and the Band began prior to the promulgation of regulations for the Act. The Band anticipated resistance and took a staged approach,[252] opting to withdraw its initial request to assume administration of all Monument functions[253] and instead to assume responsibility over the maintenance program before pursuing more.[254] The Band reasoned that maintenance would be the easiest first step for many reasons.[255] The enabling legislation references maintenance;[256] Band members had been involved in construction and restoration with the Indian Division of the CCC in the 1930s;[257] the Band had continued to maintain the site under historic site status;[258] Band members had been working in the maintenance department already; and maintenance provided an opportunity for the Band to "look inside" the NPS, to see how Monument operations functioned and how the

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[250] Grand Portage Reservation Tribal Council, Resolution No. 45-6 (Sept. 25, 1996) (on file with the Harvard Environmental Law Review).

[251] *See, e.g.*, AN HISTORIC INTERPRETATION PROGRAM FOR THE STATE OF MINNESOTA: A REPORT SUBMITTED TO THE LEGISLATIVE COMMITTEE ON MINNESOTA RESOURCES BY THE MINNESOTA HISTORICAL SOCIETY 18 (1977) ("Grand Portage has had a rather low priority with the National Park Service. Its short tourist season and comparative isolation make it a difficult place in which to work and to attract tourists. Year-round offices and residences of Park Service personnel are located 40 miles away in Grand Marais.").

[252] Telephone Interview with Timothy Cochrane, Superintendent, Grand Portage Nat'l Monument (Dec. 5, 2003) (notes on file with the Harvard Environmental Law Review).

[253] The Band initially stated that it was interested in negotiating an AFA that would "allow it to operate the Monument in all essential aspects not considered inherently federal." Letter from Norman Deschampe to Pat Parker, *supra* note 130.

[254] "At this time, the Grand Portage Band wishes to limit its negotiations to an AFA for the 'Maintenance' functions, programs and activities currently performed by the NPS at the Grand Portage Monument. However, we have a continuing interest in other aspects of the Monument operation as well." Letter from Norman Deschampe, Chairman, Grand Portage Reservation Tribal Council to James Loach, Superintendent, Nat'l Park Serv. Great Lakes Systems Support Office (Jan. 23, 1997) (on file with the Harvard Environmental Law Review).

[255] *Id.*

[256] 16 U.S.C. § 450oo-4 (2006) (providing for the establishment of Grand Portage National Monument).

[257] COCKRELL, *supra* note 188, at 14-15.

[258] Robert Pearman, *Chippewas Chipping in to Restore an Old Fort*, N.Y. TIMES, Feb. 21, 1965, at 14.

NPS worked. The Band also noted that the maintenance functions were "not unlike those currently performed by the band on Reservation lands."[259]

The GPNM AFA was closely watched as a precedent-setter for other park units and tribes. As a result, questions about the loss of federal jobs and the definition of inherently federal functions were heightened in the negotiation process. James Hamilton, attorney for the Band during the negotiations, notes that they were "not negotiating the Grand Portage AFA, they were negotiating the Self-Governance Act."[260]

i. Federal Jobs

The issue of loss of federal jobs was particularly contentious.[261] The transition from NPS to Band employment was eased by the fact that many of the workers were seasonal and were either Band members or related to Band members.[262] With the exception of one employee, all NPS maintenance workers were willing to work under the Band.[263] As a result, the negotiations centered on accommodating the continued employment of an individual who wanted to remain with the NPS.[264] He was able to do so through the negotiation of a sub-agreement under the Intergovernmental Personnel Act ("IPA").[265] The employee remains employed by the NPS but is loaned to the Band on detail. When he retires, the position will go to the Band.

The arrangement has been advantageous for many employees. As seasonal workers, they would have been employed only for six-month periods without benefits under the NPS. The Band, however, has been able to extend their employment through the year and to provide full medical coverage. In addition, the IPA agreement demonstrates how arrangements can be made between park and tribe that smooth transitions and mediate the loss of federal jobs. Cochrane notes that the maintenance is "as good or better than when [the National Park Service] did it."[266] At GPNM, the AFA has re-

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[259] Letter from Norman Deschampe to James Loach, *supra* note 254.

[260] Interview with James Hamilton, *supra* note 177.

[261] This is a common issue. For example, at Redwood National and State Parks (Cal.), state park employees feared a federal take-over and loss of their jobs before the NPS and the California Department of Parks and Recreation agreed to co-manage the park unit. *See* FAIRFAX ET AL., *supra* note 32, at 165-66.

[262] Telephone Interview with Timothy Cochrane, *supra* note 168.

[263] *Id.*

[264] *Id.*

[265] *Id.*; Intergovernmental Personnel Act, 5 U.S.C. §§ 3371–3376 (1970). The AFA provides the details of the arrangement: "The Band will employ under this AFA, in a position of its choosing, the NPS employee who currently serves as maintenance supervisor for the Monument . . . . Under the IPA agreement, the NPS will pay the salary, benefits, and other direct and indirect costs of employing that employee." Fiscal Year 1999 Annual Funding Agreement Between Nat'l Park Serv., U.S. Dep't of the Interior, and Grand Portage Band of Chippewa Indians § 10(E) (1999) (on file with the Harvard Environmental Law Review).

[266] Interview with Timothy Cochrane, Superintendent, Grand Portage Nat'l Monument, in Grand Marais, Minn. (Mar. 23, 2005). The Band's assumption of NPS maintenance programs occurs as the media has focused on the $4.9 billion maintenance backlog within the national park system. NAT'L PARK SERV., PARTNERING AND MANAGING FOR EXCELLENCE (2003), *avail-*

sulted in innovative and beneficial arrangements, suggesting that the Act may provide for additional and unforeseen benefits for both the federal government and tribes.

ii. Inherently Federal

Despite the amount of attention given to the issue at the congressional level, the NPS and Band left the inherently federal question unanswered in negotiations at GPNM. Lacking regulations, the Band and NPS proceeded with little guidance as to how to define "inherently federal" functions. By assuming management of Monument maintenance, instead of more federal functions, the Band and the Monument have been able to skirt the question, at least initially. The strategy that the Band chose allowed them to successfully negotiate an AFA without shipwrecking the process on the inherently federal question, thus leaving "inherently federal" undefined.

b. The AFA on the Ground: The Value of the Informal

The AFA has led to an arrangement that is a combination of tribal and NPS efforts. The Band's maintenance department is part of the tribal government.[267] It follows both Band and NPS guidelines, working primarily under Band personnel policies and procedures. The current maintenance supervisor worked for the NPS for fourteen years, and refers to the Chairman of the RTC and the Superintendent as his "two bosses."[268] The department wears blue uniforms to distinguish themselves "from the grey and the green," but the uniform patch displays the names of both the Band and GPNM.[269] Under the AFA, the Band maintenance department also has greater flexibility than a private contractor working with the NPS might. This flexibility has allowed the Band, which has its own construction company, to loan equipment to the Band-operated maintenance department for work at the monument, as well as to use the maintenance department to work outside monument boundaries. The Band has run the maintenance program more efficiently and cost-effectively than the NPS.[270]

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able at http://www.nps.gov/accompreport2003/pdf/npsdocu15web.pdf. *See, e.g.*, April Reese, *Admin Behind on Alleviating Maintenance Backlog in Rockies — Report*, LAND LETTER, Apr. 14, 2005, art. 9. The maintenance backlog is relevant to the AFA in that Band members have had to acquaint themselves with the new NPS Facility Management Software System, intended to alleviate the backlog, which adds substantially to the amount of paperwork and procedures pertaining to monument maintenance.

[267] Interestingly, it is listed as "NPS" on interoffice envelopes for the Reservation Tribal Council. Interview with Melvin Gagnon, Maintenance Foreman, Grand Portage Nat'l Monument, in Grand Portage, Minn. (Mar. 22, 2005).

[268] *Id.*

[269] *Id.*

[270] The programs under the four NPS AFAs cost slightly more than pre-AFA NPS management of those programs. Tribes are able to perform the services at roughly the same funding level as the NPS, but contract support and administrative overhead increase the monetary cost. Interview with Patricia Parker, Chief; Emogene Bevitt, Deputy Chief; and Ronnie Emery, Tribal Liaison, Am. Indian Liaison Office, Nat'l Park Serv., in Washington, D.C. (Jan. 5, 2005).

Much of the co-management literature emphasizes the importance of formal agreements between co-managing entities, which afford both parties a documented and codified statement of their rights and responsibilities. This presumably would protect the less powerful party from changes by the other party (e.g., changes in administrator or political administration), as well as provide a cause of action in a legal dispute. A desire for formal and enforceable arrangements is not surprising, and is shared by both the tribe and the NPS at GPNM. An articulation of the Band's rights in the enabling legislation for the Monument, for example, has been extremely important. Nevertheless, the GPNM case study speaks to the value of informal arrangements that sustain and support the formal.

Informal agreements and compatible personalities are important reasons that the Grand Portage AFA has succeeded. Both the Band and GPNM have been actively involved in securing funding and support for a new heritage center. The Band and the NPS have multiple cooperative agreements, including ambulance service and assistance with structural fires.[271] In addition, the Monument uses the water and sewers of the Band and has built a community water storage facility and sewer infrastructure in return.[272] The Band and the NPS also participate in the planning processes of the other. Additionally, a member of the Band sat on the planning team in the monument's General Management Plan process[273] and the superintendent of the monument was invited to participate in the reservation-wide transportation plan.[274] The Band and GPNM staffs communicate daily.[275] They have also cooperated in interpretation: the NPS helped publish a book on Band members' stories about the land, the Grand Portage casino has an exhibit on GPNM, and the RTC office has a display that was constructed with the help of NPS interpretive staff.[276] Chairman Deschampe has suggested that sometimes it matters less to the Band whether it is the Band or the NPS that is doing something: either way, the Band benefits from having a quality operation.[277] This might explain why the Band has been willing to take smaller steps toward assuming NPS programs.

The Grand Portage case study also shows how the relationship between parks and tribes may change in this era of self-determination, and also in this era of gaming. The Band no longer contends with the level of poverty of the 1950s, and gaming has provided the Band with new opportunities. As a result, the Band is no longer as dependent upon the economic development that a national park unit might bring. Instead, it now controls programs once managed by the federal government, including natural resource management

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[271] GPNM FINAL GMP, *supra* note 200, at 7.
[272] *Id.* at 11.
[273] *Id.* at 1.
[274] Interview with Timothy Cochrane, *supra* note 168.
[275] Interview with Norman Deschampe, *supra* note 242.
[276] *Id.*
[277] *Id.*

and planning on the reservation. It has used its own political power to assist the Monument, for example, in lobbying for a new heritage center that would move GPNM headquarters to the reservation from its current location in Grand Marais, forty miles away. The Band has built the capacity to manage its own resources and has taken an active role in national and state park planning and management on the reservation.

C. Implementing the Tribal Self-Governance Act: Why So Little Activity?

Examining the NPS AFAs reveals that use of the TSGA has resulted in tribal negotiation for discrete park unit functions, but not substantive park management. This is true even at GPNM, which in many ways represents the best case scenario (a responsive superintendent, favorable enabling legislation, a positive historical relationship, a patient tribe, the transfer of relatively minor decision-making authority, existing informal arrangements, and a non-premier park unit). Tribes have not used the TSGA on a larger scale or with greater frequency for a number of reasons. At a summit of park, tribal, and conservation organizations in the Pacific Northwest in 2003, some attendees suggested that the NPS fears loss of federal jobs and relinquishment of control over programs, that conservationists fear tribes will prioritize tribal needs over park priorities, and that a general lack of confidence in tribal management of park functions is problematic.[278] In addition to those factors, the lack of activity under the TSGA can be attributed to barriers to tribal participation, a lack of tribal interest or resources, the presence of internal and external opposition, and the NPS's narrow interpretation of the TSGA. The latter is particularly significant and is the focus of this Section.

First, the TSGA establishes a set of barriers that may dissuade some tribes from participation. The barriers include requirements for entry into the Self-Governance program, as well as a time-consuming and costly process of negotiation. The Band, for example, had to pay legal costs for three years of negotiation. For less well-endowed tribes, the resources required for AFA negotiation could be a substantial hurdle, such that the significant barriers to entry and the costs of negotiation might undermine the intent of the TSGA.

Second, lack of funding and capacity may continue to inhibit tribal involvement not only in NPS programs, but also in establishing tribal parks and other tribal land management efforts, and may explain why the TSGA has not been used to a greater extent.[279] Third, opposition within and outside the NPS has been significant. At GPNM, some of the greatest opposition has come from within the NPS. Cochrane says that he was seen by some as "setting up a means for giving away the park."[280] Although the GPNM case

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[278] *See* PACIFIC WEST REGION, *supra* note 52, at 33.

[279] Gaming has the potential to significantly alter this scenario.

[280] Telephone Interview with Timothy Cochrane, *supra* note 168. Similar arguments were voiced by conservationist critics in the 1995 negotiations between the NPS and the Timbisha Shoshone in Death Valley National Park and the 1975 expansion of Grand Canyon National

study demonstrates how the AFA has resulted in tribal management of Monument maintenance, it also reveals how both direct opposition to the TSGA within the NPS and larger, more institutional NPS responses may inhibit tribes from substantive management of NPS programs. This Article argues that the NPS appears to have reacted to the TSGA as a change in public land law and policy, rather than viewing it as a logical extension of Indian self-determination policy (as its legislative history suggests would be warranted).[281] As a result, it has narrowed the application of the TSGA.

The NPS response to the TSGA has in part been to view the Act as an aberration in public land policy. As an NPS document on the Act states,

> [The TSGA] represents a fundamental shift from Self-Determination and Self-Governance through tribal control of programs, functions, and activities that support the delivery of services to Indians because of their status as Indians to opportunities for Self-Governance tribes to negotiate funding agreements for the operation of Department of the Interior programs, functions, and activities that may have nothing to do with the delivery of services to Indians.[282]

The NPS has construed the TSGA narrowly, framed it within the NPS's conventional tools for sharing money and authority, and proceeded cautiously to avoid setting precedent.

The NPS has viewed the TSGA through the framework of contracting or procurement. While acknowledging government-to-government negotiations, it has applied the terms and processes familiar to the NPS system and bureaucracy. For example, both the NPS superintendent and a contracting officer sign the AFA, the same procedure for transferring funds in a contracting situation. In response, the Band sought clarification of its status under the TSGA during AFA negotiations. The Band included language in an early draft of the AFA specifying that the "Band is not a 'contractor' and, in performing Activities under this AFA, need not comply with 36 C.F.R. Part 51 concerning concessions contracts and permits, or with 36 C.F.R. Part 8 concerning standards applicable to employees of NPS concessioners."[283] Because negotiations must follow the guidelines in the TSGA, this was not contracting, but the NPS nevertheless applied familiar contracting tools to the situation.

Park. Keller and Turek describe the response from a number of conservation organizations to the Grand Canyon land transfer: "The [National Parks Conservation Association], for instance, condemned a 'Havasupai land grab.' The *Sierra Club Bulletin* reported a Grand Canyon 'giveaway,' and the *New York Times* accused the Havasupai of a 'raid' on public land." KELLER & TUREK, *supra* note 29, at 165.

[281] This is written with the understanding that the NPS encompasses numerous organizational levels (e.g., NPS national and regional directors, the NPS AILO, park superintendents, and park unit staff) that may respond to the Act differently.

[282] ISG in the NPS, *supra* note 110, at 2.

[283] DRAFT 1998 Annual Funding Agreement Between Nat'l Park Serv. and Grand Portage Band of Chippewa Indians 3 (1997).

Even though the processes may differ, the substance still resembles contracting or procurement. Most of the programs the NPS has identified as eligible for compacting under the TSGA are activities that the NPS could contract out to any private corporation or small business, not just Indian tribes.[284] Some NPS officials have construed the TSGA as merely providing an opportunity for "sole source contracts with Indian tribes."[285] Tribes may petition the NPS for any range of activities, including projects that would otherwise be available to private contractors, but the TSGA does not limit NPS delegation to such projects. The NPS has conceptualized the TSGA narrowly, reading the TSGA as a way to allow tribal-NPS contracting (without a bidding process). This may have real consequences for the programs and functions that the NPS considers eligible for negotiation.

The TSGA does not specify that AFAs be negotiated on an incremental basis (for example, by requiring an additive process from contracting to something more substantive), but the NPS has stated a preference that "[c]arrying out Self-Governance in the National Park Service will be an evolving process starting with the already familiar process of contracting with tribes for particular services or products and moving toward the direct delivery by Indian tribes of functions, programs and activities generally performed by National Park Service employees."[286] The TSGA and the Solicitor's opinion suggest that more programmatic control ought to be freely available to tribes; the goal of the TSGA is Indian self-determination, not minimal disruption of, or strict adherence to, NPS contracting procedures.

The NPS has also distinguished its programs from those of the BIA, suggesting that the provisions of the Act are either inapplicable to non-BIA programs or apply in different ways. The TSGA outlines some important procedural differences between negotiation for BIA and non-BIA programs, and between programs for the benefit of Indians and programs of geographic, historical, and/or cultural significance to tribes. But the congressional findings and declaration of policy that introduce the TSGA support the notion that non-BIA programs are included in the goal to promote tribal control of federal programs. For example, the findings refer to the federal bureaucracy generally, BIA and non-BIA alike: "[T]he Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-gov-

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[284] For example, in 2000, the NPS listed the following activities as available for AFA negotiations: archeological surveys, comprehensive management planning, cultural resource management projects, ethnographic studies, erosion control, fire protection, hazardous fuel reduction, housing construction and rehabilitation, gathering baseline subsistence data, janitorial services, maintenance, natural resource management projects, range assessment, reindeer grazing, road repair, solid waste collection and disposal, and trail rehabilitation. List of Programs Eligible for Fiscal Year 2000 Annual Funding Agreements to be Negotiated with Self-Governance Tribes by Interior Bureaus Other than the Bureau of Indian Affairs, 64 Fed. Reg. 11,032, 11,034-35 (Mar. 8, 1999).

[285] Interview with Patricia Parker, Emogene Bevitt, and Ronnie Emery, *supra* note 270.

[286] ISG in the NPS, *supra* note 110, at 2-3.

ernance and dominates tribal affairs;"[287] "transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs . . . strengthens the Federal policy of Indian self-determination."[288]

Relying on the nature of its appropriations and its responsibility to the public trust, the NPS has tried to distinguish its programs from those of the BIA and to suggest limitations on the TSGA's application to NPS programs. Whereas the BIA is appropriated funds specifically for Indians, and tribes may redesign and conduct programs to "meet the needs of individual tribal communities,"[289] the NPS has stressed that it receives funds for the benefit of the general public, and that NPS AFAs "must be made in relation to the mission of the agency and the purpose of the park unit."[290] With regard to the flexibility for reallocating funds between programs that AFAs and compacts permit for BIA programs, the NPS suggests that the law may prohibit the reprogramming of funds: "The Bureau of Indian Affairs model may not fit [non-BIA] programs in many instances. Reprogramming of funds by a tribe to non-park activities outside of the park would appear to violate our appropriations act and is not permitted."[291]

The NPS may be narrowly construing the TSGA for any number of reasons. First, the law governing NPS activities conflicts with some of the provisions of the TSGA. Second, some in the NPS conceptualize the Act as a special contracting provision. Third, the NPS forces the TSGA through normal channels and familiar infrastructure for interacting with other entities. Finally, issues surrounding loss of federal jobs, confusion about the TSGA and outsourcing measures, and loss of federal control play out at various levels of the NPS.

V. Conclusions

On a larger scale, this Article is about the intersection of federal public land management and Indian law and policy in a contemporary setting—contemporary because federal public land management and Indian policy have always been intertwined. Generally, the enlargement of the federal bureaucracy and federal land holdings has been directly related to the reduction of tribal control over tribal affairs and land. Huntsinger and McCaffrey have demonstrated how the divestiture of tribal natural resources was not the result of expropriation of land alone; bureaucratic control and imposition of management regimes could be equally detrimental to tribal land holdings

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[287] Indian Self-Determination Act Amendments of 1994, Pub. L. No. 103-413, § 202(3), 108 Stat. 4250, 4271 (codified as amended at 25 U.S.C. § 458aa (2006)).

[288] § 202(5)(A)-(B).

[289] ISG in the NPS, *supra* note 110, at 4.

[290] *Id.* at 1.

[291] *Id.* at 4.

and tribal authority.[292] Authority over land was removed from Indian hands and centralized in federal bureaus, including the BIA *and* the NPS.

The TSGA is philosophically significant in that it recognizes that non-BIA programs implicate tribal sovereignty. Although the Act has not received widespread use as of today, it does represent a significant step in connecting public land management to Indian self-determination. By encouraging tribal participation, planning, and administration, the TSGA provides a lens for examining public land policy and Indian law and policy in an era where, as the TSGA suggests, federal land management can function not to erode tribal sovereignty, but to strengthen it.

An examination of co-management under the TSGA at GPNM also reveals at least three barriers that may arise in conjunction with AFA negotiation with the NPS or any non-BIA bureau. First, encouraging permanent self-governance or institutions for co-management would presumably require similarly permanent funding arrangements. However, AFAs, as their name implies, are negotiated and re-negotiated on an *annual* basis. The regulations do provide for negotiation of a "successor AFA" which expedites the process by using the terms of the past AFA,[293] and the amendments have been used to increase the amount of funding available to the tribe.[294] The funds are essentially as secure as the park unit's budget: funds are allocated to the Band as if the monument were allocating funding to an NPS maintenance program.[295] Nevertheless, AFAs remain subject to congressional control and appropriations, and this can be problematic. In FY 1999, Congress placed a moratorium on all *new* self-determination and self-governance compacts to address and study problems related to contract support costs.[296] The AFA at GPNM was almost struck down by the moratorium, but its provisions had been negotiated the previous year, and it received funding.[297]

Second, co-management and self-determination are not obviously compatible goals. The TSGA essentially substitutes tribal bureaucracy for federal bureaucracy, and the two become a little muddled as a result. Here the TSGA is quite clear in favoring a reduction in federal bureaucracy. The law

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[292] Huntsinger & McCaffrey, *supra* note 39, at 155 (identifying two main mechanisms of divestiture of Yurok forest resources: the expropriation of land and denial of access to resources and through a shift in management regimes resulting in ecological change).

[293] 25 C.F.R. § 1000.180 (2000).

[294] Telephone Interview with Timothy Cochrane, *supra* note 168.

[295] Funding has increased annually from about $293,000 in FY 2000 to $356,000 in FY 2004. Timothy Cochrane, Superintendent, Grand Portage Nat'l Monument, Grand Portage National Monument AFA Fiscal History and Notes (on file with the Harvard Environmental Law Review).

[296] ALFRED R. GREENWOOD, APPROPRIATIONS FOR FY2000: INTERIOR AND RELATED AGENCIES (Cong. Research Serv. No. RL30206, Oct. 20, 1999), *available at* http://www.ncseonline.org/NLE/CRSreports/Agency-24.cfm.

[297] Telephone Interview with Timothy Cochrane, *supra* note 168; Telephone Interview with Emogene Bevitt, *supra* note 137; *see also* John Myers, *Grand Portage Deal Scuttled*, DULUTH NEWS-TRIBUNE, Nov. 7, 1998, at B1. Congressman James Oberstar also supported the notion that the moratorium did not apply to the GPNM AFA. *See* Letter from Rep. James L. Oberstar (D-Minn.) to Kitty Roberts, Dir., Cong. Affairs, Nat'l Park Serv. (Nov. 20, 1998).

suggests that its intent is to allow a tribe to assume functions in the absence of federal control and paternalism and to build self-governance capacity. In reality, the Band and GPNM work extremely closely in co-management arrangements, and monument operations require day-to-day communication. In other words, successful co-management of a national park may not be entirely co-terminous with tribal self-governance, if self-governance is conceived as a freedom from federal oversight, control, and paternalism.

Finally, perhaps the biggest hurdle is opposition from non-BIA bureaus or, at a minimum, a tendency on the part of the non-BIA bureaus to conceptualize the TSGA as an intrusion into public land management. As the legislative history demonstrates, the provisions regarding non-BIA programs were a logical and even predictable extension of the ISDEAA. Self-governance tribes are approaching non-BIA bureaus from the backdrop of Indian self-determination, and non-BIA bureaus have tried to constrain the application of the TSGA instead. Non-BIA bureaus generally, and the NPS specifically, ought to reorient and broaden their interpretation of the TSGA so that they view it through the lenses of both federal land management and Indian self-determination policy.

The NPS is struggling with questions about where resident, adjacent, associated, and dispossessed communities fit within national parks, and where and under what conditions Indian tribes and their members should be integrated into park management. The TSGA reexamines those questions by providing tribes with processes and avenues for interacting, negotiating, and cooperating with the NPS that are not available to other, non-tribal communities. The Grand Portage case study demonstrates how informal and formal relationships, including but not limited to the AFA, have led to positive results and good government-to-government relations. The AFA has structured a particular aspect of that relationship, which combines NPS and Band management and may lead to greater co-management. But even if the TSGA changes how tribes may negotiate with the NPS, the substantive elements—the activities that tribes are performing—look more like contracting or procurement than co-management. This may follow from how the NPS has framed and conceptualized the TSGA, articulated its responsibility, and understood its relationship and commitment to tribes.

If GPNM provides any indication about the future direction of the TSGA, it is that the park and tribe will move slowly, and that arrangements can be made to settle the problems that arise. Chairman Deschampe has suggested that there are benefits to NPS ownership, and perhaps the ultimate question does not concern who does what, but rather how to create a park that is a successful unit for both the National Park Service and tribes.

TABLE 1

National Park Service Annual Funding Agreements*			
Tribe/Consortium	**National Park Unit**	**Fiscal Years**	**Description**
Kawerak, Inc.	Alaska Regional Office (AK)	1996 1997 1998	Preparation of record of the Bering Strait Region's Inupiat, Siberian Yupik and Southern Norton Sound Yupik culture, history, knowledge and tradition.
Grand Portage Band of Chippewa Indians	Grand Portage National Monument (MN)	1999 2000 2001 2002 2003 2004 2005 2006	Perform the entire maintenance program for the monument; additional projects (e.g. fire suppression system excavation, fire hydrant replacement, handicap accessible pathway project, wood preservative application to buildings, replacement of sewage left station pumps, repair and rehab of Mt. Rose Trail and handrails, and carpentry preparation of historic buildings for a fire suppression system installation).
Lower Elwha Tribal Community	Olympic National Park (WA)	1998 2002 2003 2004 2005 2006	Projects under the NPS Elwha River Restoration Program.
Yurok Tribe	Redwood National and State Parks (CA)	2001 2002 2003 2004 2005 2006	Perform watershed restoration activities; provide an overview of Native American consultations; perform a cultural resources study of Espau Lagoon at Prairie Creek; perform archaeological investigation and historic resources study for relocation of the park maintenance facility; produce an ethnographic overview; perform an archaeological investigation of Alder Camp Road. (The AFA has since been amended to include other rehabilitation work, culvert replacement for road maintenance, and pre- and post-prescribed fire monitoring.)**
Tanana Chiefs Conference, Inc.	Alaska Regional Office (AK)	2002 2003 2004 2005 2006	Recruit a program manager to facilitate and coordinate the interpretive design, the architectural team, and economic analysis for the Morris Thompson Cultural and Visitor Center in Fairbanks; to acquire the land and to design and construct the center.

* Except where otherwise noted, the information in Figure 1 is from the American Indian Liaison Office, Nat'l Park Serv., *National Park Units and Self-Governance Tribes and Overview of Self-Governance Agreements with the National Park Service* (for all information through 2004), supplemented by List of Programs Eligible for Inclusion in Fiscal Year 2006 Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs, 70 Fed. Reg. 53680 (Sept. 9, 2005) (for information for FY 2005) and author's telephone communication with Kenneth Reinfeld, Senior Policy/Program Analyst, U.S. Dep't of the Interior (April 11, 2007) (for information on FY 2006).

** Pacific West Region Summit of National Parks-Tribes-Conservation Organizations, *A New Beginning for Equity and Understanding — National Parks and Traditionally Associated American Indian Tribes*, October 7 - 9, 2003, Klamath, CA. at 14, 24.

TABLE 2

Annual Funding Agreements - Non-BIA Agencies								
Agency/Bureau	**Bureau of Land Mgmt**	**Bureau of Reclamation**	**Fish and Wildlife Service**	**Geological Survey**	**National Park Service**	**Minerals Mgmt Service**	**Office of the Special Trustee for American Indians**	**Office of Surface Mining**
Number of Tribes/ Consortia with AFA(s) (past and present)	1	7	2	0	5	0	3	0
Tribes/Consortia with AFA(s)	Council of Athabascan Tribal Governments (AK)	1. Salt River Pima-Maricopa Indian Community of the Salt River Reservation (AZ)	1. Council of Athabascan Tribal Governments (AK); Yukon Flats National Wildlife Refuge		1. Kawerak, Inc. (AK); Alaska Regional Office		1. Cherokee Nation (OK)	
		2. Gila River Indian Community of the Gila River Indian Reservation (AZ)	2. Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT); National Bison Range Complex		2. Tanana Chiefs Conference, Inc. (AK); Alaska Regional Office		2. Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)	
		3. Chippewa-Cree Tribe of the Rocky Boys Reservation (MT)			3. Yurok Tribe of the Yurok Reservation (CA); Redwood National and State Parks		3. Wyandotte Tribe of Oklahoma	
		4. Karuk Tribe of California			4. Grand Portage Band of Minnesota Chippewa Indians; Grand Portage National Monument			
		5. Yurok Tribe of the Yurok Reservation (CA)			5. Lower Elwha S'Klallam Tribal Community of the Lower Elwha Reservation (WA); Olympic National Park			
		6. Duckwater Shoshone Tribe of Nevada						
		7. Hoopa Valley Tribe						

Sources: Telephone Conversations with Kenneth Reinfeld, Office of Self-Governance, May 19, 2005 and April 11, 2007 (providing all 2005-present data); BLM: Telephone Conversation with Jerry Cordova, Tribal Coordinator, U.S. Bureau of Land Management, February 18, 2005; BUREC: Telephone Conversation with Barbara White, U.S. Bureau of Reclamation, February 18, 2005; FWS: Telephone Conversation with Patrick Durham, American Indian Liaison, U.S. Fish and Wildlife Service, 2005; National Bison Range Complex AFA *available at* http://mountain-prairie.fws.gov/cskt-fws-negotiation/nbrc_afa_12104 final.pdf (last visited Jan. 3, 2007); Yukon Flats National Bison Range AFA *available at* http://alaska.fws.gov/media/catg/afa.pdf (last visited Jan. 3, 2007); USGS: Telephone Conversation with Sue Marcus, American Indian/Alaska Native Liaison, USGS, February 18, 2005; NPS: Document from National Park Service American Indian Liaison Office (AILO); Email from Emogene Bevitt, American Indian Liaison Office, NPS, to Mary Ann King (Nov. 20, 2003); OSM: Email communication with Willis Gainer, Office of Surface Mining, April 1, 2005.

The Salt Lake Tribune

Interior, tribal meeting sparks fear of new Utah monument designation

BY THOMAS BURR

THE SALT LAKE TRIBUNE

PUBLISHED: JULY 28, 2015 11:20AM

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Washington • The Interior Department said Monday that a recent meeting between federal officials and tribal leaders in southwestern Utah was part of a listening tour and downplayed questions of whether it could lead to a new national monument.

Al Hartmann | Tribune file photo
A meeting between tribal and U.S. government leaders has fanned fears about a possible monument designation for nearly 2 million acres in southeast Utah centered around the Bears Ears landmark pictured here.

Assistant Secretary for Indian Affairs Kevin Washburn, National Parks Service Director Jonathan Jarvis, a deputy Bureau of Land Management official and an Agriculture Department undersecretary met earlier this month with tribal leaders who were pitching a plan to preserve about 1.9 million acres in the southeastern corner of Utah. The federal officials came at the request of the tribes, Interior press secretary Jessica Kershaw said Monday.

"The Obama administration is committed to engaging in meaningful government-to-government dialogue on a wide range of issues of importance to Indian country," Kershaw said, adding that administration officials regularly meet with tribes at their request and do not dictate the agenda.

Asked if such a meeting might hint at a new national monument designation, Kershaw said it was simply a meeting the federal officials were asked to attend.

"It demonstrates a commitment to working with the tribes on what they would like to see happen in that area," she said.

But the meeting, held in the shadow of the towering Bears Ears mesas, raised concerns about a possible new national monument designation by President Barack Obama, who has said repeatedly he will take advantage of the 1906 Antiquities Act to preserve treasured landscapes if Congress fails to act.

Such fears about a president's unilateral designations are rooted in President Bill Clinton's use of the Antiquities Act to set aside 1.8 million acres of southern Utah as the Grand Staircase-Escalante National Monument — a move he made without consulting local or state officials and which was announced from Arizona.

"It sounds hauntingly familiar to what a congressional committee called a behind-closed-doors breach of trust in the designation of the Grand Staircase-Escalante Monument in 1996," said state Rep. Ken Ivory, R-West Jordan.

Ivory, who also runs the American Lands Council and fights for state control of Western public lands, noted the Bears Ears meeting came on the heels of several monument designations by Obama in nearby states.

"It is a sad state," Ivory said, "when land use and land planning bypasses locally elected officials who are responsible for the conditions and health, safety and welfare of the land."

Leaders of the Navajo, Ute, Pueblo, Zuni and Hopi tribes gathered for the meeting in early July and were met by Washburn, Jarvis, BLM Deputy Director Steve Ellis and Butch Blazer, the Agriculture Department's undersecretary for natural resources and environment.

Washburn wrote in a blog post that the Obama administration is "listening carefully to the tribes."

"We look forward to working with tribal leaders who described to us their responsibility to honor the spirits of their ancestors who continue to animate this landscape and the equally important obligation to raise children — and future leaders — who share an unbroken connection, through this landscape, with their ancestors," Washburn wrote. "We share the desire of tribal leaders to protect sacred places and leave the Earth better than we found it."

The proposed Bears Ears National Conservation Area, backed by Utah's Navajos, stretches from the southern edge of Canyonlands National Park to the San Juan River and Glen Canyon National Recreation Area in the south, and from approximately U.S. Highway 191 on the east to the Colorado River on the west. The area west of Monticello, Blanding and Bluff includes Cedar Mesa, a region rich with archaeological treasures, including native burial sites and dwellings.

The tribe's proposal is larger than three other plans to expand federal land protections in the region — including the Greater Canyonlands notion from the Southern Utah Wilderness Alliance, four conservation areas pitched by the National Trust for Historic Preservation and another from Friends of Cedar Mesa.

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit aimed at preserving the Bears Ears area, said the Antiquities Act was

discussed but it was not the main thrust of the meeting. Noyes said preservation, ideally, would be done through legislation.

"The intention of it, I think, it was for sovereign tribal nations to meet nation to nation with the [U.S.] government," Noyes said. "It wasn't to ask for a national monument but to say, 'We're really interested in protecting this area.' "

Noyes added that the meeting wasn't a secret — several Navajo newspapers covered the lead-up to the gathering — and that it was appropriate that the tribes brief government leaders on the sacred nature of — and threats to — lands under federal control.

Kershaw, the Interior spokeswoman, said that Interior Secretary Sally Jewell remains committed to working with the Utah congressional delegation and others to look for options on preserving lands that need protection.

tburr@sltrib.com

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M - Bears Ears

Wednesday July 29, 2015

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Assistant Secretary - Indian Affairs' Blog

Ancient Culture, Modern Significance in Southeastern Utah

Posted July 23, 2015

Few places in the United States are as rich with cultural history as the wild lands of Southeastern Utah. Ruins of the homes of tribal ancestors share a landscape showcasing thousands of examples of stunning rock art. For visitors to this landscape, the artistic work of the people who resided here long ago is matched only by the beauty of the landscape. For those who trace their ancestry back to these ancient people, this beautiful landscape remains alive with the spirits of their ancestors. For all, it is a place of wonder.

With the Director of the National Park Service Jonathan B. Jarvis, Deputy Director of the Bureau of Land Management Steven A. Ellis and Deputy Under Secretary for Natural Resources & Environment at the USDA Arthur "Butch" Blazer, I had the privilege of attending a meeting of tribal leaders from this region who gathered this past weekend to discuss the importance of protecting a landscape around the striking feature of the Cedar Mesa known as Bears Ears. We were struck by the personal stories of spiritual connection to this rugged land. We heard a medicine man discuss the hundreds of species of flora traditionally collected in the area to provide medicines for healing his people. We heard other stories, too, and a shared desire to protect this land of their ancestors, so that they may share it with their children and grandchildren.

The tribal coalition that has formed to protect this land is broad and deep. The meeting, which occurred outdoors on the high mesa, among the pine trees, demonstrated the power of this sacred land to bring people together. Begun by the Chairman of the Ute Mountain Ute Tribe, the meeting was co-chaired by representatives from Navajo and Hopi. Leadership from the Ute Indian Tribe of northern Utah also participated, as well as pueblo representatives from as far away as Zuni and Cochiti in New Mexico. The intertribal Bears Ears Coalition continues more than five years of work to protect this area, led by the grassroots Utah Dine Bikeyah, and now has support from more than two dozen tribes.

This Administration is profoundly committed to upholding our trust responsibility and treaty obligations to Indian tribes and supporting tribal sovereignty and self-determination. As we work hard on initiatives to enhance culturally appropriate curriculum in our schools, to restore tribal homelands and to address many broken promises, we are also mindful of the incredible responsibility of protecting the cultural heritage preserved in sacred landscapes. We are listening carefully to the tribes. We look forward to working with tribal leaders who described to us their responsibility to honor the spirits of their ancestors who continue to animate this landscape and the equally important obligation to raise children – and future leaders – who share an unbroken connection, through this landscape, with their ancestors. We share the desire of tribal leaders to protect sacred places and leave the earth better than we found it.

To see photos from the meeting, you can click here.

White House 2012 Tribal Nations Conference: Helping Indian Country Move Forward

Posted on December 11, 2012

M-Bears Ears

All Pueblo Council of Governors

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Officers
Governor E. Paul Torres, Chairman
Governor Val Panteah Sr, Vice Chairman
Governor Terry Aguilar, Secretary

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San Felipe
San Ildefonso
Santa Ana
Santa Clara
Santo Domingo
Taos
Tesuque
Valeta Del Sur
Zia
Zuni

June 16, 2015

RE: All Pueblo Council of Governors Support Efforts to Protect Bears Ears Cultural Landscape

Dear Mr. President and Members of Congress:

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.

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."

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.

Sincerely,
ALL PUEBLO COUNCIL OF GOVERNORS

E. Paul Torres

Governor E. Paul Torres
Chairman

M-Bears-Ears

Conservation Lands Foundation
Protecting America's Heritage

October 16, 2014

Honorable Sally Jewell, Secretary
U.S. Department of Interior
1849 C. St NW
Washington, DC 20240

Re: Meeting request regarding Cedar Mesa in southeast Utah

Dear Secretary Jewell,

On behalf of the Conservation Lands Foundation and Richard Moe, President Emeritus, National Trust for Historic Preservation, I would like to request a meeting with you to discuss the Cedar Mesa region, located in southeastern Utah. Cedar Mesa and the surrounding region contain an estimated 100,000 archeological sites, comprising the largest collection of unprotected cultural resources in the lower 48 states. Cliff dwellings, rock art and other remnants of Pueblo inhabitants dot the canyon rims and bottoms. These priceless remains and the fragile landscape are at risk from looting and vandalism. Only 2 percent of these cultural sites have been properly inventoried, meaning that visitors' careless actions and outright vandalism and theft of cultural sites forever diminishes what we can learn from this region.

While at at the National Trust for Historic Preservation, Richard Moe started a public lands program to advocate for those lands that contained important cultural properties that were at risk. Since Cedar Mesa is literally packed with ancient pit houses, cliff dwellings, granaries, towers and rock art, virtually all of which are fragile and vulnerable, it rose to and remains at the very top of the Trust's priority list.

Grand Gulch, Comb Ridge, Arch Canyon and Valley of the Gods are the names given to the geologic wonders of the region. Navajo, Ute, Pueblo and other Native American tribes also trace their cultural identity and well-being to this region. They conduct traditional activities including medicinal herb gathering and ceremonial hogan construction on these lands. Mormon pioneers trace settlements through the historic Hole in the Rock Trail, which bisects the heart of Cedar Mesa. Not surprisingly, Navajo, Hopi and other tribal and Pueblo leaders are advocating for protecting this area along with conservationists and archaeologists.

Leadership by the Obama Administration and Department of Interior is required in order to ensure this area is safeguarded, will continue to benefit generations to come, and to ensure that some of our nation's most important cultural resources remain undiminished.

We appreciate your attention to this matter, and look forward to your response. I have enclosed Richard Moe's bio for reference. Please don't hesitate to contact me at ryan@conservationlands.org or 970-946-0506 if I can be of any assistance.

Sincerely,

Ryan D. Bidwell

Ryan D. Bidwell

Conservation Lands Foundation
Protecting America's Heritage

Richard Moe Bio

When Richard Moe became the seventh president of the National Trust for Historic Preservation, he brought to the position a lifelong interest in history and a career-long commitment to public service.

A native of Duluth, Minnesota, Moe graduated from Williams College and received a law degree from the University of Minnesota Law School. He held administrative positions in government at the city, state and federal levels and practiced law in Washington, D.C., before assuming the presidency of the National Trust in 1993.

As president, Moe leads the organization in its mission to save the nation's diverse historic places, cultural resources and create more livable communities for all Americans. Under his direction, the National Trust has reaffirmed its commitment to expanding and diversifying the organized preservation movement, become an outspoken and effective advocate of controlling sprawl and encouraging smart growth, and launched innovative initiatives to demonstrate preservation's effectiveness as a tool for community revitalization and for sustainable development.

A member of the board of the Ford Foundation, Moe has been awarded honorary doctorates from the University of Maryland and the University of Minnesota. In 2007 he was awarded the National Building Museum's Vincent Scully Prize, which recognized his leadership in moving historic preservation into the mainstream of American life and expanding the public's understanding of the importance of protecting and celebrating our heritage. That same year he also received the American Historical Association's Theodore Roosevelt-Woodrow Wilson Award for Public Service. Moe was named an honorary member of The American Institute of Architects (AIA) in 2003. He is co-author of Changing Places: Rebuilding Community in the Age of Sprawl, a study of the causes of urban decline and the use of historic preservation as a tool for revitalization, published in 1997; and author of The Last Full Measure: The Life and Death of the First Minnesota Volunteers, a Civil War history published in 1993.

June 13, 2014

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

Via email: feedback@ios.doi.gov

Re: Request for Meeting Regarding Navajo Ancestral Lands in Southeastern Utah.

Dear Secretary Jewell,

In 2010, the Navajo Nation started the Navajo San Juan Conservation Initiative to develop and implement a conservation strategy, informed by traditional knowledge and western science, for our ancestral lands in Southeastern Utah.

Following extensive community work with our Utah Chapter Houses and elders, Utah Navajos articulated their objectives to protect these sacred lands, enhance management of ecological and nationally-significant archeological and cultural resources, and sustain traditional Native American uses. We believe a National Conservation Area or National Monument designation is the best way to achieve these objectives.

Over the past 4 years, we have conducted many meetings, gathered supporting resolutions, identified and mapped our important cultural areas and incorporated available ecological data sets to produce the Diné Bikéyah Conservation proposal. We are the ancestral residents of these sacred public lands and today represent more than half the population of San Juan County, Utah. In 2012, the Navajo Nation entered into a Memorandum of Agreement with San Juan County Commissioners to explore joint planning discussions. Despite significant challenges and entrenched perspectives, we remain committed to respectful dialogue on public land management in San Juan County.

Unfortunately, after 18 months of discussion, San Juan County has refused to come forward with any substantive proposal for conservation of federal lands in the County. Recent statements and actions from several San Juan County Commissioners clearly reflect an aversion to conservation and disregard for federal land management authority. In light of these developments, we humbly request the engagement of the Department of Interior in a Nation-to-Nation dialogue about appropriate strategies to conserve federal lands in San Juan County that are the ancestral lands of Navajo people.

Fortunately, we are pleased to have been able to recently enter into fruitful discussions with the Bureau of Land Management Canyon Country District offices to foster better communication and explore collaborative management opportunities. We have already seen positive results, with improved access for our people to fuel wood and ceremonial materials. We will be exploring additional opportunities to enhance the conservation and management of cultural, natural and archaeological resources, and involve our youth and communities, through this collaboration with BLM. Additionally, we remain hopeful that the initiative set in motion by Chairman Rob Bishop to

Diné Bikéyah / Cedar Mesa

May 1 - July 15, 2014 Update

World renowned for archaeological resources and characterized by extreme topographic diversity, striking landforms and extraordinary biological diversity, the Diné Bikéyah National Monument proposal is bordered by the Navajo Nation, the Colorado and San Juan Rivers, and Canyonlands National Park. Sacred to many Native people, the people of the Navajo Nation and other Tribes and Pueblos, perform ceremony, harvest game, collect firewood, and gather medicinal herbs today just have they have for hundreds of years.

Cedar Mesa is also one of the best places in the world for visitors to gain a sense of tangible contact with the archaeological past. Hundreds of remarkably preserved structures are tucked away under ledges, providing glimpses of daily life there hundreds of years ago.

Organizations advocating for permanent protection for the Diné Bikéyah, Cedar Mesa and other surrounding landscapes in Southeastern UT continue to engage with Rep Bishop and Rep. Chaffetz, San Juan County, UT, and other stakeholders in the hopes of reaching agreement on a legislative proposal for conservation of the region. Recognizing the challenges posed by such a strategy, the Navajo Nation, Utah Diné Bikéyah, and others have also begun publicly calling for national monument designation for the area. One way or another, the region is simply too important not to be protected, and the Administration's engagement will be crucial to success regardless of the ultimate strategy.

Support

- Navajo Nation letter to Secretary Jewell, June 13, 2014

Media Coverage

- Tribal groups dismayed by Recapture ATV protest, *Salt Lake Tribune*, May 9, 2014
- Op-ed: Diné Bikéyah is not land that no one wants, Willie Grayeyes, *Salt Lake Tribune*, May 9, 2014
- ATV Protest Rides Through Native American Sacred Sites, *Indian Country Today Media Network*, May 12, 2014
- Herbert doesn't expect Obama to declare Utah monuments, *Salt Lake Tribune*, May 22, 2014

Blogs and Action Alerts

- Recapping the Recapture Canyon ATV protest, Friends of Cedar Mesa, May 13, 2014
- Oil wells proposed on literally "sacred" ground, Friends of Cedar Mesa, July 20, 2014

M – Bears Ears

For Immediate Release

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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BEARS EARS INTER-TRIBAL COALITION

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

December 31, 2015

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

RE: Status of the Bears Ears Coalition-PLI Discussions

Dear Representatives Bishop and Chaffetz:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Again, time is of the essence. We don't feel we can wait any longer before engaging with the Obama Administration concerning our proposal in the hope that they will advance our proposal via the Antiquities Act. If, at some point, you decide to submit to us a comprehensive proposal for what you specifically intend to include in the PLI legislation and process, including a firm date for passage by Congress, then we will promptly review that submission and advise you as to whether it would be worthwhile for us to re-establish discussions. In the meantime, we have no choice but to turn our attention to working with the Obama Administration.

Respectfully,

Alfred Lomahquahu
Co-Chair
Bears Ears Inter-tribal Coalition

Eric Descheenie
Co-Chair
Bears Ears Inter-tribal Coalition

M- Bears Ears

The Legislative Branch
Of The Navajo Nation

LoRenzo Bates
Pro Tem Speaker of the Navajo Nation Council

RESOLUTION OF THE NAVAJO UTAH COMMISSION OF THE NAVAJO NATION COUNCIL

NUCAUG-616-14

SUPPORTING CONSERVATION DESIGNATION TO PROTECT CULTURAL, HISTORICAL, AND NATURAL RESOURCES ON FEDERAL LANDS IN SAN JUAN COUNTY, UTAH

WHEREAS, the Navajo Utah Commission is a subunit of the Navajo Nation and hereby establish and submit the following resolution; and,

WHEREAS, the Navajo Utah Commission recognizes the historic and ongoing ties to the lands, animals, plants, resources of San Juan County, Utah by Native American people; and

WHEREAS, the Diné Bikéyah, *the Peoples Sacred Land*, National Conservation Area/ Monument is the ancestral home of many additional Southwestern Native American Tribes, including the Navajo, accompanied by the, 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 Tribe, assert their affiliation, occupation and enduring use of these Conservation Area/ Monument lands; and

WHEREAS, the National Conservation Area/ Monument is bordered on the west by the Colorado River and on the south by the San Juan River and Navajo Nation Reservation, the Conservation Area/ Monument is characterized by prodigious topographic diversity and striking landforms. Containing an intricately rich ecological system, the Navajo and other Tribes depend upon the Conservation Area/ Monument to sustain their traditional livelihoods and cultural practices. Cedar Mesa, the Conservation Area/ Monument's centerpiece offers sprawling vistas while Comb and Butler Washes, as well as Moki, Red, Dark, Grand Gulch, and White canyons 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 Conservation Area/ Monument's native plants and wildlife that are food, shelter and medicine and its cultural sites that are central to their spiritual practices.

WHEREAS, the National Conservation Area/ Monument includes towering cliffs and mesas bisected by sheer canyons expose sedimentary layers revealing a geologic history stretching back to when a sea covered this landscape. Containing unsurpassed cultural and

paleontological resources; the Conservation Area/ Monument is world renowned for the integrity and abundance of its archaeological resources. Six cultural special management areas are within the Conservation Area/ 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 Conservation Area/ 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.

WHEREAS, the National Conservation Area/ Monument has been inhabited for greater then 12,000 years by multiple indigenous cultures, who 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 Conservation Area/ 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.

WHEREAS, the Conservation Area/ Monument is comprised of primarily 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.

WHEREAS, priority management values to protect within the Conservation Area/ Monument are: archaeological, wildlife, natural and scenic resources. An essential aspect of the Conservation Area/ Monument's management is to better protect these resources and to ensure their ongoing and sustainable use.

WHEREAS, Native Americans have unique and important cultural and historical ties to the land and its wildlife and other natural resources; and

WHEREAS, Native Americans' connections to the land support Native life and culture in important, life sustaining ways, including: subsistence hunting, fishing and gathering of nature's materials for medicinal, spiritual and other uses, preservation of tribal sacred places and as sources of economic development; and

WHEREAS, Native American shave shown quality and excellence in managing lands and natural resources to protect the cultural integrity of the homeland of Native peoples; and

WHEREAS, the Greater Cedar Mesa region of southeastern Utah includes many areas of vital importance to Native peoples' identity and history;

WHEREAS, 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;

WHEREAS, to prevent this rapid destruction of lands in the Greater Cedar Mesa region important to Native peoples, formal protection as a national conservation area or national monument is required;

WHEREAS, formal protection of the Greater Cedar Mesa region as a national conservation area/ 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:

- 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.
- Protection as a national conservation area or national monument creates important opportunities for consultation of Native Americans and participation in management of these resources and increased funding for the protection of these resources with an emphasis on conservation and preservation of the region's cultural and natural resources.
- 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.
- Protection of the Greater Cedar Mesa region as a national conservation area or national monument will be a top priority for concerned federal agencies, with public involvement and a prioritization of staffing, resources and cooperation with Native peoples.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Utah Commission hereby extends its support for a National Conservation Area or National Monument designation that reflects the will and the values of Native peoples whose identities, histories, cultures and futures are inextricably tied to these lands.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by Navajo Utah Commission at a duly called meeting in Tse Bonito, New Mexico at which a quorum was present and the same was passed by a vote of 6 in favor, 0 opposed, and 0 abstentions, this 13th day of August, 2014.

Herman Daniels, Jr., Chairperson
NAVAJO UTAH COMMISSION

MOTION: Herman Farley
SECOND: Brenda Brown

~~Cedar Mesa~~
M- Bears Ears

Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>

Fwd:

1 message

Buffa, Nicole <nicole_buffa@ios.doi.gov> Mon, Apr 13, 2015 at 8:58 AM
To: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>

Pls print for my cedar mesa file.

http://www.nytimes.com/2015/04/12/opinion/sunday/saving-whats-left-of-utahs-lost-world.html?_r=0

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

The New York Times http://nyti.ms/1aiZkP7

SundayReview OPINION

Saving What's Left of Utah's Lost World

By DAVID ROBERTS APRIL 11, 2015

ST. GEORGE, Utah — CEDAR MESA is one of the most sublime and culturally evocative landscapes on Earth. Since 1987, I've made more than 60 trips to that outback in southeastern Utah, hiking, camping and backpacking on forays lasting as long as 10 days. Nowhere else in the Southwest can you find unrestored ruins and artifacts left in situ in such prodigal abundance. And though roughly 75,000 enthusiasts visit Cedar Mesa each year, that's a drop in the bucket compared with the four and a half million who throng the Grand Canyon. By wending my way into the more obscure corners of the labyrinth, I've gone days in a row without running into another hiker, and I've visited sites that I'm pretty sure very few or even no other Anglos have seen.

Hiking through such slick-rock gorges as Grand Gulch, Fish, Owl and Slickhorn Canyons would immerse the wanderer in breathtaking scenery in its own right, even if those places were devoid of prehistoric human presence. But to stand beneath the dwellings, kivas and granaries of the Ancestral Puebloans, as well as the hogans in which Navajos once lived, and to stare at hallucinatory panels of rock art engraved and painted on the cliffs as long as thousands of years ago, is to plunge into a spiritual communion with the ancients, even if the meanings of those sites and panels lie in the limbo of the lost.

What's still there may soon be lost, as well. Cedar Mesa embraces tens of thousands of archaeological sites that chronicle a 13,000-year history, from Paleo-Indian times until the late 19th century. Administered by the woefully

understaffed federal Bureau of Land Management, the mesa is hammered every year by rampant looting that a small number of rangers are powerless to stop. The plateau and canyons remain, in the words of Josh Ewing, executive director of the group Friends of Cedar Mesa, "undoubtedly the most significant unprotected archaeological area in the United States."

More ominously, perhaps, the Utah State Legislature has its eye on the roughly 500,000 acres of pinyon and juniper forests and its twisting sandstone canyons.

Last month, Gov. Gary R. Herbert, a Republican, signed a resolution passed by the Republican-controlled Legislature opposing additional protections for Cedar Mesa and another area, the equally pristine San Rafael Swell, and asserting that livestock grazing and energy and mineral extraction could be done in a way that would preserve the area's "scenic and recreational values." Before it was amended, the measure had declared livestock grazing and "environmentally sensitive energy and mineral development" as the "highest and best use" for those two areas.

Utah lawmakers are worried that President Obama might declare both areas national monuments. Such a move would be in the spirit of Theodore Roosevelt, who as president in 1906 signed the Antiquities Act.

The law empowered presidents to create monuments to protect "objects of historic or scientific interest" and, indeed, two years later Roosevelt created Grand Canyon National Monument. It became a national park in 1919. Roosevelt also used the Antiquities Act to reduce out-of-control looting of prehistoric sites, mining, prospecting and land-grabbing throughout the West.

In that same spirit, President Bill Clinton in 1996 created the Grand Staircase-Escalante National Monument in south-central Utah, in part to forestall an extensive coal-mining operation that had been about to start on top of Kaiparowits Plateau.

In last month's resolution, the Utah Legislature urged Congress to amend the Antiquities Act to curtail the president's free hand to declare national monuments.

The bitter antagonism between the United States government and Utah

goes all the way back to 1851, when Brigham Young, governor of the newly formed Utah Territory, declared that "any president of the United States who lifts his finger against this people shall die an untimely death and go to hell." Locals and lawmakers deplored the establishment of Arches National Monument — now National Park — in 1929, and Canyonlands National Park in 1964, both now revered as crown jewels of the park system as well as moneymakers for the nearby communities.

Three years ago, Governor Herbert signed a measure that demanded the return of millions of acres of federal lands in Utah (except five national parks, six national monuments and some wilderness areas) to the state. After the federal government ignored Utah's deadline of Dec. 31, 2014, the Legislature set aside $2 million of taxpayers' money to prepare a lawsuit, as yet not filed, to force a resolution.

That sort of action by the state government was not unexpected. What's more worrisome is that the United States Senate recently voted 51 to 49 on a nonbinding resolution to sell or give away nearly all federal lands: national forests, Bureau of Land Management land, wilderness areas and wildlife refuges — everything except the national parks and monuments. An earlier House resolution called for reducing federal land holdings.

Against this tide, three environmental and cultural lobbying groups — Friends of Cedar Mesa, the Southern Utah Wilderness Alliance and the Navajo Diné Bikéyah — have put forth proposals to protect Cedar Mesa. But this is not just about preserving wilderness.

Native Americans all over the Southwest still have powerful ancestral links to the mesa. Navajos have hidden out on Cedar Mesa at various times since 1863, when many avoided capture by the United States Army under Kit Carson, during the roundup that forced 9,000 Navajos to walk 300 miles to a genocidal concentration camp on the eastern New Mexico plains.

The alliance advocates protecting the wilderness remaining at the heart of the Colorado Plateau in Utah, about 9.5 million acres now under the aegis of the Bureau of Land Management. In 2009 a similar proposal was presented to a subcommittee of the House Committee on Natural Resources.

Utah's entire House delegation opposed it at the time, though Representative Rob Bishop, a Utah Republican and now the chairman of that subcommittee, has been working to strike a deal that would set aside new wilderness areas while also opening up other lands for such activities as oil and gas exploration. Some wilderness advocates say they are guardedly optimistic about this effort.

I wish I were. In the 28 years I've been visiting Cedar Mesa, I've seen too many sites destroyed by looters, too many others trampled by cattle, too many all-terrain-vehicle tracks in remote canyons, and just last year, a new oil rig drilled deep among Ancestral Puebloan sites on Cyclone Flat on the north end of the mesa.

There's a showdown looming. Congress should designate Cedar Mesa a National Conservation Area, which would provide enhanced protections to the area's natural and cultural treasures, but without the fanfare and throngs of visitors that often accompany the creation of new monuments or parks.

But it seems highly unlikely that the Republican-controlled House and Senate would take such a step. President Obama remains the best hope. He should use his authority to set aside Cedar Mesa as a national monument. Doing so would mean more visitors and new regulations, as happened at Grand Staircase-Escalante. But it would also protect the wonders of the ancients and the environment itself for future generations to explore.

David Roberts is the author, most recently, of "The Lost World of the Old Ones: Discoveries in the Ancient Southwest."

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A version of this op-ed appears in print on April 12, 2015, on page SR7 of the New York edition with the headline: Saving What's Left of Utah's Lost World.

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BLM-Utah
M- Bears Ears

HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 06-2015
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION
PEACH SPRINGS, ARIZONA

TITLE: Support for conservation of the Bear's Ears region to protect cultural, historical, and natural resources on federal lands in San Juan County, UT

WHEREAS, we, the Hualapai Tribe does hereby establish and submit the following resolution; and,

WHEREAS, the Hualapai Tribe recognizes the historic and ongoing ties to the lands, animals, plants, resources of San Juan County, Utah by Native American people; and

WHEREAS, the proposed *Bear's Ears National Conservation Area/ National Monument* is the ancestral home of many Southwestern Native American Tribes, including the Navajo, the Hopi, Zuni, Acoma, Zia, and Jemez Pueblos along with the Ute Mountain, Southern, and Uintah ●uray Utes, the San Juan, Kaibab, and Utah Paiute Tribes and the White Mountain and Jicarilla Apache Tribes, all of whom assert their affiliation, occupation and enduring use of these Conservation Area/ Monument lands; and

WHEREAS, 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 Navajo Nation reservation, the Conservation Area/ Monument is characterized by prodigious topographic diversity and striking landforms. Containing an intricately rich ecological system, the Navajo and other Tribes depend upon the proposed Conservation Area/ Monument to sustain their traditional livelihoods and cultural practices. Cedar Mesa, the Conservation Area/ Monument's centerpiece offers sprawling vistas while Comb and Butler Washes, as well as Moki, Red, Dark, Grand Gulch, and White canyons 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 current inhabitants, is the proper management of the proposed Conservation Area/ Monument's native plants and wildlife that are food, shelter and medicine and its cultural sites that are central to their spiritual practices.

WHEREAS, the proposed National Conservation Area/ Monument includes towering cliffs and mesas bisected by sheer canyons, which expose sedimentary layers revealing a geologic history stretching back to when a sea covered this landscape. Containing unsurpassed cultural and paleontological resources, the proposed Conservation Area/ Monument is world renowned for the integrity and abundance of its archaeological resources. Six cultural special management areas are within the proposed Conservation Area/ 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 Conservation Area/ 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.

WHEREAS, the proposed National Conservation Area/ National Monument has been inhabited for greater than 12,000 years by multiple indigenous cultures, who utilized, traveled through, 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. Other notable sites include Alkali Ridge, Cowboy Cave, Old Man Cave, and Dust Devil Cave. Perhaps the most intensive occupation of the proposed Conservation Area/ Monument lands was during the time that archaeologists have called the Formative Period (AD 100 – AD 1300), which resulted in very large numbers of archaeological sites ranging from small lithic scatters to large, highly complex village sites. The region continued to be occupied and utilized by the ancestors of present-day Southern Paiute, Ute, Navajo, Apache, and various Puebloan cultures for many centuries, up until modern times.

WHEREAS, the proposed Bear's Ears Conservation Area/ National Monument is comprised of primarily 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.

WHEREAS, priority management values to protect within the proposed Conservation Area/ Monument are: cultural, archaeological, wildlife, and natural & scenic resources. An essential aspect of the proposed Conservation Area/ Monument's management is to better protect these resources and to ensure their ongoing and sustainable use.

WHEREAS, Native Americans have unique and important cultural and historical ties to the land and its wildlife and other natural resources; and

WHEREAS, Native Americans' connections to the land support Native life and culture in important, life sustaining ways, including: subsistence hunting, fishing and gathering of nature's materials for medicinal, spiritual and other uses, preservation of tribal sacred places, and as sources of economic development; and

WHEREAS, Native American have shown quality and excellence in managing lands and natural resources to protect the cultural integrity of the homeland of Native peoples; and

WHEREAS, southeastern Utah includes many areas of vital importance to Native peoples' identity and history;

WHEREAS, 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;

WHEREAS, to prevent this rapid destruction of lands in southeastern Utah is important to Native peoples, formal protection as a national conservation area or national monument is required;

WHEREAS, formal protection of southeastern Utah lands as a National Conservation Area/ 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:

- Protection will be a 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.
- Protection as a national conservation area or national monument creates important opportunities for consultation of Native Americans and participation in management of these resources and increased funding for the protection of these resources with an emphasis on conservation and preservation of the region's cultural and natural resources.
- 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.
- Protection of lands in southeastern Utah as a national conservation area or national monument will be a top priority for concerned federal agencies, with public involvement and a prioritization of staffing, resources and cooperation with Native peoples.

NOW THEREFORE BE IT RESOLVED, that the Hualapai Tribe extends its support for the Bear's Ears National Conservation Area or National Monument designation that reflects the will and the values of Native peoples whose identities, histories, cultures and futures are inextricably tied to these lands.

CERTIFICATION

I, the undersigned as Chairwoman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom nine **(9)** constituting a quorum were present at a **Regular Council meeting** held on this **9th day of February 2015;** and that the foregoing resolution was duly adopted by a vote of **(9) in favor, (0) opposed;** pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1992.

Sherry J. Counts, Chairwoman
HUALAPAI TRIBAL COUNCIL

ATTEST:

Adeline Crozier, Assist. Secretary
HUALAPAI TRIBAL COUNCIL

NATIONAL MONUMENTS:
Archaeologists seek protections for southeast Utah

Phil Taylor, E&E reporter
Published: Thursday, September 4, 2014

A remote desert mesa in southeast Utah with ancestral Puebloan cliff ruins and rock art should be permanently protected by Congress or through a presidential national monument designation, according to 120 archaeologists.

An open letter today from professional and hobby archaeologists, most of them from the Four Corners area, urged Utah's congressional delegation to support protection of Cedar Mesa, calling the area "one of America's best-preserved collections of prehistoric dwellings, rock art, artifacts, and sacred Native American ceremonial sites."

The letter, sent in coordination with Friends of Cedar Mesa, also asks President Obama to be prepared to protect the backcountry lands using the Antiquities Act if congressional efforts do not bear fruit.

It was sent on the heels of the Pecos Conference last month in nearby Blanding, Utah, which is an annual meeting of professional archaeologists in the American Southwest.
A national conservation area or national monument, as proposed by Friends of Cedar Mesa, would protect an estimated 56,000 archaeological sites that letter signatories warned are threatened by more than a century of looting, grave robbing and vandalism.

"This landscape is filled with exactly the kind of 'objects' the 1906 Antiquities Act was created to protect," the letter said.

The archaeologists warned that increased visitors combined with a lack of federal resources have heightened threats to historical sites. They said several "serious looting cases" were reported to law enforcement last year.

"Congressional deadlock or politics should not allow another decade of continued loss of American history," the letter said.

The canyon-carved mesa contains well-preserved cliff dwellings, prehistoric mesa-top pueblos and ancient roads, the archaeologists said.

It was occupied by Ancestral Puebloan Native Americans between 800 and 2,000 years ago who grew corn, beans and squash, and collected some wild foods as well, according to the Bureau of Land Management, which oversees most of the lands.

Other portions of greater Cedar Mesa are managed by the National Park Service as part of the Glen Canyon National Recreation Area, as well as the Forest Service as part of the Manti-La Sal National Forest.

Friends of Cedar Mesa is working with Reps. Rob Bishop (R-Utah) and Jason Chaffetz (R-Utah) on a public lands bill spanning several eastern Utah counties and including the mesa.

The legislation, which is likely far from congressional passage, would identify certain lands for

wilderness and conservation designations while swapping other federal lands or releasing them from current protections to spur energy and other management activities.

Friends of Cedar Mesa is seeking a 700,000-acre national conservation area, within which 500,000 acres would be designated as wilderness, free from new roads, motorized recreation or energy development.

Bishop, Chaffetz and most Utah county commissioners would prefer the lands be protected legislatively rather than through a national monument, which they claim circumvents local concerns.

A conservation designation alone may do little to thwart future vandalism or looting, as such designations typically do not include appropriations for federal agencies. But they can encourage agencies to funnel more resources to an area and shift the land management objectives.

Twitter: @philipataylor | Email: ptaylor@eenews.net

KCSG television

Archaeologists urge Congress, President to protect the greater Cedar Mesa area

KCSG Television
September 8, 2014
by Josh Ewing

(BLUFF, Utah) — Sept. 4, 120 archaeologists joined the Friends of Cedar Mesa in sending a letter to Utah's congressional delegation urging the protection of the cultural resources of greater Cedar Mesa by creating a National Conservation Area (NCA).

These experts in southwest archaeology, many from Utah, also encouraged President Obama to be prepared to designate a National Monument should Congress fail to act in a timely way to stop the continued loss of American history that has occurred over the last century.

Located in southeastern Utah, the greater Cedar Mesa area is America's most significant unprotected archaeological area. It is renowned for its impressive rock art panels, well preserved cliff dwellings, pre-historic mesa-top pueblos, and even ancient roads. These sites and the landscape as a whole are considered sacred by several Native American tribes. An analysis of archaeology on Cedar Mesa by the Colorado Plateau Archaeological Alliance called the area "among the richest archaeological districts anywhere in the United States." For these reasons, the region has been named a National Treasure by the National Trust for Historic Preservation — a historic place where the National Trust has made a long-term commitment to finding a preservation solution.

"I am not surprised by the amount of support protecting Cedar Mesa has in the professional archaeology community," said William D. Lipe, PhD, Former President of the Society for American Archaeology. "While there are many important archaeological areas in this country that still need protecting, Cedar Mesa is at the top of the list due to the quality of the sites, the beauty of the surrounding landscape, and the richness of the archaeology that's still there waiting to teach Americans lessons about our past."

The archaeologists point out the fact Cedar Mesa is one of the most important places in American archaeology, with more than 125 years of research into 12,000 years of American history. Despite the heritage of respectful research, the area has also faced significant looting, grave robbing, and vandalism, which continues at a significant rate today. Dramatic increases in visitation, without resources for public education, also create more challenges for archaeological site preservation.

Several proposals for a National Conservation Area that would protect Cedar Mesa have been presented to Representatives Rob Bishop and Jason Chaffetz through discussion around a larger public lands initiative. Friends of Cedar Mesa and the National Trust for Historic Preservation have presented similar National Conservation Area proposals,

encompassing a landscape that is home to more than 56,000 archaeological sites. An NCA would allow for continued ranching, motorized recreation, and cultural site visitation, while also providing greater resources for archaeological protection and public education.

Recognizing their deep connection to these lands, the Navajo Nation and Utah Diné Bikéyah have also proposed a National Conservation Area or a National Monument to protect the greater Cedar Mesa area and additional lands in southeastern Utah to preserve even more cultural sites.

"This land has shaped our culture," said Utah Dine´ Bike´yah Board Chair Willie Grayeyes. "It is time to protect and restore the lands and bring back traditional Native American stewardship practices for the benefit of all American people."

Friends of Cedar Mesa has been an active participant in a local process in San Juan County that is intended to result in an official proposal from the County to Representatives Bishop and Chaffetz.

"We are excited by the potential to work with our friends and neighbors to provide stewardship of the greater Cedar Mesa via a National Conservation Area," said Friends of Cedar Mesa Executive Director Josh Ewing. "A NCA can be a very flexible way to protect this landscape, with locally driven management and continuing traditional uses. However, the need for action is urgent, and the American people shouldn't be willing to let congressional inaction prevent the protection of truly significant and endangered American antiquities."

Bluff resident Sally Cole has investigated more than 200 sites in the Cedar Mesa area. She observes that the sites retain a strong sense of place and potential for research into the origins and continuities of peoples that lived in the canyons and on the mesa tops for thousands of years. These and thousands of others in the Cedar Mesa area are eligible for listing on the National Register of Historic Places.

"Archaeologists and the public are increasingly aware of the remarkable displays of petroglyphs, rock paintings, and cliff dwelling murals in the Cedar Mesa area," said Cole, a professional archaeologist and rock art specialist. "These expressions are important for understanding the past—they represent communication systems of ancient and historical Americans and need to be protected and studied through allocation of more resources and proactive management."

Many of the archaeologists signing the letter attended the Pecos Conference, which was held near Blanding, Utah during August 2014. The Pecos Conference is the longest-running meeting of professional archaeologists in the American Southwest.

A copy of the letter can be found at www.friendsofcedarmesa.org/pecos-letter.

San Juan County Lands Council

Eastern Utah Lands Bill Alternative A

National Conservation Area – An area designated by Congress to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological and scientific values. These areas are typically withdrawn from mineral entry (new mining claims and oil and gas leasing). Other traditional multiple uses are usually allowed if those uses are consistent with the conservation and protection of the outstanding values in the area.

Wilderness – An area which appears to have been affected primarily by nature where the evidence of man is substantially unnoticeable and set aside to preserve its natural character. Only Congress can designate wilderness. Wilderness areas are withdrawn from mineral entry (new mining claims and oil and gas leasing), livestock grazing shall continue, motorized and mechanized uses are prohibited and fuelwood gathering is not allowed.

Roads

The roads shown on this map are based on San Juan County's Travel Plan. Some of the roads included in the County's travel plan are not included in the current travel plans of the managing federal agencies - Forest Service, Bureau of Land Management or National Park Service. The San Juan County Lands Council did not address roads in their alternatives and the roads shown on this map are not part of the Lands Council's Alternative A, B or C. However, please feel free to comment on any road issues.

Legend

- National Conservation Area - NCA
- Wilderness
- Wilderness in NCA
- Private
- Native American
- State
- BLM
- Forest Service
- National Parks/Rec Areas

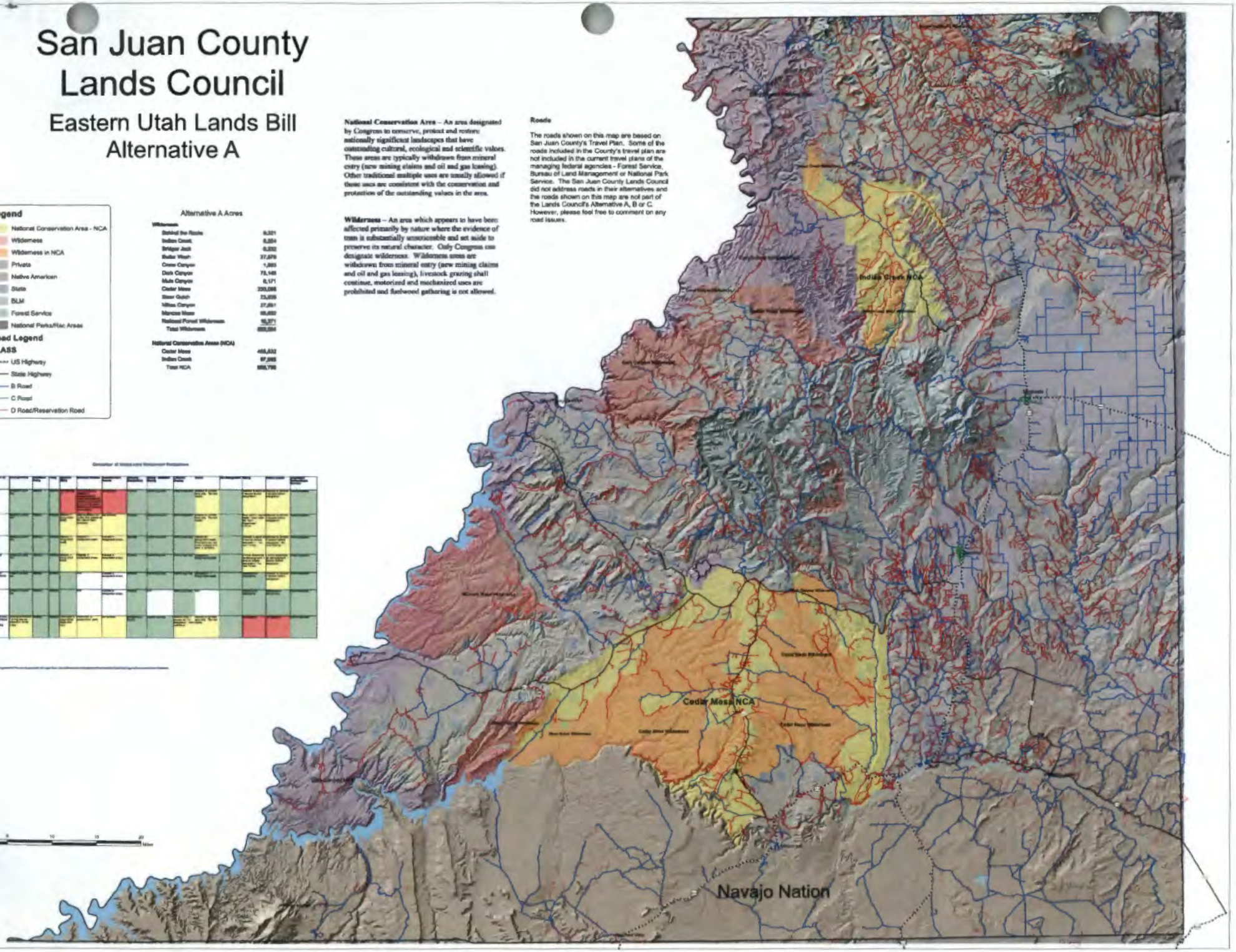
Road Legend

CLASS

- US Highway
- State Highway
- B Road
- C Road
- D Road/Reservation Road

Alternative A Acres

Wilderness	
Behind the Rocks	6,331
Indian Creek	6,854
Bridger Jack	6,552
Butler Wash	37,676
Cross Canyon	1,893
Dark Canyon	79,148
Mule Canyon	6,171
Cedar Mesa	350,088
Steer Gulch	13,035
Wilcox Canyon	27,051
Manzos Mesa	65,652
National Forest Wilderness	16,371
Total Wilderness	652,554
National Conservation Areas (NCA)	
Cedar Mesa	466,632
Indian Creek	97,995
Total NCA	564,796



San Juan County Lands Council

Eastern Utah Lands Bill
Alternative B

National Conservation Area – An area designated by Congress to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological and scientific values. These areas are typically withdrawn from mineral entry (new mining claims and oil and gas leasing). Other traditional multiple uses are usually allowed if those uses are consistent with the conservation and protection of the outstanding values in the area.

Wilderness – An area which appears to have been affected primarily by nature where the evidence of man is substantially unnoticeable and set aside to preserve its natural character. Only Congress can designate wilderness. Wilderness areas are withdrawn from mineral entry (new mining claims and oil and gas leasing), livestock grazing shall continue, motorized and mechanized uses are prohibited and fuelwood gathering is not allowed.

Roads

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Legend

- National Conservation Area - NCA
- Wilderness
- Wilderness in NCA
- Private
- Native American
- State
- BLM
- Forest Service
- National Parks/Rec Areas

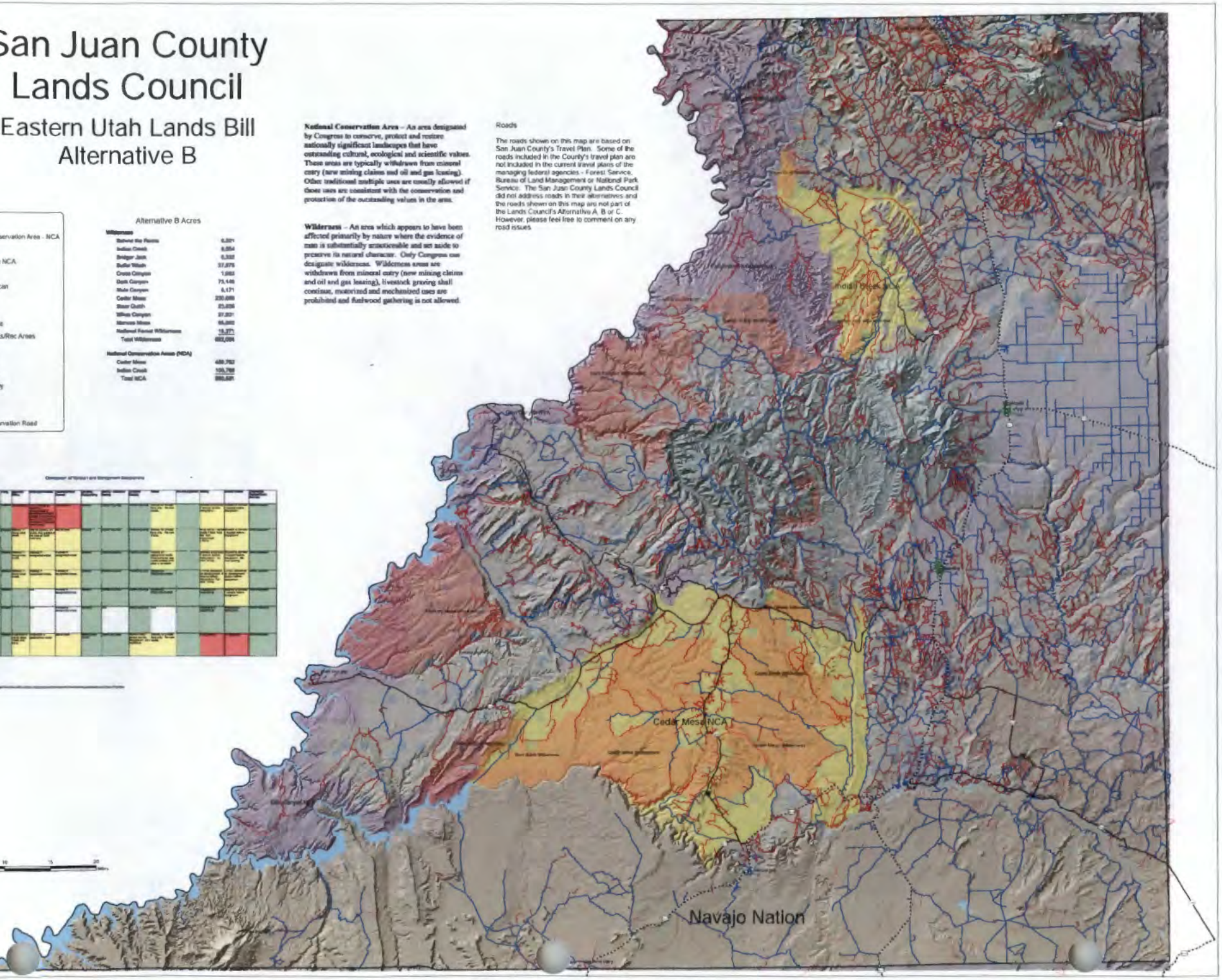
Road Legend

CLASS

- US Highway
- State Highway
- B Road
- C Road
- D Road/Reservation Road

Alternative B Acres

Wilderness	
Dubrul Bar Basins	6,331
Indian Creek	8,854
Bridger Jack	5,332
Butler Wash	37,675
Cross Canyon	1,083
Dark Canyon	73,146
Mule Canyon	6,171
Cedar Mesa	230,669
Bear Ears	23,658
Millos Canyon	37,337
Manzos Mesa	66,240
National Forest Wilderness	19,371
Total Wilderness	602,084
National Conservation Areas (NCA)	
Cedar Mesa	488,762
Indian Creek	193,758
Total NCA	682,521



San Juan County Lands Council

Eastern Utah Lands Bill Alternative C

National Conservation Area – An area designated by Congress to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological and scientific values. These areas are typically withdrawn from mineral entry (new mining claims and oil and gas leasing). Other traditional multiple uses are usually allowed if those uses are consistent with the conservation and protection of the outstanding values in the area.

Wilderness – An area which appears to have been affected primarily by nature where the evidence of man is substantially unnoticeable and set aside to preserve its natural character. Only Congress can designate wilderness. Wilderness areas are withdrawn from mineral entry (new mining claims and oil and gas leasing), livestock grazing shall continue, motorized and mechanized uses are prohibited and fuelwood gathering is not allowed.

Roads

The roads shown on this map are based on San Juan County's Travel Plan. Some of the roads included in the County's travel plan are not included in the current travel plans of the managing federal agencies - Forest Service, Bureau of Land Management or National Park Service. The San Juan County Lands Council did not address roads in their alternatives and the roads shown on this map are not part of the Lands Council's Alternative A, B or C. However, please feel free to comment on any road issues.

Legend

- National Conservation Area - NCA
- Wilderness
- Wilderness in NCA
- Private
- Native American
- State
- BLM
- Forest Service
- National Parks/Rec Areas

Road Legend

CLASS

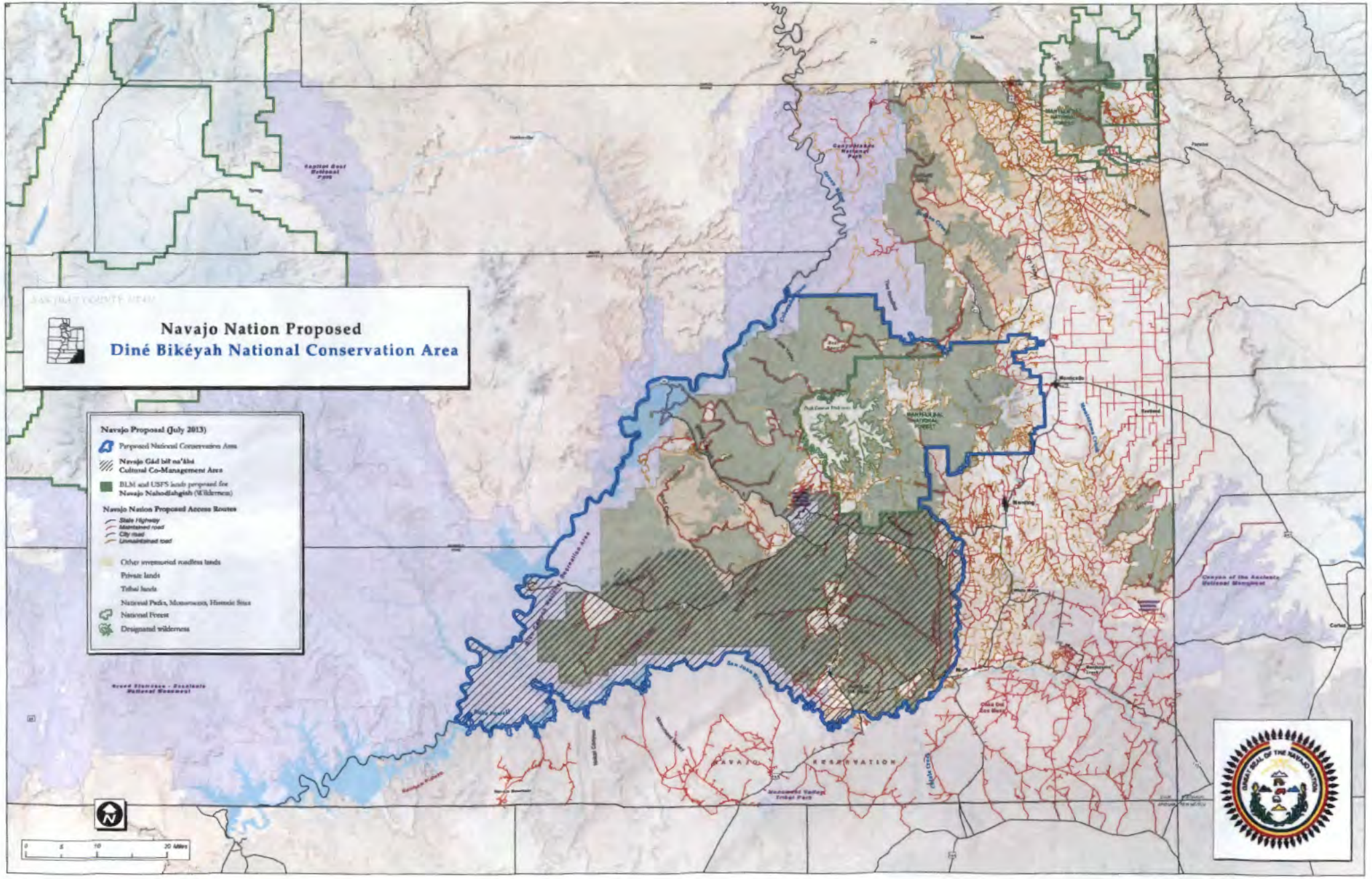
- US Highway
- State Highway
- B Road
- C Road
- D Road/Reservation Road

Alternative C Acres

Wilderness	
Bridger Jack	9,330
Butler Wash	27,870
Cross Canyon	4,335
Dark Canyon	75,148
Mule Canyon	5,171
Cedar Mesa	230,000
Steer Gulch	35,855
Monticello Forest Wilderness	23,000
Total Wilderness	876,803
National Conservation Areas (NCA)	
Cedar Mesa	715,807
Bears Ears	21,894
Indian Creek	109,736
Total NCA	844,847

Cedar Mesa NCA

Navajo Nation


Navajo Nation Proposed
Diné Bikéyah National Conservation Area
Navajo Proposal (July 2013)
Proposed National Conservation Area
Navajo Gáal bił na'ábá Cultural Co-Management Area
BLM and USFS lands proposed for Navajo Nahodishgish (Wilderness)
Navajo Nation Proposed Access Routes
State Highway
Maintained road
City road
Unmaintained road
Other unremarked roadless lands
Private lands
Tribal lands
National Parks, Monuments, Historic Sites
National Forest
Designated wilderness
NAVAJO RESERVATION
0 5 10 20 Miles

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 A[illegible], APCG Secretary

OPEN LETTER FROM THE UNDERSIGNED PROFESSIONAL & AVOCATIONAL ARCHAEOLOGISTS

TO

REPRESENTATIVES ROB BISHOP, JASON CHAFFETZ & JIM MATHESON SENATORS ORRIN HATCH & MIKE LEE PRESIDENT BARACK OBAMA

The greater Cedar Mesa area contains one of America's best-preserved collections of prehistoric dwellings, rock art, artifacts, and sacred Native American ceremonial sites. As archaeologists, we have a particular appreciation for the cultural, scientific, and human importance of this area. We urge you to do everything in your power to protect the exceptional cultural landscape of the greater Cedar Mesa area.

This region would be a treasure worth preserving for future generations, if only for its scenery, wild canyons, immense vistas, and colorful red rock. However, the value of this place goes far beyond its natural beauty. Evidence of twelve thousand years of human occupation in the greater Cedar Mesa area gives us all an irreplaceable connection with ancient American history. There's perhaps no better place to experience well preserved Ancestral Puebloan habitation sites in a backcountry setting.

For well over 100 years, archaeological research in the Cedar Mesa area has contributed greatly to knowledge of the prehistoric cultures of the American Southwest. It is a revered part of the cultural heritage of present-day Pueblo, Navajo, and Ute people. The Hole-in-the-Rock Trail, over which the Mormon settlers of southeastern Utah made their way in the winter of 1879-80, traverses the area. Ever-increasing numbers of visitors are coming from across the US and even internationally to experience the cultural and scenic treasures of the greater Cedar Mesa area.

The region proposed by Friends of Cedar Mesa for a National Conservation Area or National Monument contains more than 56,000 archaeological sites. And this is just a part of the vast region of southeast Utah that needs greater protection.

This landscape is filled with exactly the kind of "objects" the 1906 Antiquities Act was created to protect. Yet, unfortunately the mere fact that these archaeological sites are protected by law has done little to stop more than 100 years of looting, grave robbing, and vandalism. Contrary to public opinion, this looting has not stopped. In just the last year, several serious looting cases have been reported to law enforcement. Increasing visitation combined with a severe lack of resources for effective management creates a newer yet no less menacing challenge to archaeology in the region.

We strongly support Congressional action to designate the greater Cedar Mesa area as a National Conservation Area. Such a designation could accomplish the goal of prioritizing protection of cultural resources, while also allowing flexibility in management of other uses of these public lands. This locally driven process could also resolve long-standing wilderness issues, which have been festering for many decades. 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 his term. Congressional deadlock or politics should not allow another decade of continued loss of American history.

Sincerely,

Archaeologists meeting at the
Pecos Conference, Blanding Utah, August 2014.

(The Pecos Conference, initiated in 1927, is the longest running meeting of professional archaeologists in the American Southwest.)

James Allison - Provo, UT
Matthew Aspros - Durango, CO
David Ayers - Farmington, NM
Pam & Quentin Baker - Moab, UT
Erin Baxter - Boulder , CO
Jeffrey Begay - Farmington, NM
Ben Bellorado - Tucson , AZ
Jean Berkebile - Cortez, CO
Bob Bernhart - Cortez, CO
Mark Bond - Bluff, UT
Richard Boston - Berthoud, CO
Stephen Bowers - Durango, CO
David Boyle - Aztec, NM
Michael Braitberg - Boulder , CO
Robert Breunig - Flagstaff, AZ
Barbara Brown - Palisade , CO
Evelyn Christian - Pine , AZ
Jason Chuipka - Mancos, CO
Helen Crotty - Sandia Park, NM
Natalie Cunningham - Delaware, OH
Dale Davidson - Cortez, CO
William Davis - Bluff, UT
Lydia De Haven - Dolores, CO
Steven Dominguez - Bryce, UT
Sharon Dubose - Fountain Hills, AZ
Marietta Eaton - Dolores, CO
Al Enouen - New River, AZ
Nancy Evans - Cortez, CO
Helen Fairley - Flagstaff, AZ
Richard Feit - Cortez, CO
T. J. Ferguson - Tucson , AZ
Jerry Fetterman - Yellow Jacket, CO
Victor Fisher - Towson , MD
Lisa Frankel - Grass Valley, CA
Noreen Fritz - Bluff, UT
Dale Frost - El Paso , TX
Dody Fugate - Santa Fe, NM
Marc Gaede - La Canada , CA
Erin Gearty - Flagstaff, AZ
Donna Glowacki - South Bend , IN
Andrea Gover - Poulsbo, WA
Robert Gross - Cedar City, UT
Charly Gullet - Prescott, AZ
John Hall - Oro Valley , AZ
Terry Hawks - Washington, UT
Diana Hawks - Washington, UT
Bradley Heap - Kanab, UT
Bud Henderson - Cottonwood, AZ
Rosalie Hewis - Morrison, CO
John Hinnant - Wilson, NC
Emy Hinnant - Wilson, NC
Amy Holden - Overgaard, AZ
Rose Houk - Flagstaff, AZ
Joshua Jones - Cortez, CO
Jonathan Knighton-Wisor - Tucson , AZ
James Krehbiel - Delaware, OH
Patricia Lacey - Cortez, CO
Donna Rae Larson - Prescott, AZ
Steven Le Blanc - Bedford, MA
Stephen Lekson - Boulder , CO
Bill Lipe - Pullman, WA
Carol Lorenz - Durango, CO
Michael Lorusso - Cortez, CO
Lonnie Ludeman - Las Cruces, NM
Robin Lyle - Cortez, CO
Robert Mark - Flagstaff, AZ
Ellen Martin - Tempe, AZ
Joan Mathien - Albuquerque, NM
R. G. Matson - Vancouver , BC
Diane McBride - Cortez, CO
Robert McBride - Cortez, CO
Randall McGuire - Vestal, NY
Leley McPeck - Ivins, UT
Raymond McPeek - Ivins, UT
Robert McPherson - Blanding, UT
Janet McVickar - Santa Fe, NM
Julie Michler - Pahrump , NV
Lance Mikkelsen - Santa Fe, NM
Barbara Mills - Tucson , AZ
Krystina Mucha - Camp Verde, AZ
Helen O'Brien - Tucson , AZ
Aaron O'Brien - Durango, CO
Diane Orr - Salt Lake City, UT
Teri Paul - Bluff, UT
Dottie Peacock - Cortez, CO
Ann Phillips - Boulder, CO
David Phillips - Boulder, CO
Linda Pierce - Tucson , AZ
August Potor - Overgaard, AZ
Sharon Richwine - Columbus, OH
Chuck Riggs - Durango, CO
Tim Riley - Helper, UT
Marcie Ryan - Dolores, CO
Jessica Savage - Meeker, CO
Todd Scarbrough - Las Cruces, NM
Owen Severance - Monticello, UT

Susan Seyden - Fairview, NC
Deb Silverman - Cortez, CO
Rebecca Simon - Cortez, CO
Marcia Simonis - Bluff, UT
Rachel Smith - Grand Junction, CO
Susan Smith - Monticello, UT
Ryan Spittler - Dolores, CO
Paul Stirniman - Cortez, CO
Rebecca Stoneman-Washee - Blanding, UT
Kenneth Thomas - Moab, UT
Kate Thompson - Cortez, CO
Kellam Throgmorton - Cortez, CO
Jonathan Till - Bluff, UT

Peter Trosclair - Palisade , CO
Sharon Urban - Tucson , AZ
Mark Varien - Cortez, CO
Nicholas Walendziak - Moab, UT
Charlotte Walter - Santa Monica, CA
Ryan Washam - Cedar City, UT
James William - Bluff, UT
Tom Windes - Albuquerque, NM
Michael Wolfe - Moab, UT
Tom Wright - Tempe, AZ
Brian Yaquinto - Meeker, CO
Josh Zettel - Clearfield, UT

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

Senator Mike Lee
316 Hart Senate Office Building
Washington, D.C. 20510

Congressman Rob Bishop
123 Cannon Building
Washington, D.C. 20515

Congressman Jason Chaffetz
2464 Rayburn House Office Building
Washington, D.C. 20515

Congressman Jim Matheson
2211 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 *Màasaw,* 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 *Tuuwanasavi*, 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 lkuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank again you for your consideration.

Respectfully,

Herman G. Honanie, Chairman
THE HOPI TRIBE

Enclosure: H-70-94

xc: Secretary Sally Jewell, Nichole Buffa, Tommy Beaudreau, Dept. of the Interior, 1849 C St. NW, Washington DC 20240

Casey Snider, Fred Ferguson, Utah House Delegation

Secretary Tom Vilsack, Dept. of Agriculture, 1400 Independence Ave, SW, Washington, DC 20250

Mark Maryboy, San Juan County

Juan Palma, Donald Hoffheins, BLM

Governors, Acoma, Laguna, Santa Anna, Ohkay Owingeh, Ysleta del Sur, Zia

Barbara H. Pahl, National Trust for Historic Preservation, 1420 Ogden Street, Suite 203, Denver, CO 80218

M- ~~Navajo~~ Cedar Mesa

TO: Nikki Buffa

FROM: Peter Umhofer

FAX: 208-2547

PAGES: 2

Attached is a Salt Lake Tribune article that mentions the Navajo Nation's effort to protect the Cedar Mesa area in Utah.

The Salt Lake Tribune

Herbert doesn't expect Obama to declare Utah monuments

BY ROBERT GEHRKE
THE SALT LAKE TRIBUNE
PUBLISHED: MAY 23, 2014 10:44AM
UPDATED: MAY 23, 2014 10:45AM

After President Barack Obama designated a 500,000-plus national monument in southern New Mexico this week, the president said he's not done exercising his authority, although Gov. Gary Herbert said he doesn't expect a monument designation in Utah without consultation with state leaders.

Leah Hogsten | Tribune File Photo The Wedge Overlook in the San Rafael Swell on May 15, 2010. Gov. Gary Herbert doesn't think President Barack Obama will declare more monuments in Utah.

Several monuments have been proposed in the state, but there is no indication Obama will act to preserve the areas.

"It would cause me concern if he used the same approach that President Clinton did with the [Grand Staircase-Escalante National] monument, where we were all blindsided and nobody knew about it, in fact, until the day of the announcement," Herbert said Thursday during his monthly KUED news conference.

"That would bother me if that's the approach President Obama is going to take," the governor said. "I would hope that he's not and I expect that he's not."

Herbert said Obama had promised that, if Congress won't act, he would take executive action and Herbert agreed that Congress should be acting on land issues.

He pointed to a series of proposed land exchanges being worked on by Rep. Rob Bishop as an example of ways Congress could take positive steps to work with states and protect resources.

However, Herbert said the situation in New Mexico — where Obama used the Antiquities Act to create the 500,000-acre Organ Mountains-Desert Peaks National Monument in south-central area of the state — is different than the circumstances in Utah.

"Local communities in New Mexico were asking for it," he said. "I don't hear any local communities in Utah asking for any special monument designation."

One of the proposed Utah monuments does have local support, however. The Navajo Nation has pressed Congress to create the Diné Bikéyah National Conservation Area to protect the 1.9 million acres in San Juan County from development.

Other areas in Utah under consideration are Desolation Canyon in eastern Utah, Greater Canyonlands in southeastern Utah, and the San Rafael Swell in Emery County.

gehrke@sltrib.com

Twitter: @RobertGehrke

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HP LaserJet 400 colorMFP M475dn

Fax Confirmation

HP FaxDOI
202-208-2547
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Job	Date	Time	Type	Identification	Duration	Pages	Result
277	7/21/2014	10:28:17AM	Receive	2026288770	0:27	2	OK

07/21/2014 10:25 2026288770 SCHERTLER & ONORATO PAGE 01/02

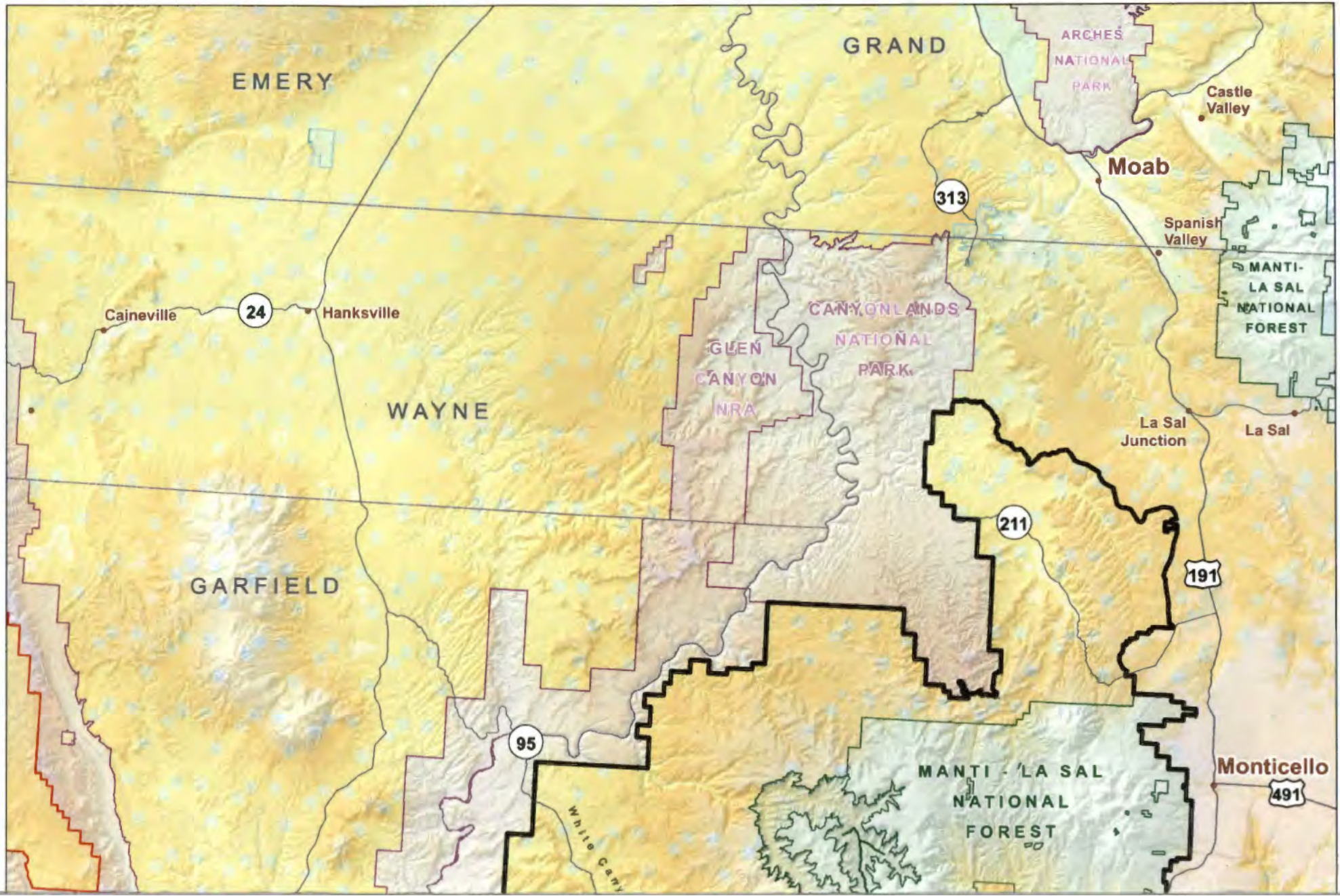
TO: Nikki Buffa

FROM: Peter Umhofer

FAX: 208-2547

PAGES: 2

Attached is a Salt Lake Tribune article that mentions the Navajo Nation's effort to protect the Cedar Mesa area in Utah.


EMERY
GRAND
WAYNE
GARFIELD
ARCHES NATIONAL PARK
Castle Valley
Moab
313
Spanish Valley
MANTI-LA SAL NATIONAL FOREST
Caineville
24
Hanksville
CANYONLANDS NATIONAL PARK
GLEN CANYON NRA
La Sal Junction
La Sal
211
191
95
MANTI - LA SAL NATIONAL FOREST
Monticello
491
White Canyon

Bears Ears National Monument Proposal, Utah

0 5 10 15 20 Miles

DRAFT Proposal Area
(2,041,000 acres)

Acreage by Agency

BLM - 1,355,115
NPS - 155,503
USFS - 365,970
Private - 18,299
State - 146,113

Land Status

BLM
State
NPS
USFS
Private
Tribal

N

November 2014

Internal Draft Document

Cedar Mesa/ Diné Bikéyah

Utah
Senators: Orrin Hatch (R)
Mike Lee (R)
Representative: Jason Chaffetz (R-3)
Governor: Gary Herbert (R)

About Cedar Mesa

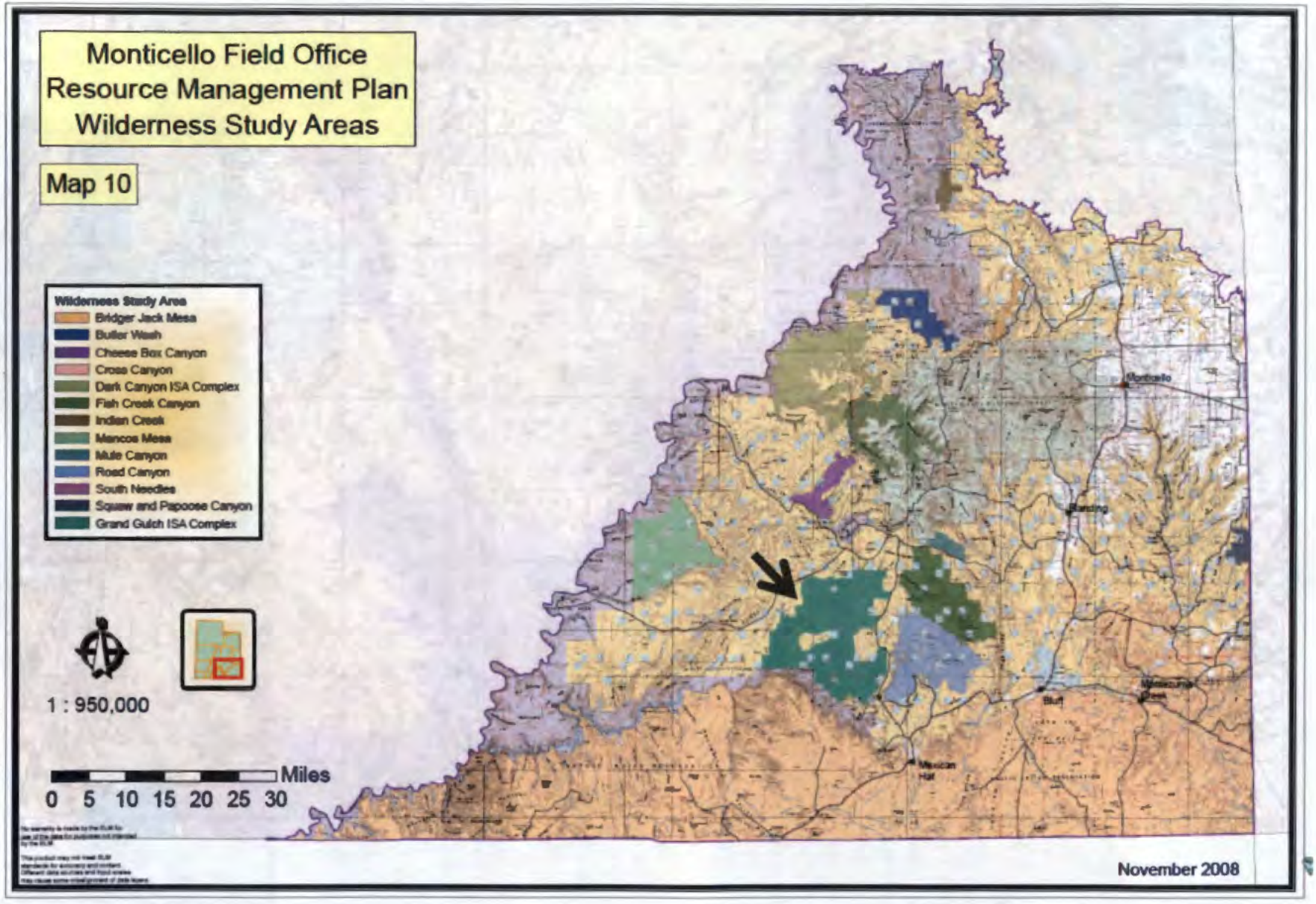
Cedar Mesa is among the most archaeologically important areas nationwide. World-class rock art, Ancestral Puebloan cliff dwellings, granaries, and thousands of other ancient sites dating back nearly 3,000 years make Cedar Mesa and Grand Gulch a treasure trove for archaeological research and appreciation. In more recent history, Navajo and Ute people have used these areas for camps and dwellings as well as for gathering firewood and traditional plants. Mormon settlers left traces of their travels as they passed through the area using the Hole-in-the-Rock Trail, and cowboy camps dating back over 100 years contain clues about the history of ranching and grazing in this area. Geological features such as Neville Arch, Johns Canyon, and Slickhorn Canyon; deep pools; waterfalls; and stunning vistas await the hikers, climbers, and canyoneers who visit this area. Sage flats and slickrock are punctuated by rare desert streams, slot canyons, and stands of cottonwood. This starkly beautiful landscape is home to a variety of species, such as coyotes, bobcats, and deer.

Current Management

The lands that have been proposed for designation by various groups are managed by the BLM. Most of the 700,000 acre Cedar Mesa area is managed as the Grand Gulch Instant Study Complex. Current management is largely consistent with potential designation. Solid and fluid mineral potential in these areas is low to moderate.

Status and Support

Public land conservation is controversial in Utah. Rep. Rob Bishop (R-1) has pursued a "Grand Bargain" public lands proposal for Eastern Utah that would combine conservation designations with land transfers, exchanges, and development. Among conservation and preservation groups, there is diverse support for protecting this area. The Navajo Nation has proposed the creation of a 1.9 million acre Diné Bikéyah National Conservation Area, which would include Cedar Mesa. Any conservation proposal as part of the "Grand Bargain" would likely be much smaller.


Monticello Field Office
Resource Management Plan
Wilderness Study Areas
Map 10
Wilderness Study Area
Bridger Jack Mesa
Butler Wash
Cheese Box Canyon
Cross Canyon
Dark Canyon ISA Complex
Fish Creek Canyon
Indian Creek
Mancos Mesa
Mule Canyon
Road Canyon
South Needles
Squaw and Papoose Canyon
Grand Gulch ISA Complex
1 : 950,000
Miles
0 5 10 15 20 25 30
Monticello
Bluff
Mexican Hat
November 2008

M-Utah

DEPARTMENT OF THE INTERIOR
TASKING PROFILE

ACCN #:	ESO-00071999	Status:	Closed	Fiscal Year:	2016
Document Date:	**Received Date:**	**Due Date:**	**Action Office:**	**Signature Level:**	**Doc Source:**
08/15/2016	08/22/2016		SIO	AA	GOV

To (Recipient): Jewell, Sally

From (Author): Herbert, Gary R

Governor
State of Utah

Subject Text: Thank you note - public land issues

Nikki-
Please keep on
Utah materials.
Thanks-
Sally

Req. Surnames:

Mail Carrier: PM **Mail Track #:**

Cross Ref:

Copies To: SIO-OES ; SIO-OIEA

Status Tracking:

Correspondence Specialist and Phone: SIO-OES Robert Howarth/202-208-4451

Closed Comments:

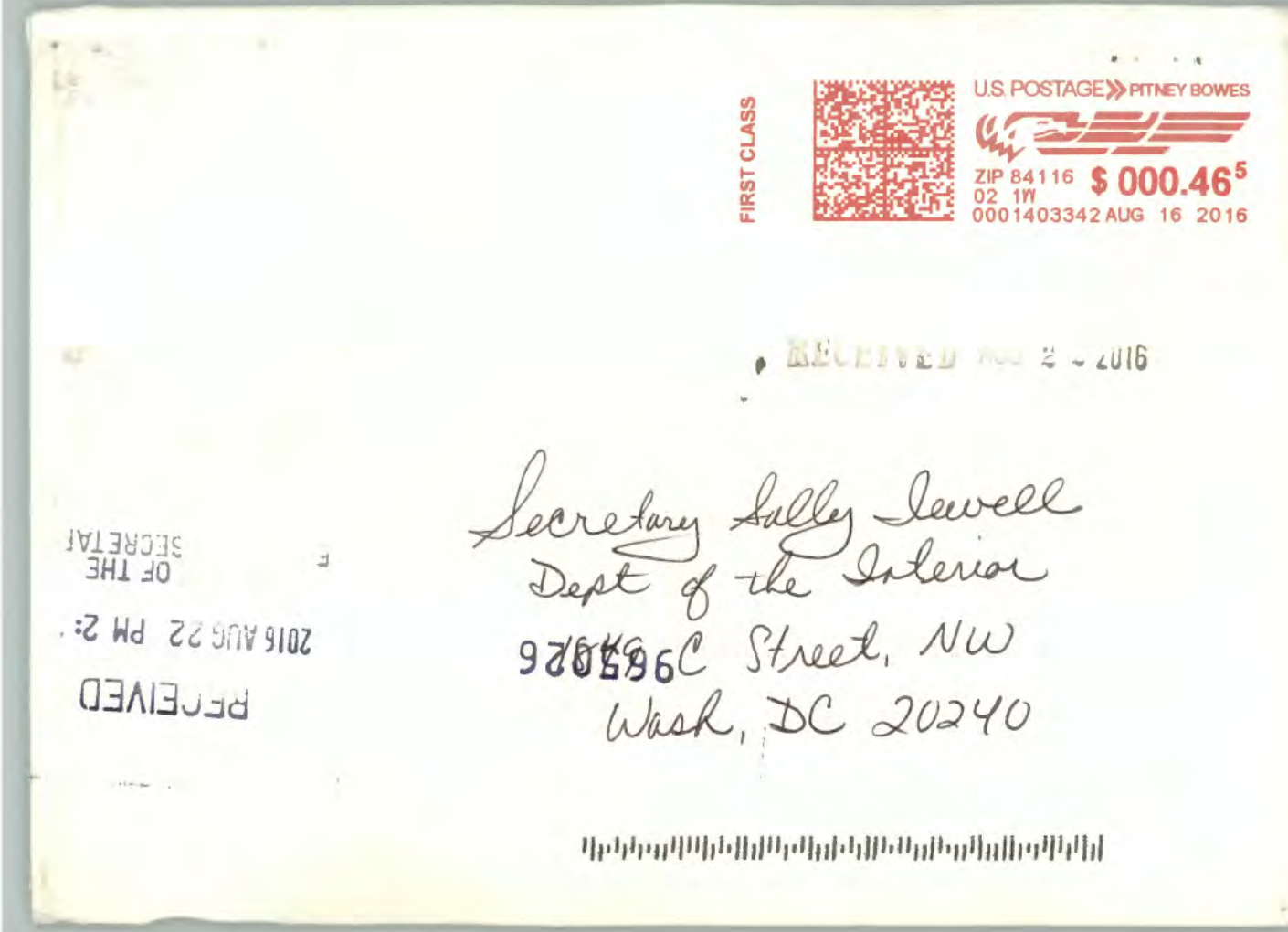
Signed:

August 15, 2016

Secretary Jewell—

Thank you for the very nice note of July 31, 2016. I appreciate your interest in Utah and our unique public land issues. I have always believed that by working together we could find the optimal solution for the good of all concerned. Accordingly I will look at the calendar and see what dates may work for both of us to have you visit Utah once again. Thanks for your service.

GARY R. HERBERT
GOVERNOR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OF THE SECRETAR
Secretary Sally Jewell
Dept of the Interior
1849 C Street, NW
Wash, DC 20240

UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

December 19, 2016

President Barack Obama
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

I write you today on behalf of the people of the Ute Mountain Ute Tribe to express our continuing support for the designation of a Bears Ears National Monument pursuant to the Antiquities Act of 1906. The Ute Mountain Ute Tribe has numerous important and sacred interests in the protection of natural and cultural resources within the Bears Ears cultural landscape. Our ancestors have occupied the region for generations and our people are intrinsically tied to the lands; our individual and collective well-being and prosperity depends upon the health of these lands.

Significant to the Ute Mountain Ute Tribe is the proper management of the area's natural resources, native plants and wildlife that are food, shelter, and medicine, and the cultural sites that are central to our spiritual practices. Few things are more important to us than the protection and preservation we can put in place today on these invaluable natural and cultural resources.

Our desire to secure a mineral withdrawal to prevent the future disturbance and mining of uranium within the Bears Ears region makes our renewed request for protection particularly urgent in the closing days of your administration. As residents of the nearest community to the nation's last remaining conventional uranium mill at White Mesa, Utah, our people continue to suffer under the toxic legacy of uranium mining, milling, and uranium waste processing. The White Mesa community, as part of the Ute Mountain Ute Tribe's reservation, is located only a few miles downgradient from the uranium mill. The Tribe and individual members also hold thousands of acres of trust allotments, lands that we request remain undisturbed along with their accompanying rights, within or near the Allen Canyon corridor in San Juan County, Utah. Paramount to the Tribe is our concern for the future of, and our rights to, our water, air, lands and the continuing effects of the mill on our people. We urge you to act now by designating a Bears Ears National Monument to withdraw uranium deposits from future mining in the Bears Ears region the future health and well-being of our White Mesa community depends on it.

As you know, our Bears Ears National Monument proposal is the first national monument proposal submitted by sovereign Native American Tribes, and our formal agreement to work together to protect Bears Ears is truly historic. We have been chosen, not only by our people, but by our ancestors to protect the Bears Ears and all its natural and cultural resources. We must

speak for innate resources and objects of antiquity that can't speak for themselves. We have a responsibility to make sure that the Bears Ears cultural landscape is there for our future. A national monument designation, taking into account the indigenous perspective to land management through collaborative or co-management with the Tribes of the Bears Ears Inter-tribal Coalition, would accomplish this task. Please use your authority to permanently protect Bears Ears for us, for our children and grandchildren, for all Americans and for all life that depends on this important place of healing.

With Respect,

Harold Cuthair
Chairman of the Ute Mountain Ute Tribe

Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>

Fwd: Zuni Tribe support Letter for Bears Ears Designation

1 message

Nicole Buffa <nicole_buffa@ios.doi.gov> Wed, Nov 30, 2016 at 10:43 PM
To: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>

Please print.

Begin forwarded message:

From: Carleton Bowekaty <Carleton.Bowekaty@ashiwi.org>
Date: November 30, 2016 at 7:26:51 PM EST
To: Michael Degnan - (b) (6) Michael Degnan - (b) (6) "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "tommy_beaudreau@ios.doi.gov" <tommy_beaudreau@ios.doi.gov>
Cc: "Natasha (njohnson@grandcanyontrust.org)" <njohnson@grandcanyontrust.org>
Subject: Zuni Tribe support Letter for Bears Ears Designation

Good afternoon, Michael, Nicky, and Tommy,

I hope this finds you well. I am attaching our support letter for the continued efforts in the designation of a Bears Ears National Monument. Original letters are being sent through the mail.

We understand the future uncertainty with the incoming administration but we will work in a capacity that ensures this area is protected. December has introduced some life changing events in my life and travel may be hard this month, but the Governor and Tribal Council remain confident that we will answer the call when needed.

Respectfully,

Carleton R. Bowekaty

Councilman

Pueblo of Zuni

Phone: (505) 782-7022

Cell: (505) 879-2826

E-mail: carleton.bowekaty@ashiwi.org

4 attachments

noname.html
1K

Zuni to POTUS on Bears Ears 30NOV16.pdf
56K

M70-2016-P014 Bears Ears Designation 7MAR2016.pdf
93K

noname.html
1K

Val R. Panteah, Sr.
Governor

Birdena Sanchez
Lt. Governor

Wilfred Eriacho, Sr.
Head Councilman

Virginia R. Chavez
Councilwoman

PUEBLO OF ZUNI
P. O. Box 339
Zuni, New Mexico 87327
1203-B NM State Hwy 53
Phone: (505) 782-7022
Fax: (505) 782-7202
www.ashiwi.org

505-782-7000 MAIN

Carleton R. Bowekaty
Councilman

Audrey A. Simplicio
Councilwoman

Eric Bobelu
Councilman

Arlen Quetawki, Sr.
Councilman

Officially known as the Zuni Tribe of the Zuni Indian Reservation

November 30, 2016

President Barack Obama
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

In light of the recent national elections, I am writing on behalf of the Zuni Tribe to express our continuing support for the designation of a Bears Ears National Monument under the Antiquities Act of 1906.

We reaffirm our Tribal Resolution M70-2016-P014 of March 7, 2016, which resolved that: "the Pueblo of Zuni, along with the other nineteen Pueblos, as well as Ute Mountain, Uintah & Ouray Ute, Navajo, and Hopi Nations stand together as one unified Native American coalition dedicated to the permanent protection of the Bears Ears region and its cultural and natural resources through a national monument designation."

Our Governor, Lieutenant Governor, and Tribal Council further resolved that: "the Bears Ears region of Southeastern Utah holds immense importance for all the Pueblo peoples' identity and history, including and but not limited to, villages, shrines, burials, rock inscriptions, dwellings, and ancient transportation routes, as well as natural resources necessary for traditional and spiritual practice."

Pueblo ancestral sites in the Bears Ears region are threatened by looting, desecration, irresponsible motorized travel, and mining and energy development. These activities severely impact the historic and cultural integrity of sites. In addition, Native peoples utilize the plants and animals of the Bears Ears region in traditional practices, which are also being negatively affected by a lack of sufficient protections.

A Bears Ears National Monument designation with strong collaborative management between tribes and the federal government is a superlative opportunity to heal the damage done to the land, and to tribal peoples. It will serve as a landmark of cooperation, public benefit, and the government to government relationship with Native American tribes. This national monument will honor the cultures and identities tied to the Bears Ears, and ensure it remains a place of deep connections for our children and grandchildren.

Given that the next administration will be one of great uncertainty for both public lands and inter-governmental relations, we honorably renew our request to designate Bears Ears as a national monument,

and we urge you to act swiftly. Together we can protect the final resting places and remains of our ancestors, our cultural and sacred sites, and the natural integrity and beauty of the Bears Ears region.

Respectfully,

Val R. Panteah, Sr.
Governor

Carleton R. Bowekaty
Councilman

Attachment: Zuni Tribal Council Resolution Number M70-2016-P014: "Permanent Protection of Bears Ears Region through National Monument Designation."

ZUNI TRIBAL COUNCIL
ZUNI, NEW MEXICO

March 7, 2016

RESOLUTION NO. M70-2016-P014

Permanent Protection of Bears Ears Region through National Monument Designation

WHEREAS, the Zuni Tribal Council, consisting of the Governor, Lieutenant Governor, and six Tenientes is declared to be the legislative authority of the Pueblo of Zuni by Article V, Section 1, of the Constitution of the Zuni Tribe; and

WHEREAS, the Zuni Tribal Council, Pursuant to Article VI, Section 1(d) of the Constitution of the Zuni Tribe, to represent the tribe, and to act in all matters that concern the welfare of the tribe; and

WHEREAS, the Zuni Tribe, Also known as the Pueblo of Zuni, is a Federally Recognized Indian Tribe; and

WHEREAS, to protect the traditional cultural properties and sacred sites of ancestral Pueblo people is paramount to all and each Pueblo's cultural preservation now and in the future, and

WHEREAS, the Bears Ears region of Southeastern Utah is historically, culturally, and spiritually tied to Native American tribes, including but not limited to, the Navajo, Hopi, Ute, and Zuni people; and

WHEREAS, the Bears Ears region of Southeastern Utah holds immense importance for all the Pueblo people' identity and history, including and but not limited to, villages, shrines, burials, rock inscriptions, dwellings, and ancient transportation routes, as well as natural resources necessary for traditional and spiritual practice; and

WHEREAS, archaeological and cultural sites in the Bears Ears region face destruction, desecration, and violation from irresponsible motorized travel, energy development, mining, uneducated visitors, and looting of ancestral sites and burials; and

WHEREAS, to prevent harm and mitigate existing damage to the Bears Ears region the Pueblo of Zuni is seeking permanent protection; and

WHEREAS, the Antiquities Act of 1906 is an invaluable and essential tool in protecting Native American sacred and cultural sites in perpetuity; and

WHEREAS, the Pueblo of Zuni is a member of the Bears Ears Inter-Tribal Coalition, a partnership with Hopi, Navajo, Ute Mountain Ute, and Uintah & Ouray Ute which is supported by the National Congress of American Indians and a total of 26 tribes; and

WHEREAS, the Bears Ears Inter-Tribal Coalition is asking for a national monument designation using presidential authority for the Bears Ears region under the 1906 Antiquities Act; and

WHEREAS, the Pueblo of Zuni supports collaborative management of the Bears Ears region between tribes and the federal government, and the government to government relationship shall ensure proper protection, preservation and management of the sacred ancestral sites and regions for all Pueblo people and Native Americans as whole; and

THEREFORE NOW, BE IT RESOLVED, that the Pueblo of Zuni, along with the other nineteen Pueblos, as well as Ute Mountain, Uintah & Ouray Ute, Navajo, and Hopi Nations stand together as one unified Native American coalition dedicated to the permanent protection of the Bears Ears region and its cultural and natural resources through a national monument designation

ZUNI TRIBAL COUNCIL:

Absent-Ex
Val R. Panteah, Sr., Governor

Birdena Sanchez, Lt. Governor

Head Councilmember - VACANT

Virginia R. Chavez, Councilwoman

Carleton R. Bowekaty, Councilman

Audrey A. Simplicio, Councilwoman

Councilmember - VACANT

Eric Bobelu, Councilman

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Zuni Tribal Council at a duly called meeting at Zuni, New Mexico, at which a quorum was present and the same was approved by a vote of 5 in favor, 0 opposed, 0 abstaining on March 7, 2016.

Audrey A. Simplicio, Tribal Council Secretary
Pueblo of Zuni

APPROVED / DISAPPROVED

for Val R. Panteah, Sr., Governor

3/7/16
Date

Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>

Fwd: Letter/Memo

1 message

Buffa, Nicole <nicole_buffa@ios.doi.gov> Tue, Nov 29, 2016 at 5:34 PM
To: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>

Please print.

——— Forwarded message ———
From: **Anna Saufkie** <ASaufkie@hopi.nsn.us>
Date: Tue, Nov 29, 2016 at 5:13 PM
Subject: Letter/Memo
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov> Michael Degnan - (b) (6)
Michael Degnan - (b) (6) "tommy_beaudreau@ios.doi.gov" <tommy_beaudreau@ios.doi.gov>
Cc: "Natasha K. Hale" <njohnson@grandcanyontrust.org>

Dear Ms. Buffa, Mr. Degnan, and Mr. Beaudreau,

Attached is an updated letter from Hopi Chairman Herman Honanie, and Vice Chairman Alfred Lomahquahu reaffirming full support for a Bears Ears National Monument designation. I'm also resending the Hopi Tribal Council resolution that also officially supports this position.

Askwali,

Anna Saufkie, Executive Secretary II to Hopi Vice Chairman

Anna Saufkie-Selestewa, Executive Secretary II

Office of Vice Chairman

The Hopi Tribe

P.O. Box 123

Kykotsmovi, AZ 86039

(928) 734-3113

ASaufkie@hopi.nsn.us

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

---

2 attachments

042-2016-Memo-Approval-to-support-proposal-for-a-presidential-proclamation-designating-Bears-Ears-National-Monument.pdf
459K

BearsEarsLettertoPresidentObama11.29.16.pdf
86K

THE HOPI TRIBE

Herman G. Honanie
Chairman

Alfred Lomahquahu, Jr.
Vice-Chairman

November 29, 2016

President Barack Obama
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

On behalf of the Hopi people, Hopisenom, we write to urge you to use your authority to designate of the Bears Ears region in Southeast Utah as a national monument. In responding to Native communities' request for a national monument, you will ensure future generations have the opportunity to experience their ancestral lands – their heritage – at Bears Ears as we do today.

The modern day federal lands of the Bears Ears region are the Hopi Tribe's ancestral lands. As articulated in detail in Hopi Tribal Council Resolution H-70-94, the Hopi Tribe claims cultural affiliation to ancestral puebloan groups that inhabited the Bears Ears. Our ancestors settle and lived in the Bears Ears region during their long migration to *Tuuwanasavi* (the Center of the Earth) on Hopi Mesas.

We have long requested avoidance and preservation of our ancestors' remains, but the federal land managers of the Bears Ears region simply lack the capacity to do so. While we have spoken out for years about the need to permanently protect this region through a special designation like a national monument, those calls have fallen on deaf ears in Congress. Meanwhile, the Bears Ears landscape continues to suffer from grave robbing, looting and disrespect. Without a national monument designation, these desecrations are only sure to grow in the years ahead.

We appreciate the efforts of your administration to work with, and listen to Tribes and other interested parties before taking action. Those steps are sure to produce a better outcome. Yet after 80 years of inaction, it should be clear that the only path to protecting Bears Ears is via the Antiquities Act – a tool created precisely for the protection of cultural and historic objects. Such objects define the Bears Ears, and were left behind as "footprints" of ancient villages, trails, petroglyphs, springs, as well as our ancestors' remains. Hopi ancestors who lived in the Bears Ears continue to inhabit the land today, and are part of a living landscape that sustains our Hopi identity. This deep and timeless connection to the Bears Ears is the basis for reasserting our request that you use your authority under the Antiquities Act to establish a Bears Ears National Monument.

OFFICE OF THE VICE CHAIRMAN

P.O. BOX 123 — KYKOTSMOVI, AZ — 86039 — (928) 734-3112

The Hopi Tribe's support for a Bears Ears National Monument will not end the day it is designated. We are committed to partnering with federal land managers to collaboratively manage these lands in perpetuity, to advocating for appropriate resources to care for Bears Ears, and if necessary, to defending the national monument from those who may seek to undermine it. Our support, like a Bears Ears National Monument, will endure.

Thank you for your consideration of this request.

Respectfully,

Herman G. Honanie, Chairman
THE HOPI TRIBE

Alfred Lomohquahu, Vice Chairman
THE HOPI TRIBE

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

OFFICE OF THE VICE CHAIRMAN

P.O. BOX 123 — KYKOTSMOVI, AZ — 86039 — (928) 734-3112

THE HOPI TRIBE

Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu, Jr.
VICE-CHAIRMAN

MEMORANDUM

OFFICE OF THE VICE CHAIRMAN
RECEIVED
MAR 2 8 2016
HOPI TRIBE

TO: **Leigh Kuwanwisiwma, Director**
Hopi Cultural Preservation Office

FROM: **Maxine Wadsworth, Tribal Secretary**
Hopi Tribal Council

DATE: **March 25, 2016**

SUBJECT: **APPROVAL TO SUPPORT PROPOSAL FOR A PRESIDENTIAL PROCLAMATION DESIGNATING BEARS EARS NATIONAL MONUMENT – A.I. #042-2016/H-035-2016**

The Hopi Tribal Council on March 22, 2016, by motion and majority vote, approved the above mentioned Action Item and Resolution.

By passage of this Resolution, the Hopi Tribal Council hereby supports the permanent long term protection of cultural and natural resources and sacred sites on these public lands through a proposal for a Presidential Proclamation designating BEARS EARS NATIONAL MONUMENT.

Offices of the Chairman, Vice Chairman and the Hopi Cultural Preservation Office are hereby authorized to continue consultations with the Bears Ears Inter-Tribal Coalition for the purpose of developing a proposal for the Presidential Proclamation.

Should you have any questions, you may contact me at 928 734-3131. Thank you

c: Office of Chairman
Office of Vice Chairman
Office of the Treasurer
Office of Financial Management
Office of Executive Director
Office of General Counsel
Department of Natural Resources
File

HOPI TRIBAL COUNCIL
RESOLUTION
H-035-2016

WHEREAS, the Hopi Tribe is a federally recognized Indian Tribe pursuant to the Indian Reorganization Act of 1934, and the Hopi Tribal Council is empowered by the Constitution and By-laws of the Hopi Tribe, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), (d), and (k), respectively: "To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe . . ."; "To advise with the Secretary of the Interior and other governmental agencies. . ."; and "To protect the arts, crafts, traditions, and ceremonies . . ."; and

WHEREAS, ARTICLE IV-EAGLE HUNTING TERRITORIES AND SHRINES, of the Constitution and By-laws of the Hopi Tribe provides that the Tribal Council shall negotiate with the United States Government agencies concerned, and with other tribes and other persons concerned, in order to secure protection of the right of the Hopi Tribe to "...secure adequate protection for its outlaying, established shrines . . ."; and

WHEREAS, pursuant to Resolution H-098-2011, the Hopi Tribal Council adopted the 2011 revised Hopit Pötskwaniat, the Hopi Tribal Consolidated Strategic Plan, which established Hopi Tribal goals "Towards Preservation & Protection of Cultural Resources", "to fulfill the constitutional responsibilities in the protection and preservation . . ." and to "continue the preservation and protection of cultural resources including archeological sites, traditional cultural properties and other historical properties."; and

HOPI TRIBAL COUNCIL
RESOLUTION
H-035-2016

WHEREAS, Hopi migration is intimately associated with a sacred Covenant between the Hopi people and the Earth Guardian, in which the Hopi people made a solemn promise to protect the land by serving as stewards of the Earth, and 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 *Tuuwanasavi*, the Earth Center on the Hopi Mesas; and

WHEREAS, 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, and 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; and

WHEREAS, the Hopi footprints and clouds are part of a living, sacred landscape that nourishes and sustains Hopi identity, and this landscape is steeped in cultural values and maintained through oral traditions, songs, ceremonial dances, pilgrimages, and stewardship, and 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; and

HOPI TRIBAL COUNCIL
RESOLUTION
H-035-2016

WHEREAS, these lands are part of our ancestral lands and Hopi history and cultural values associated with ancestral sites and landscapes are deep and abiding, and pursuant to Hopi Tribal Council Resolution H-70-94, the Hopi Tribe claims cultural affiliation to Ancestral Puebloan cultural groups in the greater Cedar Mesa area, and the Hopi Tribe 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; and

WHEREAS, in the attached letter from Chairman Herman Honanie dated September 30, 2014 to President Barack Obama, Senator Orin Hatch, Senator Mike Lee, Congressman Rob Bishop, Congressman Jason Chaffetz, Congressman Jim Matheson, and Congressman Chris Stewart, the Hopi Tribe supported the designation of the greater Cedar Mesa area in southeastern Utah as a National Conservation Area or National Monument; and

WHEREAS, the Hopi Tribe is 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, and the Tribe has encouraged the Bureau of Land Management 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; and

WHEREAS, the Hopi, Zuni, Ute, Ute Mountain Ute, and Navajo Tribes, composing the Bears Ears Inter-Tribal Coalition, have developed a proposal for a Presidential Proclamation designating BEARS EARS NATIONAL MONUMENT that will enhance the protection of cultural landscapes and the sites within them.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribe hereby supports the permanent long term protection of cultural and natural resources and sacred sites on these public lands through a proposal for a Presidential Proclamation designating BEARS EARS NATIONAL MONUMENT.

BE IT FURTHER RESOLVED that the Hopi Tribal Council supports the proposal that BEARS EARS NATIONAL MONUMENT will be co-managed with stakeholder decision making by the Hopi, Zuni, Ute, Ute Mountain Ute, and Navajo Tribes, composing the Bears Ears Inter-Tribal Coalition, since such a designation and co-management could accomplish the goal of prioritizing protection of cultural resources while also allowing flexibility in management of traditional Native American uses including wood, plants, medicine, ancestral sites, shrines, and hunting.

BE IT FURTHER RESOLVED that based on over century of looting and grave robbing in San Juan County, Utah, the Hopi Tribe hereby supports a provision in the proposal for

the BEARS EARS NATIONAL MONUMENT that provides for protection, preservation, and avoidance of our ancestor's human remains and associated funerary objects.

BE IT FINALLY RESOLVED that the Offices of the Chairman and Vice Chairman and the Hopi Cultural Preservation Office are hereby authorized to continue consultations with the Bears Ears Inter-Tribal Coalition for the purpose of developing and supporting a proposal for a Presidential Proclamation designating BEARS EARS NATIONAL MONUMENT, which recognizes these lands as Hopi ancestral lands and requires Bears Ears Inter-Tribal Coalition co-management in policy formulation, management, and evaluation of results.

HOPI TRIBAL COUNCIL
RESOLUTION
H-035-2016

CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on March 22, 2016 at a meeting at which a quorum was present with a vote of 13 in favor, 3 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a), (d), and (k) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.

Herman G. Honanie, Chairman
Hopi Tribal Council

ATTEST:

Maxine Wadsworth, Tribal Secretary
Hopi 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

Senator Mike Lee
316 Hart Senate Office Building
Washington, D.C. 20510

Congressman Rob Bishop
123 Cannon Building
Washington, D.C. 20515

Congressman Jason Chaffetz
2464 Rayburn House Office Building
Washington, D.C. 20515

Congressman Jim Matheson
2211 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 *Màasaw*, 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 *Tuwanasavi*, 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 lkuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank again you for your consideration.

Respectfully,

Herman G. Honanie, Chairman
THE HOPI TRIBE

PROPOSED BEARS EARS NATIONAL MONUMENT

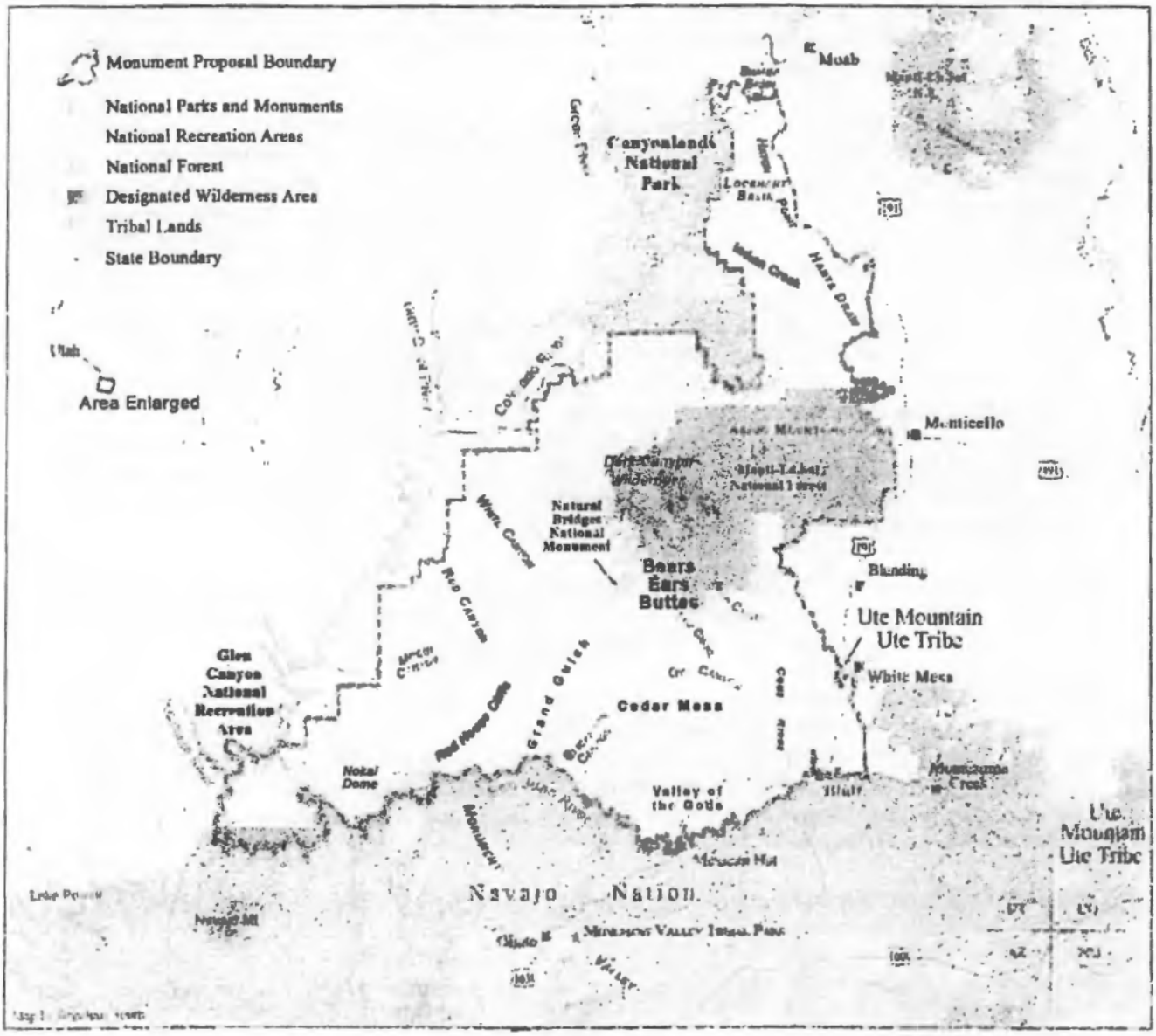

EXHIBIT A

The New York Times http://nyti.ms/2f70Si4

U.S.

Battle Lines Over Trump's Lands Policy Stretch Across 640 Million Acres

By JACK HEALY and KIRK JOHNSON NOV. 18, 2016

DENVER — Uranium mines around the Grand Canyon. Oil drilling rigs studding the Arctic National Wildlife Refuge. New coal and timber leases in the national forests. States divvying up millions of acres of federal land to dispose of as they wish.

To environmental groups, it would be a nightmare. To miners, loggers, ranchers and conservative politicians in resource-dependent areas, it would be about time. Either way, Donald J. Trump's election presages huge potential change on America's 640 million acres of federal public lands, from the deep seas east of Maine to the volcanic coasts of Hawaii.

"Into a new world," said Bruce Babbitt, who ran the Interior Department under President Bill Clinton.

In Western states, where about half of all land is controlled by federal agencies, Mr. Trump's supporters hope the pendulum swings back from what they say are overbearing Obama administration regulations that put sage grouse and owls ahead of economic growth.

Environmental groups are urging President Obama to push through last-minute preservation projects, such as naming a new national monument in the Bears Ears

area of southern Utah. And they are already preparing for battles over Mr. Trump's campaign promise to "unleash" coal, oil and gas production — much of it on public land.

But the unknowns and political variables are huge, too. Mr. Trump himself, while promising to push resource extraction, has also at times spoken about preserving public lands for future generations.

History also suggests that changing lands policy is not so easy. President George W. Bush, a Republican, tried to change direction with new agency rules, only to be blocked by federal appeals court decisions. Automation in the timber industry means that even an expanded license to cut trees in the national forests might not restore old mill towns to their blue-collar glory. And the cost of managing federal lands, especially in fighting wildfires — $2.1 billion last year, a record total, matched by the most acres burned in at least 30 years — continues to soar, threatening communities even as many of them look for new direction from the White House in how those lands are managed.

"We have a huge and growing inventory of timber in the forests, and they're going to decompose or burn, and nobody has addressed that," said Robert H. Nelson, a professor in the School of Public Policy at the University of Maryland and a former economic analyst for the Interior Department. "There's bipartisan consensus that the federal lands system is dysfunctional," he said.

But the hopes, and the fears, about how that system might now change are boundless.

"My big hope is that people would be able to go back to work in San Juan County and these rural areas," said Phil Lyman, a county commissioner in southern Utah, where antigovernment feelings run as deep as the slot canyons. "You just feel like everything has been stifled with regulations."

At the Western Watersheds Project, a conservation group focusing on the Rocky Mountain region, legal teams are on deck and ready to fight back. "We're getting ready for an onslaught of anti-environmental policy, and we're arming up to litigate," said Erik Molvar, the group's executive director. "The Trump

administration is going to find it very difficult to take away all of the federal laws which have been adopted over the past 40 years."

In the decades-long struggle for control of America's public lands, the Obama years were a flush time for conservation groups. The administration imposed moratoriums on uranium drilling near the Grand Canyon and blocked new coal leases. Public lands were also adapted for new uses on Mr. Obama's watch, notably a wave of national monuments based around cultural or historical significance, and a big expansion of solar energy on federal lands in Nevada.

Conservatives who loathed those regulations — or new uses — are now hoping Mr. Trump shifts the balance decisively in their favor. Republicans in Congress have proposed bills weakening federal laws that protect wilderness, water quality, endangered species or that allow presidents to unilaterally name new national monuments. Some conservatives hope Mr. Trump will support their efforts to hand federal land over to states, which could sell it off or speed up drilling approvals.

To see where change may come the quickest, look to the edges of Glacier National Park in Montana, at a quilt of rocky peaks and wetlands held sacred by the Blackfeet tribe. In March, the Obama administration capped a three-decade fight over oil and gas drilling in the area, called the Badger-Two Medicine, by canceling a Louisiana energy company's lease on 6,000 acres.

The company, Solenex, sued. A lawyer for the company, William Perry Pendley of the Mountain States Legal Foundation, said the incoming Trump administration could simply decide that canceling the lease had been wrong.

"All it would take," he said, "is for the Justice Department to enter the case and say, 'We've re-evaluated. We will lift the suspension and we'll permit the drilling to go forward.'"

This week, the Interior Department announced that a separate energy company with oil and gas leases on 32,000 acres in the same area had voluntarily canceled them. Blackfeet tribal leaders called it a victory for cooperation among industry, conservation activists and the government.

Proponents of two major oil pipeline projects are also optimistic. Mr. Trump has said he would move quickly to approve the Keystone XL pipeline, which Mr. Obama blocked. The chief executive of the Texas company building the Dakota Access pipeline near the Standing Rock Sioux reservation in North Dakota said he believed that now-delayed project would sail through under Mr. Trump.

To see where things get more tangled, head into the damp woods of the Cascade Range in central Oregon, and the Olympic Peninsula of Washington State, where a long economic decline began in the late 1980s as international trade shifted timber markets to places like Canada, and automated mills eliminated tens of thousands of jobs. Those computer-run mills are not going away even if more logs start arriving.

"We really don't have a clear and easy path to go back to the good old days when natural resource extraction was driving our economy," said Sean Stevens, the executive director of Oregon Wild, a conservation group. "It is not as easy as just logging more," he said.

Logging industry officials said that employment could grow, but that changes at the federal level would have to be profound to make a difference.

The first step, they said, would be to increase the budgets of federal land agencies like the Forest Service and the Bureau of Land Management, something that conservative congressional representatives — many of them bent on budget cuts — might not want to hear.

"Yes it's going to cost us money, but in the long term it will save us money because we face a federal forest crisis, with millions of acres that are diseased, fire-prone, and overstocked," said Travis Joseph, the president of the American Forest Resource Council, which represents wood product companies from the Northern Rockies to California. "We have got to educate Congress and inform them that this is about an investment."

Davis Filfred, a Navajo Nation council delegate, said he felt that time was running out for the stretches of piñon pine and red sandstone known as the Bears Ears area in southern Utah. It is rich with Native American artifacts, and tribal

groups and conservationists have been urging Mr. Obama to name it as a new, perhaps final, national monument before he leaves office.

Mr. Filfred drove up to Bears Ears from his home in Aneth, Utah, over Veterans Day weekend with his two sons and other members of Western tribes, and reflected on how much had already been lost there to irresponsible visitors.

"They're taking bones, they're taking pottery," he said. "They're desecrating and damaging the writing on the walls. They're tearing up the ground with their ATVs and motorcycles. It's heartbreaking to me when I see that. That's why I want it protected."

Jack Healy reported from Denver, and Kirk Johnson from Seattle.

A version of this article appears in print on November 19, 2016, on page A9 of the New York edition with the headline: Trump's Land Policy? Battle Lines Span 640 Million Acres.

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M-Cascade

United States Senate
WASHINGTON, DC 20510

October 4, 2016

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

Dear Secretary Jewell,

We are writing to request you or your designee's participation in a public meeting in the Ashland area to discuss potential expansion of the Cascade-Siskiyou National Monument. The meeting is scheduled to take place on October 14th in Ashland, the closest town to the Monument.

As you may recall, the Oregon Senators sent a letter to your office in August highlighting the unique biological diversity of the region and urging you to visit the area and speak with local citizens. The Cascade-Siskiyou National Monument has protected some of the most biodiverse public land in the United States. It is an ecological crossroads in an area of unique geology, biology, climate, and iconic American landscapes – the place where the volcanoes of the Cascade Range, the ridges and valleys of the Basin and Range Province, and the world-renowned biodiversity of the Klamath-Siskiyou mountain block come together. The monument also benefits small towns in the area by boosting recreation and tourism that assist the local economy.

However, mounting pressures on adjacent and nearby public lands, combined with the increasing effects of climate change, have scientists convinced that the original June 2000 boundaries are no longer adequate to protect the native species and habitats the monument was established to protect – and they urge expansion of the monument's boundaries.

This meeting will provide an opportunity for the public to learn more about the potential expansion of the Monument should the President choose to do so. Most importantly, the meeting will allow people to express support for or concerns about expanding the monument, and to comment on the specifics of how it might be expanded.

To help promote dialogue in the meeting we have attached a map showing some of the public lands scientists recommend for expanding the monument, as well as conservation designations proposed in legislation introduced by the Oregon Senators. These proposals intend to better provide protections to critical watersheds, and terrestrial habitats, and also to a wider range of elevations that are especially important as species seek to adapt to climate change.

The vast majority of the approximately 50,000-acre expansion proposed by scientists is on BLM land in Oregon, which has strong backing from elected officials, citizens, chambers of commerce, conservationists, and local landowners. About 5,000 acres of BLM land in California has additionally been recommended for inclusion – much of it already dedicated to wildlife protection in some fashion. And, as you know, only Federal public land inside expanded monument boundaries would become monument land. As with the existing monument, private land inside outer monument boundaries stays private.

Thank you for considering our request. We look forward to working with you toward an expanded Cascade-Siskiyou National Monument.

Sincerely,

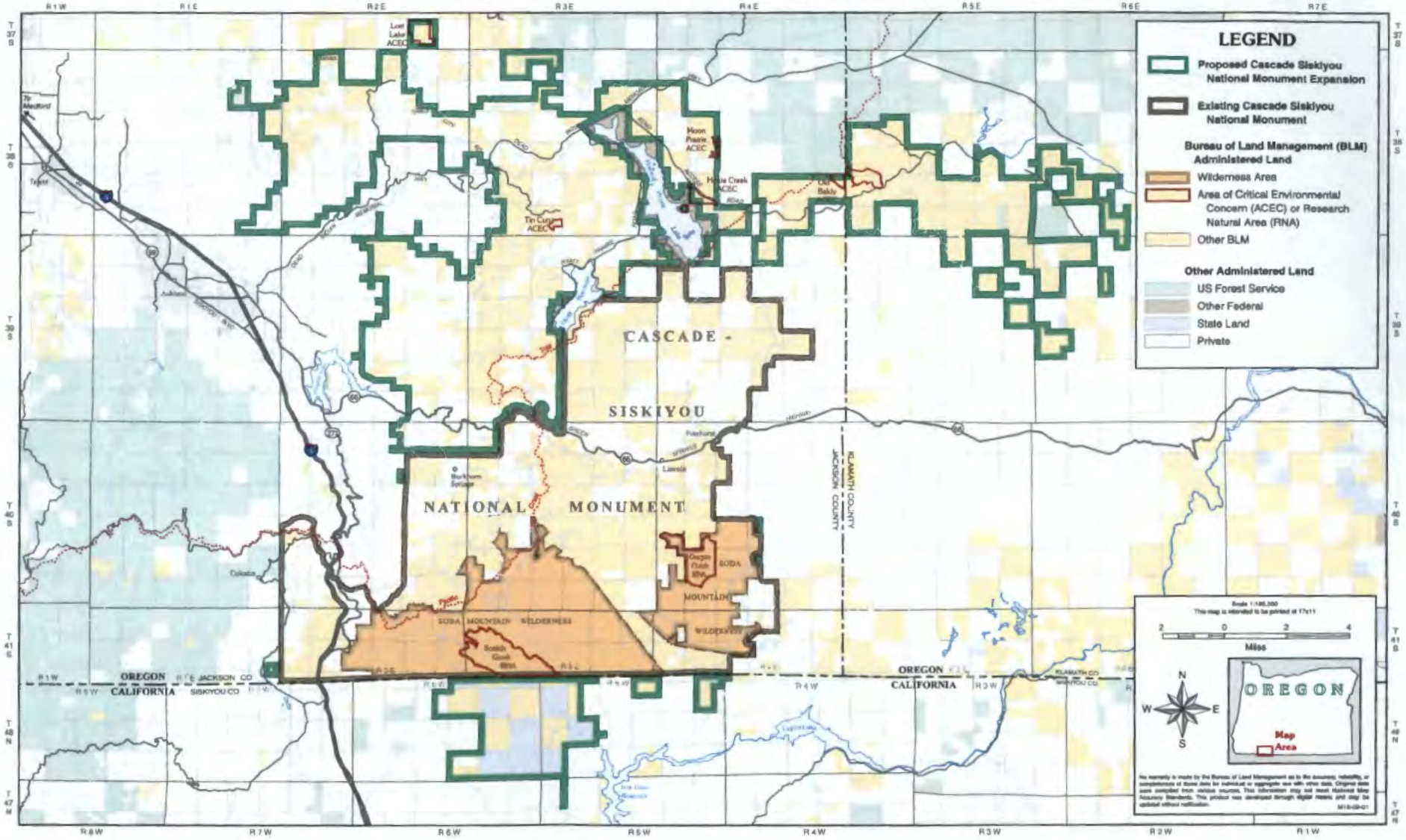
Jeffrey A. Merkley
United States Senator

Barbara Boxer
United States Senator

PROPOSED CASCADE-SISKIYOU NATIONAL MONUMENT EXPANSION

October 4, 2016

This map prepared at the request of Senator Jeff Merkley and Senator Ron Wyden



BEARS EARS INTER-TRIBAL COALITION

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

November 16, 2016

COLLABORATIVE MANAGEMENT AT THE BEARS EARS NATIONAL MONUMENT

A Summary by The Bears Ears Inter-Tribal Coalition

This memorandum explains the basic reasons why collaborative management should be employed at the proposed Bears Ears National Monument. It also sketches out what collaborative management might look like.

Reasons for Collaborative Management at Bears Ears

Over the course of eons, a great many tribes have come to the Bears Ears landscape. They variously inhabited, crossed, hunted, gathered, prayed, and built civilizations in Bears Ears. Western scholars have concluded that Native people have been present in this landscape for 10,000 years or more and tribal accounts hold that Native people have been there since time immemorial. There is no doubt about the extraordinary evidence of their long history, as evidenced by migration routes, ancient roads, villages, great houses, granaries, hogans, wickiups, sweat lodges, corrals, petroglyphs and pictographs, tipi rings, and shade houses. The Utes, legendary horse people, established many trails in the central Rockies and their expeditions took them to prized hunting grounds in the Bears Ears landscape.

Today, there are more than 100,000 Native American cultural sites, making this one of the richest cultural landscapes in the world.

The 1850s marked the beginning of a forced removal of Indian people from this area, referred to by the Navajo as the Long walk. Troops rounded up occupants and marched them to the new reservations and pueblos. But the stories and memories of the Bears Ears landscape were strong and Indian people persevered. They kept coming back to Bears Ears to pray, heal, hunt, gather herbs and

medicines, and enjoy family gatherings on the old land. It was difficult. All too often, private citizens, with shouted insults and sometimes violence, forced them back to the reservations. Increasingly, Indian people felt the pain of illegal grave robbing, theft of pots and other artifacts, and defacing of structures and rock art.

By the 1960s, Native people were urging federal protection of Bears Ears. Then, in 2010, Navajos and Utes formed the nonprofit organization, Utah Diné Bikéyah (UDB), which launched an ambitious effort to achieve federal protection of the area. Among many other things, UDB interviewed over 100 traditional Native people, including Elders; commissioned academic reports; conducted a state-of-the-art cultural mapping project; developed maps and GIS data displays; and held numerous meetings with legislators, administration officials, and public groups.

In July 2015, Native people at a large gathering decided that the work should be carried on by federally-recognized, sovereign Indian tribes under the government-to- government relationship. The Coalition of five tribes—the Hopi, Navajo, Ute Mountain Ute, Uintah & Ouray Ute, and Zuni—was formed. After many long meetings, conference calls, and position papers, tribal members became knowledgeable about the legal and technical issues. On October 15, 2015, the Coalition presented a comprehensive proposal to President Obama to create a Bears Ears National Monument under a collaborative management model.

These tribes have waged a decades-long campaign that reflects the tribes' historic bond with the area and their modern passion and commitment to it. They have amassed a tremendous amount of information, both through modern research and traditional knowledge, about the Bears Ears landscape and would be outstanding partners with federal agencies in administering and protecting this natural and cultural landscape. The field of traditional knowledge, which has generated considerable interest nationally and internationally, can thrive at Bears Ears, especially since these tribes have many members who are well-versed in that knowledge system. The joining of the two knowledge systems, western science and traditional knowledge, will likely lead to distinctive and progressive land management practices at the monument. The proposed Bears Ears Traditional Knowledge Institute, a research, policy, and outreach center that will operate on funding obtained by the tribes, has every chance of becoming a center of national and global excellence.

The five Coalition tribes have earned the high honor of engaging in collaborative management with the United States.

The Basics of Collaborative Management at Bears Ears

The agreement to adopt collaborative management would probably be memorialized in a MOU or MOA, with the parties being the Department of the Interior, the Department of Agriculture, and the Bears Ears Inter-Tribal Coalition. While other provisions would be included, many of them technical, we believe these to be the central ideas.

Final decisions at the monument will be made by the officials of the Departments of the Interior and Agriculture. The goal of collaborative management is that the Coalition tribes, as partners with the federal agencies, will be active participants in the decision-making process by making continuing contributions to it. This participation will be genuinely special, going beyond the kind of consultation that is normally accorded non-federal entities. This is appropriate because of the sovereign status of tribes, the government-to-government relationship, and federal trust obligations; the special historical, cultural, and other ties between the Coalition tribes and the Bears Ears landscape; and the extensive preparation for collaborative management that these tribes have demonstrated. The expectation is that collaborative management will fulfill the government's trust responsibility to the tribes, benefit the tribes' multi-faceted, historic relationship with this landscape, and further the departments' objectives by achieving better land management for all Americans. As explained in Secretarial Order 3342, "Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes" (Oct. 21, 2016):

> "Central to the Department's mission is honoring and supporting the United States government-to-government relationships with tribes. Underlying this relationship is the Department's obligation to uphold the Federal trust responsibility to tribes. This trust responsibility is a well-established legal obligation that originates from the unique, historical relationship between the United States and tribes . . . . This government-to-government relationship leads us to further consider how the Department can collaborate with tribes to better integrate tribal knowledge and concerns into the management of Federal lands and waters under the Department's charge, while also making better use of tribal capabilities and resources to enhance the ability of bureaus to accomplish their missions."

The main provisions of a MOA or MOU could be put forth in this fashion:

A. The Monument Manager

1. The Monument would be managed by a Monument Manager, as designated by the Secretaries. (We assume for these purposes that the government will have one manager for this unit, but may decide to make other arrangements to account for the three agencies within the monument.) The Monument Manager would be a federal employee of either Department of the Interior or the Department of Agriculture. The Monument Manager's decisions would be carried out by staff and employees at the field level in the fashion normally found in public lands offices. In addition to complying with the proclamation, management plan, and other applicable federal laws, the Monument Manager also would take into account the Bears Ears Commission's contributions to policy and decision-making, as described below.

2. The hiring of the Monument Manager would be subject to all applicable laws, including Indian preference provisions. Prior positive experiences with Indian tribes or people would be considered a plus.

3. The relationship between the Monument Manager and the Commission is critical to the success of the monument. Both must give their best efforts, including regular communications and meetings, as well as informal occasions, to create and implement a close, open, and collaborative relationship.

B. Bears Ears Commission

1. The Bears Ears Commission (Commission) would be comprised of five members, one appointed by each tribe in the Coalition. If the number of member tribes in the Coalition increases or decreases, the number of Commission members would change accordingly. As an intergovernmental committee, the Commission will not be subject to the Federal Advisory Committee Act (FACA). (Pursuant to section 204(b) of the Unfunded Mandates Reform Act of 1995, FACA shall not apply to meetings between federal officials and "tribal governments (or their designated employees with authority to act on their behalf)" where "views, information, or advice relating to the management or implementation of Federal programs" are exchanged, Pub. L. 104-4, approved March 22, 1995).

2. The Commission members would be appointed for staggered, three-year terms. All Commission members would be people with knowledge of the history and lands of the American Southwest. The members should also have backgrounds in the relationship between people and the natural world, which may or may not include background in federal public land or Indian law and policy, traditional knowledge, or the sciences. Commission members should be open-minded people with a

commitment to engaging in the collaborative making of public policy that will fulfill the high objectives of the proclamation and management plan.

3. The Commission would have a meaningful role in land management policies and decisions through its recommendations to the Monument Manager. The Commission's relationship with the Monument Manager must, by its nature, have both formal and informal elements. There will be many discussions in which relatively minor matters will be discussed and resolved. When the Commission adopts more significant recommendations, however, they should be put forth in writing. If the Monument Manager decides not to follow any Commission recommendation, the Monument Manager would be required to provide a specific, written explanation of why the recommendation would not be followed.

4. The areas in which the Commission may make recommendations include, but are not limited to:

(a) Protection for, and use of, sacred and ceremonial sites;

(b) Cultural and educational programming;

(c) Plants, animals, and special resources;

(d) Traditional uses, including but not limited to: medicine, herbs, and firewood gathering;

(e) Historical, archaeological, and paleontological resources;

(f) Impact of off-road use and off-road vehicles on cultural and environmental resources;

(g) Recreational uses, including climbing;

(h) Resource uses, such as grazing, timber production, and mining;

(i) Air and water quality;

(j) Protection of rights of in-holders;

(k) Commercial and concession uses of the monument;

(l) Maintenance including development of facilities, construction and maintenance of roads, trails, campsites, and other developments outlined in the Monument Management Plan.

5. The Commission would adopt its own bylaws. In developing the bylaws, one issue the Commission should consider is whether it will proceed on the basis of making decisions by consensus rather than by vote. An initial major priority for the Commission will be to participate in the development of the Monument Management Plan within three years, or as directed by the Presidential Proclamation.

C. Final Authority of the Secretaries

Final decision-making authority rests with the Secretaries. At the same time, as is customarily done, much secretarial-level authority will be delegated to the Monument Manager for decisions in the first instance. A main objective of management at Bears Ears would be to encourage the creativity and excellent decision-making that can come from successful collaboration between the Monument Manager and the Commission.

D. Duration

The parties may, by mutual consent, modify this agreement at any time. The agreement will remain in full force until the management plan directed by the Presidential Proclamation becomes final. After the management plan becomes final, the agreement would continue in effect until terminated by one of the parties. Any party could terminate the agreement by providing 60-day written notice to the other parties. Upon notice of termination, the parties should meet promptly, in person, to discuss the reasons for the notice and use their best efforts to resolve their differences.

LVARTFAWN@GMAIL.COM
(925) 400-3154
FAWNART.ORG
FAWN DOUGLAS
ARTIST

February 18, 2015: Community Meeting

Conservation bill could block Yucca rail route, but prospects shaky

Writer: Henry Brean
Published: February 19, 2015 12:27a.m.; Updated: February 19, 2015 6:59p.m.

Though its sponsors insist it wasn't their intent, a Nevada lands bill pending in Congress could throw up another road block to a Yucca Mountain Project.

The legislation, introduced last year by U.S. Sen. Harry Reid, would restrict mining and energy exploration on more than 800,000 acres of federal land in two lonesome valleys straddling Lincoln and Nye counties

The Senate Minority Leader has said he wants to withdraw the land in Garden and Coal valleys to protect "City," noted artist Michael Heizer's sprawling earth sculptor roughly the size of the National Mall. Supporters of the bill want a national monument dedicated to "City" and to the pristine basin-and-range landscape around it.

The designation would also block a future rail corridor for nuclear waste shipments to the proposed Yucca Mountain repository, which Reid spokeswoman Kristen Orthman acknowledged Wednesday while saying Yucca Mountain is not why Reid introduced the bill or decided to target so much land for withdrawal. That's just a welcome side-effect, Orthman said.

Rep. Dina Titus, D-Nev., who quietly introduced a House version of the bill last week, also said Yucca Mountain has nothing to do with it.

Motivations aside, the legislation faces an uphill battle in a GOP-led Congress already pushing back against such lands bills. Rep. Cresent Hardy, R-Nev., has vowed to fight the bill and a measure, also sponsored by Reid, to designate 350,000 acres at Gold Butte in northeastern Clark County a conservation area. Both areas are in Hardy's congressional district.

The two bills also are drawing opposition from local officials and some rural residents.

And the push for increased protection of Gold Butte is further complicated by the lingering dispute between federal authorities and Cliven Bundy, whose cattle roam the area in defiance of court orders and aborted government round-ups.

Titus said she still hopes to work on the lands bills with Hardy, whom she described as "more open" to protecting Gold Butte than in the past.

On Wednesday, Titus and Reid hosted a "conversation about conservation" in Las Vegas for an audience of several hundred.

The enthusiastic crowd packed the jury assembly room at the Lloyd George U.S. Courthouse to celebrate the new Tule Springs Fossil Beds National Monument at the northern edge of the Las Vegas Valley and to call for the protection of Gold Butte and Garden and Coal valleys.

The preservation pep rally was for the benefit of Michael Connor, the deputy U.S. secretary of interior, who had just toured Tule Springs.

Gold Butte, less than 100 miles northeast of Las Vegas, is in particular need of preservation, said Reid via video link from Washington, where he is recovering from eye surgery.

"What a loss it would be if we didn't protect it," he said. "If we don't do something, it will be gone in a matter of decades."

Titus, in person, said the lands must be preserved "for us, for the whole country and for generations to come."

Art lovers argue that Heizer's masterwork warrants special protection and could become a World Heritage site one day. "City" has been described as one of the most ambitious pieces of art ever, a network of sculpted berms, plazas and geometric shapes a 1.5 miles long and 900 feet wide inspired by ancient cities of South and Central America.

For a piece like that, "you need the scale of Nevada," said Michael Govan, head of the Los Angeles County Museum of Art. "It is almost finished, and that's why its protection is so paramount."

Several dozen people spoke of what Gold Butte, Tule Springs and the lonely valleys of the southern Great Basin mean to them.

Just one person opposed the conservation measures. The man, who called himself "John Q. Public," railed against the treatment of Bundy and criticized the government for trying to kick the public off public land.

The audience hissed and booed and shouted him down, receiving an obscene gesture in return.

http://www.reviewjournal.com/news/water-environment/conservation-bill-could-block-yucca-rail-route-prospects-shaky

Let's Talk Mesquite
Where Communities Communicate

#NVLeg Special Report: This Land Is Our Land

Writer: Andrew Davey
Published: February 19, 2015

Every so often, I can hear Woody Guthrie singing when I travel to and through the wide open expanses of Nevada (that is, when I'm not hearing "Wide Open Spaces", one of my favorite Dixie Chicks songs). This land is your land. This land is my land. This land was made for you & me.

When did we lose track of this very American dream? When did "this land is made for you & me" become "controversial"?

Ever since Cliven Bundy launched his "Range War" against the rule of law, his extreme "TEA Party" allies have been trying to "shift the Overton Window" and make the concept of public lands seem "controversial". Bundy's buddies in the Nevada Legislature are pushing SJR 1 to demand the federal government transfer wide swaths of federal public land to the State of Nevada so the state can turn the land over to developers and other commercial interests. And US Rep. Cresent Hardy (R-Mesquite) vows to "fight tooth and nail" any attempt by US Senator Harry Reid (D) to secure federal protection for Gold Butte.

Yet when Senator Reid and US Rep. Dina Titus (D-Paradise) held a joint community meeting on the state of Nevada's public lands, the crowd gathered at the Lloyd George Federal Building in Downtown Las Vegas expressed overwhelming support for preserving Gold Butte, Tule Springs, and Garden Valley (in Lincoln County).

Mesquite community leaders, such as Former City Council Member Karl Gustaveson and current Virgin Valley Water District Board Member Sandra Ramaker, spoke in favor of creating a National Conservation Area (NCA) for Gold Butte. So did the Nevada Resort Association's Virginia Valentine. So did Sean Fellows on behalf of Sig Rogich and Rogich Communications. So did local business leader & philanthropist Jenna Morton. So did the Las Vegas Convention & Visitors Authority (LVCVA). And so did Paiute Nation tribal leaders. And so did many more Southern Nevadans.

Democrats, Nonpartisans, and Republicans all stated their support for federal protection for Nevada's environmental treasures at Lloyd George yesterday. Educators, students, art lovers, history buffs, health care professionals, business executives, sportsmen, hikers, and others from all walks of life professed their love for Nevada's natural wonders… And their desire to keep these wonders public and preserved.

Really, the only opposition came from someone who was referring to himself as "John Q. Public". He spoke of Harry Reid's "BLM goons", being forced into "gay marriage", "abortion on demand", "environmental junk science", "domestic terrorists", and the kind of material one typically hears from the "black helicopter" crowd.

I had heard from several folks at Grant Sawyer who were concerned about Bundy supporters causing a scene at the event. But in the end, only "John Q. Public" rose to make his nonsensical rant before making a dramatic (yet peaceful) exit.

So why are Cresent Hardy and several Republican state legislators behaving as if most Nevadans agree with the Bundy Bunch and "John Q. Public"? Why are they claiming they have some sort of mandate to privatize these critical public resources?

This land is your land. This land is my land. This land is all our land. Nevada was made for you and me.

http://letstalknevada.com/nvleg-special-report-this-land-is-our-land

ProgressNow Nevada Thank You Ad

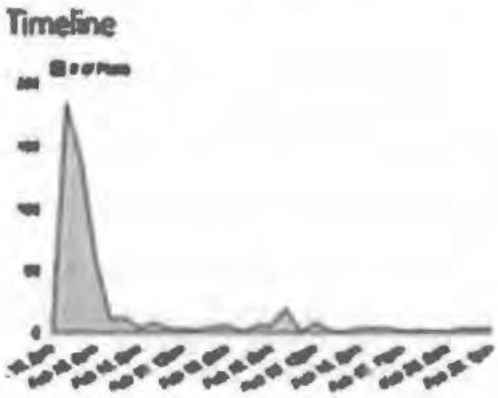
Published: February 20, 2015

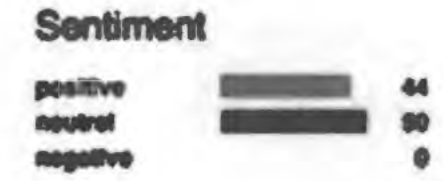
Social Media Coverage: February 19-20, 2015 Public Meeting in Las Vegas

https://storify.com/jackieomdb/southern-nevada-conversation-on-conservation

#ProtectNV Social Media Impressions
February 17 - 20th

510	137	415,594	1,014,968
posts	users	reach	impressions





Greenwire

Obama flexes muscles on resources with eye on legacy

Writer: Phil Taylor, E&E reporter
Published: February 23, 2015

President Obama has quickly built a hefty portfolio on natural resource issues.

In the last two years, Obama has designated or expanded a dozen national monuments, preserved more than 1.1 million acres in the West and moved to permanently ban drilling in the oil-rich Arctic National Wildlife Refuge.

And in the last month he's proposed the biggest expansion of offshore oil and gas exploration in a generation, paving the way for drilling rigs to plumb mostly virgin waters from Virginia to Georgia, while permitting the first oil production in the nation's largest petroleum reserve. Last Friday, his administration unveiled major rules governing Arctic oil exploration.

While Obama still has nearly two years left in the White House, his allies and critics are already sizing up his record on resources -- and thinking about what's to come.

If history is any indication, Obama's pace of executive actions on lands and waters could accelerate.

Consider that President Clinton in his last year in office designated or expanded 18 of his 19 national monuments, permanently setting aside more than 3.3 million acres, according to National Park Service **data**.

Obama last week designated three new monuments covering 22,000 acres in Illinois, Colorado and Hawaii, calling parks, monuments and waters the "birthright of all Americans."

Other major land and energy decisions are fast approaching:

- The administration will decide in coming months whether to permit Royal Dutch Shell PLC to drill in the relatively pristine Chukchi Sea off Alaska's North Slope, where there are an estimated 15 billion barrels of oil.
- The Bureau of Land Management will write or finalize major rules governing hydraulic fracturing, methane venting and flaring, and royalties.
- And BLM will finalize unprecedented new protections for sage grouse across tens of millions of acres of Western rangelands, an effort some conservationists are comparing to Clinton's sweeping 2001 roadless rule.

"What Obama is doing is setting a platform for action over the next two years," said Bill Meadows, former president of the Wilderness Society. "There's so much more that can be done, and I think he's enjoying it."

Not enjoying Obama's action: Republican lawmakers.

"This White House has shown once again its utter and complete disdain for the public process, Congress and the communities most impacted by these unilateral, unchecked land designations," House Natural Resources Chairman Rob Bishop (R-Utah) said after Obama's monuments announcement last week. "Obama has sidelined the American public and bulldozed transparency."

While Republicans accuse Obama of flouting Congress and putting a regulatory muzzle on the nation's energy renaissance, they appear powerless to stop him.

The 1906 Antiquities Act gives presidents almost unchecked powers to ban oil drilling, mining and logging across enormous swaths of the American West. Clinton famously used the law in 1996 to designate the 1.7-million-acre Grand Staircase-Escalante National Monument in southern Utah,

blocking development of a massive coal deposit and enraging lawmakers in the Beehive State.

Obama has so far used the law more diplomatically, designating monuments only where there is broad political support and, incidentally, only in states that voted for him in 2012.

He's used the act 16 times, setting aside land at a faster clip than Clinton, but with fewer acres. But it's tough to draw comparisons, since every acre conserved is not equal.

A big test will be whether Obama will protect landscapes in hostile territory -- such as the half-million-acre Boulder-White Clouds in central Idaho and nearly 2 million acres surrounding Canyonlands National Park in Utah. Republican lawmakers in those states are urging Obama to stand down as they seek legislative protections.

But top Obama aides say the president has plenty of ink in his pen for creating monuments if Congress fails to act.

Green groups are also seeking protections of 1.7 million acres surrounding the Grand Canyon, more than 1 million acres in the Southern California desert and 350,000 acres of Nevada's Gold Butte, a vast desert of multihued rocks, petroglyphs and slot canyons.

Obama getting 'the hang of it'

Conservationists say Obama has gone from timid to bold on resource issues.

They point to Obama's proposal last month to designate some 12 million acres of the Arctic National Wildlife Refuge as wilderness -- barring access to an estimated 10 billion barrels of oil that Alaskan officials badly want to supply the depleted Trans-Alaskan Pipeline System.

The move was symbolic, since only Congress can decide whether the refuge is opened to drilling. But it reversed a Reagan administration plan seeking full oil and gas development in the 1.5-million-acre coastal plain -- a major policy stamp for the next 15 years.

And in contrast with the Fish and Wildlife Service's draft ANWR wilderness proposal -- which was quietly unveiled in August 2011, barely getting noticed in the media -- Obama and his advisers touted the final wilderness plan with gusto. Interior Secretary Sally Jewell and Chief of Staff Tommy Beaudreau stopped by the Washington, D.C., headquarters of the Alaska Wilderness League to celebrate the proposal.

It was a poke in the eye to the Alaska congressional delegation, including Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska).

"He's growing more comfortable using the administrative powers at his disposal," said Mike Matz, director of U.S. public lands for the Pew Charitable Trusts. "His administration has gotten ... the hang of it."

Matz credited John Podesta, the president's senior counselor on global warming, who founded the liberal Center for American Progress, for prodding Obama to act. Podesta in summer 2012, while at CAP, called monument designations "good politics," arguing they could burnish Obama's re-election bid in key Western battleground states. The ANWR announcement came at a politically advantageous time, given that gasoline prices were plunging as domestic oil production in the Lower 48 soared.

Former Interior Secretary Bruce Babbitt played a similar role with Clinton by challenging the 42nd president to match the conservation achievements of past commanders in chief, Matz said.

"In Obama, you had another instigator in John Podesta," Matz said. "You need someone who can make the administration comfortable up and down the ranks."

Greens question whether Obama will keep up the momentum as key staffers depart and the administration heads for the home stretch.

Podesta left the White House this month to join Hillary Clinton's political team as she considers jumping into the 2016 presidential race. And Mike Boots, the acting chairman of the White House Council on Environmental Quality, who is viewed as another champion for land protections, plans to leave the administration in March.

In addition, Obama is already laying claim to protecting more land and waters than any other president. The claim is true if you count the president's decision last September to expand the Pacific Remote Islands Marine National Monument to more than 490,000 square miles.

Some conservationists fear he'll rest on his laurels. But others see new allies arriving at the White House.

A fresh arrival hailed by green groups is Christy Goldfuss, a former National Park Service political appointee who worked under Podesta at CAP, who is being groomed to take the helm at CEQ, sources said.

Environmentalists are also enthusiastic about Michael Degnan, a former Sierra Club representative, and Angela Barranco, who are both at CEQ, as well as Jewell's Deputy Chief of Staff Nikki Buffa, BLM Director Neil Kornze, and Agriculture Department Undersecretary for Natural Resources and Environment Robert Bonnie.

Last Wednesday, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Senate Minority Leader Harry Reid (D-Nev.) and Rep. Dina Titus (D-Nev.) to discuss their proposals to protect more than 1 million acres at Gold Butte and at Garden and Coal valleys, which include remote archaeological sites and a massive public art project.

Connor's attendance suggests the administration could be considering the area for a future monument. Jewell and Bonnie in December also visited Northern California's Berryessa Snow Mountain region, where conservationists are clamoring for a 350,000-acre monument designation.

'Not a love fest'

Douglas Brinkley, a history professor at Rice University who has written extensively on land conservation, said Obama must act with more pluck to rival Clinton's conservation legacy.

Neither president will rival the achievements of Theodore Roosevelt, Franklin Roosevelt, John Kennedy, Lyndon Johnson or Jimmy Carter, who make up the "Mount Rushmore" of land conservation, according to Brinkley.

But Obama, who has already earned the title of "the climate change president," faces few political risks in pushing the conservation envelope, Brinkley said.

"The political atmosphere couldn't be better for the president to be brave in using the Antiquities Act."

The administration has put its stamp on public lands in more subtle ways, too, by implementing controversial oil and gas leasing reforms in 2010 that were followed by a steep drop in BLM lands leased for drilling, and by yanking 77 George W. Bush-era oil and gas leases that former Interior Secretary Ken Salazar argued were too close to national parks in Utah.

BLM issued 1,157 oil and gas leases in fiscal 2014, a 20 percent drop from the previous year and the lowest amount in at least a quarter-century, according to agency statistics released last month. Over the past five years, the agency has leased an average of 1.5 million acres annually, down significantly from the 4 million acres the George W. Bush administration leased annually during its final five years in office.

Oil production has grown steadily on Western federal lands, but nowhere near as fast as on private tracts overlying shale plays in states like North Dakota and Texas. The administration's critics blame BLM red tape, while others attribute the discrepancy to geology.

Natural gas production has dropped steadily on federal lands -- even as it has soared elsewhere -- and oil production has fallen under Obama's watch in the Gulf of Mexico, though some of the drop can

be attributed to the halt in drilling following the 2010 Deepwater Horizon spill.

"[For] people pushing for more government control and less extraction on federal lands, Obama is their savior," said Dan Kish, senior vice president for the Institute for Energy Research, a free-market advocacy group. "He's basically given them all they want and more."

Oil backers offered tempered praise for Obama's decision last month to open the Atlantic Ocean to future leasing, though they blasted his decision to ban development within 50 miles of shore, a restriction some fear will preclude exploration altogether.

The leasing proposal "slams the door on industry and on new jobs, increased economic activity, added revenue and strengthened energy security," said Randall Luthi, president of the National Ocean Industries Association.

But Meadows, the Wilderness Society former president, said Obama is far from a conservationist lap dog. Obama's "all of the above" energy platform has included a heavy emphasis on natural gas drilling, coal leasing in Wyoming and drilling in the Arctic Ocean, Meadows said. "This is not a love fest by any means," he said.

'Very pragmatic'

According to Paul Bledsoe, a former Clinton Interior official, Obama has been "bullish" on the future of oil and gas development.

The administration has implemented unprecedented safety reforms in the Gulf of Mexico and is preparing two major rules governing hydraulic fracturing and the venting and flaring of methane -- moves that should facilitate continued development of federal minerals, he said.

"The Obama administration has reformed and improved the safety and environmental sustainability of oil and gas development on public lands and waters more profoundly than any other recent president," Bledsoe said. "This administration, in my view, has been very pro-oil and gas development, even while protecting pristine landscapes from development and creating a record area of new national monuments."

Bledsoe said it is politically remarkable that less than five years after the BP PLC oil spill in the Gulf of Mexico, the administration is poised to open the Atlantic.

Moreover, the administration has taken a flexible approach to conserving the greater sage grouse, Bledsoe said, by taking lessons from the northern spotted owl, whose protection under the Endangered Species Act in the early 1990s led to dramatic reductions in logging.

"They're very pragmatic," Bledsoe said. "It's a window into the adaptability of the Obama administration's view of conservation broadly."

LAS VEGAS SUN

Protect Nevada's future by securing our past, preserving our lands

Guest Writer: Isaac Barron
Published: February 27, 2015 2 a.m.

There is true economic and communal value in protecting public lands.

Sen. Harry Reid and Rep. Dina Titus recently held a public meeting to gather our community's input on the opportunities to preserve Nevada's public lands. Our diverse community attended the meeting in numbers demonstrating our shared love for open spaces and public lands. I appreciated this opportunity to speak on behalf of the community I represent in North Las Vegas and the students I teach and advise at Rancho High School. I want to thank our national leaders for hosting this discussion and protecting our community's interests.

The recently designated Tule Springs National Monument will be an economic catalyst for our region. The unique urban nature of Tule Springs will support local economic growth by attracting more tourists to our region as well as enticing tourists to stay longer to explore our newest national treasure. Tule Springs provides a unique border by surrounding the northern edges of North Las Vegas and the greater Las Vegas Valley. This protective border to our community will attract more families and increase the quality of life for our residents.

These economic benefits also can be experienced in cities such as Mesquite and Alamo as they fight to permanently protect the spectacular lands and cultural resources in their communities. Nevada has been blessed with a bounty of natural beauty and archeological artifacts; it has a wealth of places worthy of permanent protection as administratively designated national monuments.

I love to be outdoors. I try to get out every hunting season with my family to bond and grow together. We have loved to fish, camp and get outdoors for years now. The open spaces surrounding our valley offer the chance to unwind, find oneself, and commune with nature and family. I want to see the same opportunity to enjoy the natural and historical resources afforded to our future generations.

As a teacher at Rancho High School and as a father, I know the experience of recreation on public lands can positively influence a child's development and life. Witnessing the awe-inspiring beauty of rolling hills and majestic mountains can give a child a new perspective and help them overcome the adversity faced in their day-to-day lives. As an educator, I know firsthand the issues that some of our youths face, and helping them is my passion.

We need to ensure everyone has the opportunity to enjoy our public lands today and that the future generations I have the pleasure of educating every day do too. Protecting areas such as Tule Springs, Gold Butte, and Basin and Range Province will not only preserve traditions of hunting and camping, but will also serve to recognize the importance of public lands to our culture, our families and our economy.

Isaac Barron is a teacher at Rancho High School and a North Las Vegas councilman representing Ward 1.

"Nevada is working to conserve its natural lands"

Writer: Valdemar González
Published: February 28, 215

Everyone knows Las Vegas for its hotels and casinos, shows and entertainment services. Although many also know the beauty of surrounding natural areas like Lake Mead or Red Rock Canyon, few know that work is continuing to protect more public lands.

The major national parks like the Grand Canyon were not established overnight, nor easily, and this is also true for smaller areas like the new Tule Springs in Southern Nevada. At the end of last year, Congress passed a law protecting Nevada's lands which created the Tule Spring Fossil Beds National Monument. El Mundo covered the ceremony where Senator Harry Reid, Representative Dina Titus and now former Representative Steven Horsford established this national monument.

According to information from the office of Senator Reid, Tule Springs, with more than 22,000 acres, contains the greatest number of animal fossils from the Ice Age in the Southwest area of the country.

Thanks to the legislative work of Reid, Titus and Horsford, who voted to pass this law, Southern Nevada now has a natural area protected for its archeological and scientific value, but which is also available for recreation, which means tourism, which drives the largest sector of the local economy.

In this vein, the struggle continues for a law designating the Gold Butte area a natural monument in North Las Vegas. Senator Harry Reid and then Representative Steven Horsford – both Democrats – brought the bill for federal protection of Gold Butte, a site which must be protected for the enjoyment of the people now and for future generations according to North Las Vegas Councilman Isaac Barrón, perhaps its strongest supporter.

If Congress approves the bill to protect Gold Butte, it will put Gold Butte on the tourism map, so that visitors from afar will have another reason to visit Las Vegas. Councilman Barrón has also said that he considers it an ideal place for residents of North Las Vegas and the rest of the valley to spend time outdoors with their families.

On February 18, 2015, Senator Reid and Representative Titus held a public forum regarding conservation of Nevada's natural resources, where Barrón championed the necessity for a law to protect Gold Butte.

http://issuu.com/elmundolv/docs/em-lv_20150228_a

Protecting Nevada Lands

Guest Writer: Tim Castille, Mesquite
Published: March 8, 2015

To the Editor:

Thank you for the article about the public lands meeting hosted by Sen. Harry Reid and Rep. Dina Titus ("Lands bill could hamper Yucca Mountain Project," Feb. 20 Review-Journal). I attended the meeting, and the room was packed with Southern Nevada residents who expressed overwhelming support for public lands protection.

It was heartening to see people of all ages and backgrounds attest their love and appreciation for Gold Butte, Tule Springs and the Great Basin. Given the turnout at the meeting, the numerous testimonials made by people in support of public lands and the noticeable lack of opposition, I believe that this is not an issue that has two sides. It seems to me that all Nevadans love their public lands, and there is overwhelming support for protecting these treasured places.

http://m.reviewjournal.com/opinion/letters-construction-defect-law-full-flaws

LAS VEGAS SUN

A monumental push: Reid plans to designate two more areas for protection

Wrtier: Amber Phillips
Published: April 19, 2015

Until late last year, environmentalists' and tourism officials' dream of Congress bestowing a national monument outside Las Vegas seemed like a long shot.

A bill to protect almost 23,000 acres of prehistoric fossil beds outside North Las Vegas had languished in Congress for several years.

But thanks in part to Sen. Harry Reid's behind-the-scenes jockeying in 2014, Tule Springs National Monument is becoming a reality.

Now Reid is pushing for two more national monuments in Nevada to protect more than 1 million acres of desert outside Las Vegas.

Three national monuments within a four-hour drive from the Strip would be beyond tourism officials' wildest dreams. But such a turn of events would be a nightmare for many Nevada Republicans, and they may not be able to stop it from happening.

What is a national monument?

Designation as a national monument offers one of the highest levels of federal protection for a swath of land in America. Congress or the president create monuments to protect land with historical or cultural significance. Examples include Mount Rushmore in South Dakota and Ford's Theater in Washington, D.C., where Abraham Lincoln was assassinated.

National monuments differ slightly from national parks in that the parks, such as the Grand Canyon, are created to protect educational or scenic land.

What does Reid want to protect?

Reid reintroduced a bill in January that would create a conservation area over 350,000 acres of desert scrub near Gold Butte, the mining ghost town northeast of Lake Mead. The area's colorful rocks, canyons and petroglyphs are popular with hikers, bikers and off-roaders.

Reid also reintroduced a bill that would withdraw 800,000 acres of land in Lincoln and Nye counties from oil and gas drilling. The move would ensure that Nevada artist Michael Heizer could protect "City," a miles-long Earth sculpture he has carved and built in the desert over decades.

Democratic Rep. Dina Titus recently introduced two similar bills in the House of Representatives. But the bills have almost no chance of advancing in Congress during Reid's remaining 21 months in office. His next-best option is to convince President Barack Obama to protect the land by designating it part of two new national monuments.

Why is this controversial?

The Republican-controlled Congress is reluctant to hand the federal government control of so much land and close it off to development, particularly energy development in rural Clark, Lincoln and Nye counties.

The Gold Butte proposal is particularly contentious because it covers the land where Bunkerville rancher Cliven Bundy led an armed standoff with federal officials last year.

Republican Sen. Dean Heller introduced legislation with Nevada's three House Republicans to take away the president's power to create national monuments.

"If it's something the state government wants, the local government wants, the federal government wants, that's fine," Heller said. "I just want things to go through the process."

But Reid appears to be forging ahead, making his case in public meetings and letters to administration officials. In February, he and Titus invited a high-ranking official from the Department of the Interior to a public meeting in Southern Nevada filled with supporters in favor of protecting the land.

"Legislation has always been Reid's priority, but he's not opposed to designations," Reid spokeswoman Kristen Orthman said.

What will happen?

There's a very real chance Reid could get his wish and see Obama designate two new national monuments in Southern Nevada before both leave office in January 2017.

Reid has gathered a diverse and powerful group of supporters: the Las Vegas Convention and Visitors Authority, Nevada Resort Association, wilderness activists, MGM Resorts International CEO Jim Murren and Barrick Gold Corp.

The president, whose administration has designated 16 national monuments since 2009, tends to choose projects that have strong local support and a clear public input process, said Matt Keller, of the Wilderness Society.

"It's a challenge to move these things, and lawmakers have to find openings when they have them," Keller said.
Reid already is credited with creating Northern Nevada's Great Basin national park and more than 60 protected wilderness areas. Leaving a 30-year career in the U.S. Senate with three national monuments to his name would be the capstone of Reid's environmental legacy.

"These are our lands," he told KNPR. "They are federal lands. They belong to everybody in America."

http://m.lasvegassun.com/news/2015/apr/19/reid-making-monumental-push/

July 30, 2015:
Public Rally

Conservationists, company rally to protect Gold Butte

Writer: By Henry Brean
Published: July 30, 2015

Two monuments down, one to go.

That was the message from conservationists Thursday during a rally at the downtown headquarters of Zappos meant to spur momentum for the protection of Gold Butte in northeastern Clark County.

The roughly 350,000-acre area two hours northeast of Las Vegas is home to ancient rock art galleries, sweeping desert vistas and twisted fields of pastel-colored sandstone hemmed in by Lake Mead and the Grand Canyon.

Longtime local environmental advocate John Hiatt said it's the sort of place that would already be a national park if it existed in almost any other state. "The petroglyphs in that area outshine anywhere else in Southern Nevada," he said.

The conservation community has been pushing for national recognition of Gold Butte for more than a decade. What they got instead was a pair of new monuments elsewhere in Nevada.

In December, bipartisan legislation led to the creation of Tule Springs Fossil Beds National Monument at the northern edge of Las Vegas. Then on July 10, President Barack Obama used his authority under the Antiquities Act of 1906 to designate Basin and Range National Monument on 704,000 acres of remote Lincoln and Nye counties over the objections of rural officials and Nevada Republicans in Congress.

Now conservationists want to shift attention back to Gold Butte, and this time their push has some corporate oomph behind it.

Thursday's event was part of a new campaign called "Live Monumental" by Oregon-based KEEN Footwear. It was the first stop on a cross-country road trip the shoe company is sponsoring to drum up support and gather petition signatures for Gold Butte and four other places it considers monument-caliber: Boulder-White Clouds, Idaho; Owyhee Canyonlands, Ore.; Mojave Trails, Calif.; and Birthplace of Rivers, W.Va.

Kirsten Blackburn from KEEN said the company picked Gold Butte for its campaign after consulting with the Conservation Lands Foundation and other national preservation groups.

But the effort faces opposition from Republican lawmakers and one other major obstacle: The area is also home to several hundred cattle left to roam on federal land by a certain well-known Clark County rancher.

"Gold Butte is an incredibly complicated situation now. It's always been difficult, but with the Cliven Bundy situation, it's even more difficult," Hiatt said.

In 2014, the Bureau of Land Management moved to round up Bundy's livestock, but the operation was hastily canceled and the cattle released after an armed standoff between federal authorities and Bundy supporters.

Since then, BLM scarcely patrols the area, which has opened the door for an increase in litter, fence cutting and damage from off-road vehicles, said Jaina Moan, executive director of the nonprofit group Friends of Gold Butte.

"I think the need for protection is increasing and enhanced," she said.

In January, U.S. Sen. Harry Reid, D-Nev., introduced a bill to create Gold Butte National Conservation Area on almost 350,000 acres. The

area would be administered, as it is now, by the BLM, and roughly a third of it would be designated as wilderness.

Rep. Dina Titus, D-Nev., introduced a House version in February. Neither bill has advanced out of committee.

Nevada's congressional delegation remains deeply divided over the idea.

Republican U.S. Sen. Dean Heller has publicly warned Obama against unilateral action on Gold Butte, "a region of our state where tensions are already presently high."

And Rep. Cresent Hardy, R-Nev., has promised to "fight tooth and nail" against the proposed wilderness designations or any other new restrictions in an area he thinks is just fine the way it is.

With opposition like that, Hiatt said, "there's no possible way" Gold Butte will win congressional approval, so it's likely to take more cajoling from Reid and another executive action by Obama to make it a national monument.

"He just did a big one in Nevada. Will he be willing to do another? I don't think anybody knows," Hiatt said. "Senator Reid has been able to pull a rabbit out of the hat on more than one occasion."

But outdoor activist Terri Robertson, a founding member of the Friends of Gold Butte, hasn't given up on Congress just yet.

She said a lot of time and effort went into crafting the current bills, which would not only designate Gold Butte as a national conservation area but also preserve some 500 miles of existing roads and many of the current uses in the area.

Roberston said opponents like Hardy and Heller should consider getting behind the legislation or risk ending up with a presidential decree they might find even more disagreeable.

http: 'www.reviewjournal.com news conservationists-company-rally-protect-gold-butte

#LiveMonumental Update: Las Vegas and Gold Butte

Writer: Staff Blogger
Published: July 31, 2015
#LiveMonumental Update: Las Vegas and Gold Butte

What happens in Vegas…will hopefully not stay in Vegas!

We had such a great turnout for our event over at Zappos HQ with Friends of Nevada Wilderness joining us…and we hope to keep that momentum going! Over 500 people showed up to enjoy an ice cream cone, get a t-shirt designed by KEEN ambassador Jeremy Collins, get some pint glasses and other swag courtesy of Klean Kanteen and the Conservation Alliance, take a spin on the climbing wall provided by Zappos, and of course, sign their names to the Live Monumental petition to enact five new national monuments! From Las Vegas, we headed out to Gold Butte with Zappos to get some hiking in, but we ran into a few bus troubles on our way.

The RV broke down on the way to Mt. Charleston, but luckily our friends at Zappos were there to help us out and we were back on the road in no time! We trekked on toward a blue moon (two moons in a month) hike at Newspaper Rock. The next one isn't going to happen for another three years, so the team decided to capitalize on the opportunity! On the way to that, we got caught in a flash flood that sidetracked us for a little while, but we finally made it! All the hiccups along the way made this hike even more worth it.

Getting to see all these amazing areas across the U.S. is just one of the reasons why #LiveMonumental is so important to us. With this campaign, we want to share those experiences and preserve the areas that make them possible. Please visitLiveMonumental.com to sign, spread the word, and help us reach 100,000 signatures to let Washington, D.C. know that public lands are important to us.

http://blog.keenfootwear.com/blog/2015/07/31/livemonumental-update-las-vegas/

NEWS 88.9 knpr
NEVADA PUBLIC RADIO HD Radio

Group Steps Up Efforts To Preserve Gold Butte

Writer: Casey Morell
Published: August 03, 2015

A new push to make the Gold Butte region a preservation site is taking place.

The Live Monumental campaign is part of a nationwide effort from non-profits and private industry to federally protect five different areas in the country, including Gold Butte.

Jaina Moan, the executive director of Friends of Gold Butte, told KNPR's State of Nevada that the area is a beautiful example of Nevada's Mojave Desert. "Gold butte is a treasure trove of cultural and natural wonders," she said "It is a very special place for many Southern Nevadans."

The area is about 350,000 acres between the Arizona border and Lake Mead National Recreation Area about two hours northeast of Las Vegas. It is currently managed by the Bureau of Land Management. Moan said it is home to ancient petroglyphs, sandstone features, desert mountainscapes and sensitive plant and animal species.

Both Sen. Harry Reid, D-NV., and Rep. Dina Titus, D-NV., have introduced bills aimed at protecting the area but so far it hasn't happened. However, Sen. Dean Heller, R-NV., sent a letter to President Barack Obama asking for it not to be designated as a national monument because of concerns it "would escalate anger and frustrations with the Department of the Interior government in a region of our state where tensions are already presently high."

Gold Butte is close to Bunkerville where rancher Cliven Bundy and supporters faced off with BLM agents in April 2014. The standoff was sparked by a dispute over Bundy's cattle and whether he had to pay grazing fees to the federal government. For many, the dispute centered on whether the federal government could manage lands in the state.

Moan said the added attention the area has received as meant more people are going there and some visitors are doing more damage.

"It's clear now that we must call on our congressional leaders and the administration to take whatever steps necessary to ensure that this area is permanently protected," she said.

However, Moan said protection would not mean an end to people using Gold Butte for recreational purposes, like ATV's. She said the bills introduced by Reid and Titus still allow people to use 500 miles of roads for ATV's and other vehicles.

The efforts of Moan's group have received national attention thanks to the Live Monumental campaign sponsored by Keen Footwear.

The maker of sports-focused footwear is on a two-month tour of the country, looking to collect 100,000 signatures on a petition asking lawmakers to designate Gold Butte and five other areas as national monuments.

Hundreds of people showed up for the tour stop last week at the Zappos.com headquarters in downtown Las Vegas. To Moan, those numbers show just how supportive the community is of the designation.

"I think that southern Nevadans want their public lands protected," Moan said.

http://knpr.org/knpr/2015-08/group-steps-efforts-preserve-gold-butte

EL TIEMPO

Buscan preservar zona de Gold Butte

Writer: Anthony Avellaneda
Published: August 14, 2015

Decenas de personas se reunieron en las instalaciones del edificio Zappos Campus para solicitar la protección permanente del área Gold Butte, una zona natural e histórica ubicada en el Condado de Clark.

El área de 'Gold Butte' se encuentra a menos de dos horas de Las Vegas y cuenta con una extensión territorial de 350,000 hectáreas, este lugar fue habitado hace más de 3,000 años por nativos americanos, motivos por los cuáles es importante preservar dicha área para distintas empresas y organizaciones como 'Battle Born Progress'.

La subdirectora de Battle Born Progress, Jocelyn Torres argumentó que, "Este evento es parte de una excursión que está haciendo está compañía de zapatos para tratar de convencer al departamento de interior y al presidente Obama de que protejan permanentemente el área de Gold Butte. Este lugar tiene muchos elementos que deben ser protegidos como la tierra, naturaleza, los animales que habitan en esa área, también hay partes culturales e históricas de los indios nativos como pinturas en las piedras".

Durante el evento, se explicó que se deben tomar acciones para preservar este lugar como un monumento nacional, se busca que haya vigilancia constante en la zona, limpieza, personal de atención y señales para instruir a los visitantes.

"El proceso es un poco confuso, se puede proteger mediante un acto del presidente, él puede decir que esa área debe ser protegida como monumento nacional y firmar dicha proclamación. Otro conducto es por el congreso, el cual tendría el proceso igual que cualquier otra ley", acotó Torres.

Al evento asistieron distintos representantes gubernamentales como Isaac Barrón, concejal del Distrito 1 de North Las Vegas, quién explicó que la preservación de esta zona podría traer cuantiosos beneficios para los habitantes de Nevada.

"Estos lugares repercuten a la comunidad en temas económicos, estamos hablando de millones de dólares que se pueden explotar cuando la gente sale a disfrutar de nuestra riqueza natural. Al mismo tiempo debemos usarlo con mucha responsabilidad en estos terrenos que tenemos se ve un desierto imponente pero a su vez es un medio ambiente muy frágil que no tiene ninguna manera de repararse", dijo el concejal.

"Lo que hacemos ahora para proteger y preservar es algo que es de mucha importancia, no solo para nosotros, hijos y nietos, sino también para las generaciones que aún no han nacido y nosotros tenemos el deber de proteger nuestros terrenos para que ellos también lo puedan disfrutar", mencionó Isaac Barrón.

En el evento se expuso que en el área de Gold Butte se han encontrado distintos objetos que según especialistas fueron propiedad de los primeros nativos americanos, tales como abrigos rocosos, escrituras y pinturas rupestres, atractivos que podrían ser utilizados como un importante impacto turístico.
El integrante de la organización Sierra Club, Christian Gerlach compartió con El Tiempo otro motivo más por el cual se debe proteger dicho lugar.

"Esa área es muy importante para el mismo Lago Mead ya que ayuda a llenar el Río Colorado, se abastecen mediante otros sistemas de cuencas hidráulicas para formar los dos ríos, debajo de Gold Butte hay mucha agua y se tiene que preservar esa área para asegurarnos de que los ciclos naturales hidráulicos sigan como van ahora", detalló Gerlach.
El representante y organizador de Sierra Club también señaló que hacer construcciones de desarrollo urbano o destrucción en esa zona del

desierto tendría severas repercusiones, además destacó la importancia de preservar la historia del lugar.

"Tiene mucha historia para los latinos, desde los años 1700's hay campamentos de españoles que estuvieron ahí. Hay que unirnos en estos temas para proteger la tierra, solo tenemos un planeta, un lugar para nuestra especie, si lo desperdiciamos no vamos a tener otro método para sobrevivir por eso debemos tener un balance del desarrollo, civilización y la naturaleza", concretó Gerlach.

http: eltiempolv.com/noticias buscan-preservar-zona-gold-butte

April 7, 2016:
Senate Floor Speech

United States Senator for Nevada
HARRY REID
DEMOCRATIC LEADER | REID.SENATE.GOV | /SENATORREID | @SENATORREID

Senator Reid's Floor Speech: We Must Protect Nevada's Gold Butte, Lands Across America

Speaker: Senator Reid
Published: April 7, 2016

"Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot – or will not. Many of our current national parks were created using this authority… Unfortunately, many Senate Republicans want to undermine the Antiquities Act. They refuse to defend our cultural and historic antiquities that are being systematically destroyed."

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs. These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House. And there's no guarantee we'll get it done. We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

Washington, D.C. – Nevada Senator Harry Reid spoke on the Senate floor today about the need to protect and preserve Gold Butte in Nevada and other sites throughout the nation. Below are his remarks:

I'm grateful that the presiding officer today is from the state of Nevada, my friend, the junior Senator from Nevada. When I think of home, I think of the desert.

You can't talk about Nevada as a desert only, even though the vast majority of the state is a very arid place. We also have the beautiful Sierra Nevada Mountains, the Ruby Mountains. We are the most mountainous state in the union except Alaska with 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. We have one mountain that we share with California that is almost 14,000 feet high. It is a beautiful state.

But today, I'm going to focus on some of those arid places, places where I was born and raised. Having been back here in Washington for such a long time – 37 years – I think of the blue skies that are so prevalent in Nevada. They hover over a canvas. No one could paint a picture as beautiful as that, of these mountains in the middle of the desert, these Joshua trees or of the sagebrush.
It is that beauty that's drawing thousands of visitors to Nevada and Nevada's wilderness every year. Yesterday, the Reno Gazette-Journal wrote an article reporting how important this industry is to our country:

"The big time solitude found in the big empty spaces of the western U.S. generates big money for regional economies.

"That's according to a study that attempts to put a dollar value on 'quiet recreation' on Bureau of Land Management property.

"It found that sports like hiking and mountain biking on BLM land generated more than $1.8 billion in spending in 2014, that's roughly equivalent to two months of gambling revenue in Las Vegas casinos."

Our public lands are jewels that we must protect.

To its credit, the Bureau of Land Management and their dedicated employees do a remarkable job in safeguarding these national treasures so that Americans can enjoy them.

When I was first elected, the Bureau of Land Management was on par with the internal revenue service. No one liked them. Now they are admired. They've done a remarkably good job to take care of public lands.

John Sterling, the Executive Director of The Conservation Alliance, told the Reno Gazette-Journal, quote:

"The BLM is the final frontier for a primitive experience on our public lands. They represent the future of outdoor recreation."

Most Americans are familiar with what happened earlier this year in Oregon. The Malheur National Wildlife Refuge in Oregon was taken over. A dangerous group of militants staged an armed takeover of the refuge, they came with their canvas shirts and their camouflage pants and their guns and their all-terrain vehicles to take over the federal property. And they did. They damaged the refuge to the tune of about, maybe $20 million: defecating on some of the ruins in the facility and stopping the Native Americans from being able to do their annual fishing.

This particular episode of domestic terrorism has roots in Nevada, I'm sorry to say. They were led by the sons of Cliven Bundy. Cliven who, as we speak, is where he should be – in jail. Two of his sons are in jail, too, having participated in the unlawful takeover. Cliven Bundy is a Nevadan who has been breaking federal laws for decades.

I'm disappointed that some of my colleagues supported this outrageous lawbreaker. Teddy Roosevelt created this national wildlife refuge in Oregon. This radical president, Theodore Roosevelt – and I say that sarcastically because he wasn't. He was a great president. He created this refuge in 1908. Roosevelt used the tools at his disposal as president – including the Antiquities Act – to protect our national heritage so that generations of Americans could enjoy it.

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Reid promises designation where Bundy cows roam

Writer: Phil Taylor

Published: April 7, 2016

Senate Minority Leader Harry Reid (D-Nev.) today said he'll coax President Obama to designate hundreds of thousands of acres of scenic Nevada desert surrounding Cliven Bundy's ranch as a national monument, a move Reid said is now possible thanks to the rancher's recent arrest.

Reid has previously pushed legislation to designate a 350,000-acre Gold Butte National Conservation Area as well as 220,000 acres of wilderness protections within it, but it has stalled without the support of Sen. Dean Heller (R-NV).

"Because of this legislation and now the fact that the Bundys are all in jail, I'm going to reach out to the White House, and I guarantee we'll get it done," Reid said in a speech this morning on the Senate floor. "That's for sure, to see if President Obama will protect this area."

Reid's office later issued a press release walking back the senator's statement, saying there's "no guarantee" the president will act.

"We'll see if President Obama will protect this area," Reid said in the written statement.

Gold Butte, an arid mesa of Joshua trees, creosote bushes and Native American petroglyphs, is a favorite spot for hikers and campers thanks to its proximity to Las Vegas about 80 miles to the southwest.

Bundy for decades has used the lands to graze hundreds of cattle without a permit, stifling government restoration efforts and scientific research. When the Bureau of Land Management tried to remove the cattle two years ago, Bundy enlisted hundreds of supporters -- scores of them armed -- to force the agency to retreat.

Conservation groups, including the footwear company Keen, have been prodding Obama to protect the area using his authority under the 1906 Antiquities Act.

Reid's involvement is notable, given his sway in the Oval Office. Reid took credit for prodding Obama last summer to designate the 700,000-acre Basin and Range National Monument in Nevada, a sweeping expanse of rugged mountains and sagebrush valleys that encompasses artist Michael Heizer's massive "City" project.

Last summer, Reid, who is set to retire at the end of this session, told the Las Vegas Review-Journal he was taking a break from pushing executive protections and would let the Gold Butte proposal "work its way through the system."

It appears that with the FBI's arrest of Bundy on Feb. 10 in Portland, Ore., and separate arrests of four of his sons, his bodyguard and roughly a dozen others involved in the 2014 Gold Butte standoff, Reid has changed his stance.

The monument proposal is clearly on the White House's radar. In February 2015, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Reid and Rep. Dina Titus (D-Nev.) to discuss their proposals to protect Nevada's public lands, including Gold Butte.

Such a designation would be controversial given Republican opposition to the president's use of the Antiquities Act, and particularly given Gold Butte's symbolism as a rallying point for anti-government activists.

An email to a Heller spokesman was not immediately returned this morning, but the senator has long opposed a monument designation.

"The use of your authority under the Antiquities Act would not serve the area well and would escalate anger and frustrations with the Department of the

Interior government in a region of our state where tensions are already presently high," Heller said in a letter to Obama in summer 2014.

Republicans are trying to include language in this year's spending bills that would restrict Obama's ability to ban energy development and mining under the act.

Reid this morning argued protections are needed to preserve Gold Butte's tribal sites and its "stunning" Joshua trees. He displayed photos of petroglyphs he said had been drawn over, shot at and stolen.

Obama "has the authority, as any president does, to stop this sort of destruction and stop it now," Reid said. "Congress created the Antiquities Act to empower the president to protect our culture, our historic and natural resources when and where Congress cannot or will not."

Monument designations do not appropriate more money to federal lands agencies, but they do tend to give protected lands higher priority when agencies allocate funding and personnel like law enforcement.

Obama has used the act 22 times to set aside 265 million acres of federally administered lands and waters, more than any other president. Excluding his ocean monuments, Obama has protected nearly 4 million acres of Western land, more than all other presidents except Jimmy Carter and Bill Clinton.

Reid yesterday touted a report commissioned by the Small Business Majority, a left-leaning advocacy group, that highlighted the local economic benefits of national monuments designated by Obama (Greenwire, April 6).

Harry Reid attacks Bundys on Senate floor, calls for Gold Butte protection

Writer: Jeff German
Published: April 7, 2016

With the "outrageous lawbreaker" Cliven Bundy and four of his sons in custody, U.S. Sen. Harry Reid of Nevada took to the Senate floor Thursday to renew his push to preserve the scenic Gold Butte area northeast of Las Vegas.

Reid proposed a congressional bill in 2013 to create a national conservation area at Gold Butte, a region of rugged mountains, sandstone ridges and Native American petroglyphs.

But the bill has stalled, and the Democratic leader in his Senate speech accused the defiant Bundy family of blocking daily efforts by federal officers to protect the land.

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities, were prevented from doing their jobs," he said. "These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

The senator still has hopes that President Barack Obama will preserve Gold Butte, something he has the power to do under the law. Obama has made such declarations in the past to protect federal land in Nevada.

Reid also called attention in his speech to the armed takeover of a government wildlife refuge in Oregon earlier this year "by a dangerous group of militants" that included Bundy family members.

"This particular episode of domestic terrorism has roots in Nevada, I'm sorry to say," Reid told his colleagues. "They were led by the sons of Cliven Bundy. Cliven who, as we speak, is where he should be — in jail."

Reid said the Bundy patriarch has been "breaking federal laws for decades," adding, "I'm disappointed that some of my colleagues supported this outrageous lawbreaker."

Bundy is in federal custody facing 16 felony charges stemming from the April 12, 2014, armed standoff with law enforcement near his Bunkerville ranch, which is part of the Gold Butte area.

In court papers earlier this week, his defense lawyer, Joel Hansen, called Bundy a political prisoner — like the late South African president and civil rights activist Nelson Mandela — who is being punished for exercising his First Amendment rights.

"Harry Reid's comments just serve to prove that Cliven and his sons and the rest of the cowboys who came there (Bunkerville) to help are political prisoners," Hansen said Thursday. "Now we have one of the most powerful men in America, Harry Reid, saying that they ought to be in prison.

"Is Harry Reid the judge in this case or is he trying to improperly influence and poison the jury pool so that they will follow his opinion when they get to the jury box?"

Bundy, 69, and 18 other people, including four of his sons, were charged in a federal indictment in Las Vegas last month in connection with the 2014 Bunkerville showdown.

All 19 defendants have been ordered held without bail as dangers to the community.
The defendants are alleged to have participated in a "massive armed assault" on Bureau of Land Management officers trying to round up Bundy cattle being grazed illegally on federal land.

TPM

Reid Blasts Bundys On Floor, Wants NV Standoff Site To Be Nat'l Monument

Writer: Lauren Fox

Published: April 7, 2016

Senate Minority Leader Harry Reid (D-NV) on Thursday renewed his calls to make a national monument out of Gold Butte, the site of the 2014 Bundy Ranch standoff in Nevada where Cliven Bundy had illegally grazed his cattle for decades.

Reid announced on the floor that he plans to ask President Barack Obama to use his authority granted under the Antiquities Act to protect that land. The minority leader argued the protection could come at a fortuitous time, as several members of the Bundy family are jailed for their roles in both the 2014 standoff and the takeover of the Malheur Wildlife Refuge earlier this year in rural Oregon. Family patriarch Cliven Bundy is also being held in Nevada on assault and federal conspiracy charges tracing back to the 2014 standoff near his family's ranch.

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs," Reid said on the floor. "It was about 19 of them that have been indicted. Most of them are still in jail where they belong...[workers] have been under constant physical and mental threat for doing what the American people asked them to do."

The national monument Reid is asking for would stretch roughly 100 miles, beyond the site of the 2014 standoff. The land is currently jointly managed by Clark County and the Bureau of Land Management. Grazing is not legal on the land, and if the land is granted monument status it still won't be legal to graze there.

Reid had introduced legislation in the past to protect Gold Butte, as The Las Vegas Sun chronicled, but it faces long odds in a Republican-controlled Congress. Reid has since turned to asking the President to deem the area a national monument.

http://talkingpointsmemo.com/livewire/reid-bundy-ranch-national-monument

The Spectrum

Nevada senator wants historic site to be designated as a national monument

Writer: Lucas Thomas
Published: April 7, 2016

Nevada Democratic Sen. Harry Reid on Thursday morning resumed his quest to gain permanent protection for Gold Butte near Mesquite.

Speaking on the Senate floor, where he displayed multiple pictures that showed both the area's stunning beauty and signs of graffiti and vandalism to the vibrant sandstone formations and Joshua trees, Reid called on President Barack Obama to use the Antiquities Act to take executive action to preserve Gold Butte. With "the Bundys and their pals" in jail, Reid said he believed the time was right to "reach out to the White House."

"We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now," Reid said. "Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot — or will not. Many of our current national parks were created using this authority."

The Antiquities Act allows the president to designate any landmark, structure or area of historical significance as a national monument. Obama has already used the Antiquities Act once in Nevada, in 2015, by designating the Basin and Range National Monument.

Reid has long been the face of the effort to protect Gold Butte, an expansive chunk of land that is now classified as a National Area of Critical Environmental Concern. In 2013 and 2015, he sponsored legislation titled "Gold Butte National Conservation Area Act," which would have established the area as a protected site. Attempts to pass legislation have been met by opponents who believe the federal government already controls too much of Nevada's land.

For that reason, Reid's communications director, Kristen Orthman, said the senator is determined to take his latest effort directly to the president.

"When was the last time a land bill moved through Congress?" Orthman asked rhetorically.

Efforts to protect Gold Butte have been complicated in recent years by Bunkerville rancher Cliven Bundy, whom Reid described as an "outrageous lawbreaker" who "illegally grazed his cattle" in an area that is supposed to be managed by the Bureau of Land Management. He also blasted the Bundy family's involvement in this year's "armed takeover" of the Malheur National Wildlife Refuge in Oregon, equating their actions to "domestic terrorism."

Following a 2014 standoff with federal authorities at Bundy's ranch, which borders Gold Butte, the BLM ceased active management at Gold Butte for fear of violence, according to officials.

"... The federal employees tasked with safely guarding these antiquities were prevented from doing their jobs," Reid said. "These employees have been under constant physical and mental threat for doing what the American people have tasked them to do. Petroglyphs are being destroyed, drawn over, shot at and stolen.

Now, however, Reid said Bundy is "where he should be — in jail."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House," he said.

When a national monument is designated, the federal government assumes control of that land and can make decisions to control the land without the

need for congressional approval. Opponents, including Nevada Republican Rep. Cresent Hardy, view this action as a land-grab; proponents argue it is a necessity to ensure the future use of public lands. A compromise has eluded for more than a decade.

"Sen. Reid has introduced bills in congress, and it just continues to stall out," said Jaina Moan, executive director of the Friends of Gold Butte, a non-profit organization with a mission to achieve permanent protection for Gold Butte's biological, geological and cultural resources through education, community outreach and advocacy. "So having the ability for Obama to designate it a national monument helps us achieve protection."

In recent years, Moan said, the need for protecting Gold Butte has become more urgent. A #ProtectGoldButte Twitter campaign had 128 followers on Thursday night.

"We can't wait any longer," she told the Desert Valley Times on Thursday. "More people are going out to Gold Butte now, so the damage we've observed has been steadily increasing."

When asked how Reid felt about the chances of Obama taking action, Orthman said the senator was "hopeful."

Moan took it a step further: "I'm optimistic," she said. "I think there are a growing number of people who support protecting Gold Butte."

While she acknowledged opponents of permanent protection of what the Friends describe as Nevada's piece of the Grand Canyon, Moan said "most people who are opposed really don't understand what it means to protect that landscape," but added that there would be an "inclusive democratic process to determine a resource management plan for Gold Butte."

Orthman said there is no timetable for hearing an answer from Obama.

http://www.thespectrum.com/story/news/local/mesquite/2016/04/07/reid-calls-obama-protect-gold-butte/82755512/

ELKO DAILY FREE PRESS

Reid touts Nevada's new national monument

Writer: Staff Writer
Published: April 8, 2016

WASHINGTON (AP) — Harry Reid loves national monuments designated by President Barack Obama.

The Senate Democratic leader on Wednesday highlighted the economic and cultural benefits of monuments, including the 704,000-acre Basin and Range National Monument created last year in Reid's home state of Nevada.

Reid called the area, with its lunar-like landscapes and centuries-old rock art, "stunningly beautiful" and said it "represents the Nevada I love and was born in."

But even as he and fellow Democratic Sen. Martin Heinrich of New Mexico recited benefits brought by the 22 national monuments Obama has created since 2009, Reid could not resist partisan jabs at Republicans, who have accused Obama of sneaky land grabs that bypass Congress and ignore the interests of local residents.

"I don't know what people are complaining about. Maybe they have nothing better to complain about," Reid said at a Capitol Hill news conference.

"There are certain things that need to be done," Reid said, but a "do-nothing Congress led by the Republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

Obama had "no choice" but to step up his use of executive orders — including his authority under the Antiquities Act to protect national monuments, Reid said. "I've been in Congress a long time and there's never been anything like it with this obstruction."

A report released by a business group Wednesday said 10 national monuments created by Obama since 2012 have an economic impact of $156 million a year and support more than 1,800 jobs. The report was compiled by Small Business Majority, a Washington-based advocacy group.

While he appreciates Obama's designation of Basin and Range, Reid says he hopes the president will create at least one more monument in his state, the Gold Butte area in southern Nevada.

The ecologically fragile area is where Nevada rancher Cliven Bundy led an armed standoff against government agents two years ago.

"Now most of them are in jail so maybe we can move forward on that," Reid said.

theguardian

Harry Reid trades insults with Cliven Bundy's wife in battle over standoff site

Writer: Sam Levin
Published: April 9, 2016

Nevada Senator Harry Reid and the wife of jailed rancher Cliven Bundy traded insults this week as the Democratic politician announced he would be pushing to protect the land near the family's property now that Bundy and his sons are behind bars.

"I've tried to protect Gold Butte for a long time," Reid said on Thursday, referring to the region north-east of Las Vegas where Bundy led an infamous standoff with the government in 2014 after years of refusing to pay federal cattle grazing fees.

"And the reason we haven't been able to do anything to this point is … the Bundy boys and his pals," Reid continued. "Because of the fact that the Bundys are in jail, I'm going to reach out to the White House … We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

On Friday, Carol Bundy, Cliven's wife, fired back in a Facebook videowhile critics of Reid alleged that he was plotting a "federal land grab" by the Bundy ranch.

Reid's previous legislative efforts to create a 350,000-acre national conservation area at Gold Butte have failed, and conservative critics throughout the west have accused him of attempting to steal land from families who have long ranched in the area.

In the 1990s, Bundy, now 69, stopped paying grazing taxes to the federal government, arguing it had no authority to restrict land uses. The conflict culminated in a tense armed standoff and Bundy's recent arrest. He and four of his sons are facing serious charges, with federal prosecutors alleging that they led a coordinated assault against government employees.

In the 1990s, Cliven Bundy, now 69, stopped paying grazing taxes to the federal government, arguing it had no authority restricting land uses. Photograph: John Locher/AP.

Two of the sons, Ammon and Ryan, are also facing charges for leading anoccupation of federal buildings in eastern Oregon in another high-profile standoff in protest of government policies. Dozens of the Bundys' supporters are also in jail.

Carol responded to Reid in her video, saying: "What you're doing to my family and to the state of Nevada is absolutely horrible, and I for one am very angry today."

She continued: "I am angry at Harry Reid for thinking that because my men are in jail, it's OK to come now and take … the land that my family has farmed and ranched on for generations."

The Bundy matriarch further challenged the senator to visit the family: "I would like to invite you to come to our ranch. I would like you to come look me square in the eye and tell me that my family and I are domestic terrorists. I would love you to come to my ranch and show me where my family has done any abuse of any kind to this land that we love."

Reid, the Democratic Senate leader, has previously called Bundy supporters "domestic terrorists".

In a phone interview on Friday, Bailey Logue, Cliven's 24-year-old daughter, who runs the family's Facebook page, said she was not surprised by Reid's announcement. "He's an evil, evil man," she said.

Still, she said, "I couldn't believe that he actually put it out there like that… It made me angry."

Logue said her mother's invitation for Reid to visit was sincere. If she had a chance to speak to him, Logue said she would appeal to Reid's religious faith, given that they are both Mormons. "He has a father. He has sons. What would he think if we came out with something like this against his family and his loved ones?" she said.

Obama's designations of national monuments have sparked significant backlash from ranchers and other westerners who say conservation is destroying families' livelihoods. Supporters and environmentalists say the land protections are critical steps in preserving habitats and species and that unregulated cattle-grazing can cause significant damage.

Reid's office did not respond to a request for comment.

http://www.theguardian.com/us-news/2016/apr/08/harry-reid-cliven-bundy-nevada-rancher-armed-standoff

LAS VEGAS SUN

Time to protect Gold Butte

Guest Writer: Jose Witt
Submitted: April 9, 2016

Senator Reid was absolutely right when was quoted as say the "do-nothing Congress led by republicans filibustering everything" has given Obama and congressional Democrats "little opportunity to do things constructively, legislatively."

If Congress won't protect Gold Butte legislatively, like so many locals have been begging for years, then it's time for the President to exercise his executive powers under the Antiquities Act, on behalf of the people and the greater good, and create Gold Butte National Monument. Gold Butte cannot wait any longer. While politicians bicker the damage to ancient petroglyphs and the sensitive desert habitat continues. It's more than a pretty place. Gold Butte is Nevada's piece of the Grand Canyon and our heritage.

Thank you Senator Reid for continuing to fight for our state and for recognizing that land protection is not a partisan issue it's an American one

Let's Talk Mesquite
Where Communities Communicate

Harry Reid Pushes to #ProtectGoldButte

Writer: Elaine Hurd
Published: April 11, 2016

Nevada Democratic Senator Harry Reid took to the U.S. Senate Floor on Thursday (April 7, 2016) to call on President Obama to preserve Gold Butte. Hooray!

Gold Butte is a national treasure which straddles the Virgin and Moapa Valleys in northeast Clark County outside Las Vegas. The area is comprised of about 350,000 acres currently deemed an Area of Critical Environment Concern (ACEC). Harry Reid and Congresswoman Dina Titus have introduced legislation that would designate it a National Conservation Area with Wilderness. Since that legislation has stalled, there has been a push for President Obama to use his executive authority under the Antiquities Act to designate it a National Monument.

On the floor of the U.S. Senate, Reid pointed out that Cliven Bundy and four of his sons are in jail awaiting trial on the April 2014 standoff whereby armed civilian militia stopped Bureau of Land Management contractors from enforcing federal court orders by rounding of Bundy's cattle, which has been illegally grazing cattle there for nearly 20 years.

Reid rightly pointed out that BLM officers have been prevented from protecting the area from vandalism and destruction of delicate desert and ancient Native American petroglyphs. He called the area "stunningly beautiful," which portions of it definitely are.

Reid also condemned the actions of Cliven Bundy and his clan.

You can read the full transcript of Senator Reid's press release HERE. Here are highlights, I encourage you to read the whole speech and view the accompanying pictures:

"Congress created the Antiquities Act to empower the president to protect our cultural, historic and natural resources when and where Congress cannot – or will not. Many of our current national parks were created using this authority… Unfortunately, many Senate Republicans want to undermine the Antiquities Act. They refuse to defend our cultural and historic antiquities that are being systematically destroyed."

"Because of trouble caused by the Bundys and their pals, the federal employees tasked with safely guarding these antiquities were prevented from doing their jobs. These employees have been under constant physical and mental threat for doing what the American people have tasked them to do."

"I've tried to protect Gold Butte for a long time. And the reason we haven't been able to do anything to this point is that the Bundy boys and his pals. So that's why I'm grateful for the Antiquities Act. Because of this legislation and because of the fact that the Bundys are in jail, I'm going to reach out to the White House. And there's no guarantee we'll get it done. We'll see if President Obama will protect this area. He has the authority, as any president does, to stop this sort of destruction and stop it now."

The day before the Senator's Senate Floor Speech on Gold Butte (April 6, 2016), Reid held a press conference about a report compiled by Small Business Majority. President Obama has designated 10 national monuments since 2012 which has had an economic impact of $156 million a year in the surrounding areas along with 1,800 jobs. You can read their findings HERE.

Now that Cliven Bundy is in jail, along with four of his sons, Carol Bundy has become the spokesperson

for the family. Capitalizing on the notoriety of Senator Reid mentioning her family and the blame he cast on the Bundys for destruction at Gold Butte, Carol Bundy answered him by video on the Bundy Ranch facebook page on Friday, April 8. Of course, she challenges Reid's characterization of the Bundys, claims ancestral rights to the land and invites Senator Reid to visit with them.

Court dates are set for Cliven Bundy, Ammon Bundy, Ryan Bundy, Dave Bundy and Mel Bundy over the April 2014 armed civilian standoff between federal officers and the Bundys, along with other co-conspirators also awaiting trial.

Will he or won't he? I guess that is the question. Will President Obama designate Gold Butte as a National Monument? Frankly, I don't know what the argument is about. These are public lands which belong to THE PEOPLE, not the Bundys or other descendants of settlers of the Virgin and Moapa Valleys. PERIOD. It is a vital area with protected plant and animal species, ancient artifacts and rare rock formations. Why let it be destroyed by those who refuse to be governed by laws?

The positive economic impact and benefit to tourism in Mesquite (in particular) is without question.

Gold Butte has been part of the National Monumental Tour, sponsored by Keen. Other Nevada based groups have been pushing for either the National Conservation Area with Wilderness or National Monument designation, including Friends of Gold Butte.

What do the people gain by allowing it to deteriorate? The time to protect Gold Butte is now.

Protection not trash

Guest Writer: Iridane Sanchez
Submitted: April 11, 2016

I just recently learned about the Gold Butte area. Two weeks ago I went out there for the first time to help with a trash pickup. I wasn't expecting to find much, but there was a lot of junk on the side of the road. Beer bottles and cans, shredded tires and old car parts, spent shotgun shells and even a fishing rod! It was estimated we picked up 800 pounds of trash on just a mile or so of that road in a few hours.

I also saw things that I, and probably a lot of people, miss speeding down the highway. It's not all brown dirt, and in spring there are beautiful flowers and plants in every possible color. Gold Butte is surrounded by beautiful protected lands: Lake Mead, the Grand Canyon, and Valley of Fire.

Senator Reid is right, this place is beautiful too. Why isn't it protected from the people who are thoughtless enough to trash it? I hope President Obama will make Gold Butte a National Monument so the land can be taken care of the way it should be.

Desert Valley Times

Gold Butte is well worth saving

Guest Writer: John Dechant

Submitted: April 13, 2016

Senator Harry Reid's move to ask President Obama to use an executive order to permanently protect the Gold Butte area is spot on. (DVTNV, 4/8/16) The area in question has languished in conservation limbo for far too long and something needs to be done soon if the artifacts and antiquities existing there are to be saved. Accomplishing this by presidential fiat is the only likely way that the needed restoration and preservation are going to happen. To try to get this done by submitting legislation to our politicized and paralyzed U. S. House and Senate is a ludicrous notion.

Federal lands such as Gold Butte do not belong to persons, cities, counties, or states. These lands belong to every American and are part of every American's birthright. As such, the only logical overseeing entity is the U.S. Government. I'm aware that that's not a popular statement to make but rational thinking tells me that statement is true. Having seen some of the vandalism and damage referred to in the article, rescue can't come any too soon.

Protecting our national treasures

Guest Writer: Michelle Napoli
Published: April 13, 2016

Your recent coverage helped shine some light on the damage being done in Gold Butte ("Ceremony marks pioneer's return to Gold Butte grave," March 28). An even brighter spotlight would illuminate many more examples of incontinent destruction of this beautiful area's cultural, historic and ecological treasures.

Native American petroglyphs riddled with bullet holes. The senseless chopping down of a defenseless, mature Joshua Tree. Vandalism to nearly 100-year-old horse corrals, relics of the area's pioneer ranching days. These are just a few examples of what is happening in Gold Butte, and the damage is difficult or impossible to reverse. The impact is significant.

But there is another important reason to protect Gold Butte, and it comes down to good old-fashioned economics. The fact is, when our special public lands are preserved and protected, visitorship rises and the surrounding communities benefit financially as a result.

As you noted in your pages last week, a recent study shows that for Nevada's Basin &Range and nine other national monuments designated by President Obama, "the annual economic benefits … include $58 million in labor income per year and roughly 1,820 jobs." ("Reid praises study on economic impact of new national monuments," April 6).

For Mesquite, the closest town to Gold Butte, national monument status means visitors will come to take in Gold Butte — and spend money at restaurants, gas stations, motels and other local businesses before they leave.

Gold Butte is already public land that belongs to you, me, all Nevadans and, indeed, all Americans. But if it is to retain its tremendous biological, historic, recreation and economic benefits, the time to protect Gold Butte as a national monument is now.

http://www.reviewjournal.com/opinion/letters/protecting-our-national-treasures

Social Media Statistics: April 7-15

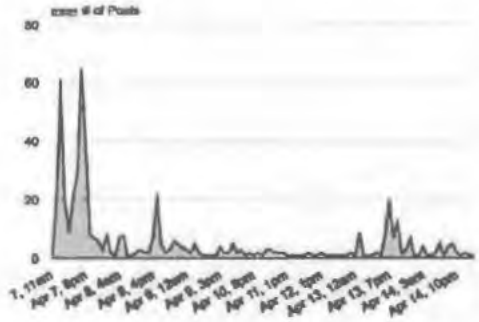
Real-time Tracker: #ProtectGoldButte

Date Range

Apr 7 - Apr 15

560	192	882,758	1,613,035
posts	users	reach	impressions

Timeline



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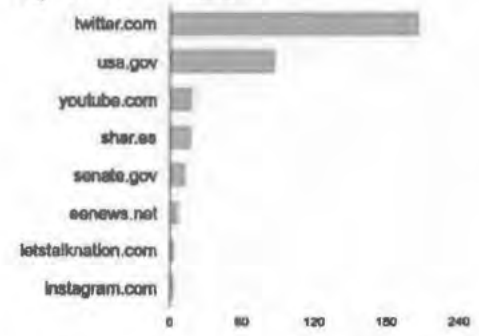

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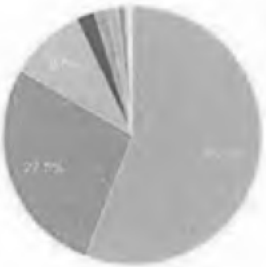

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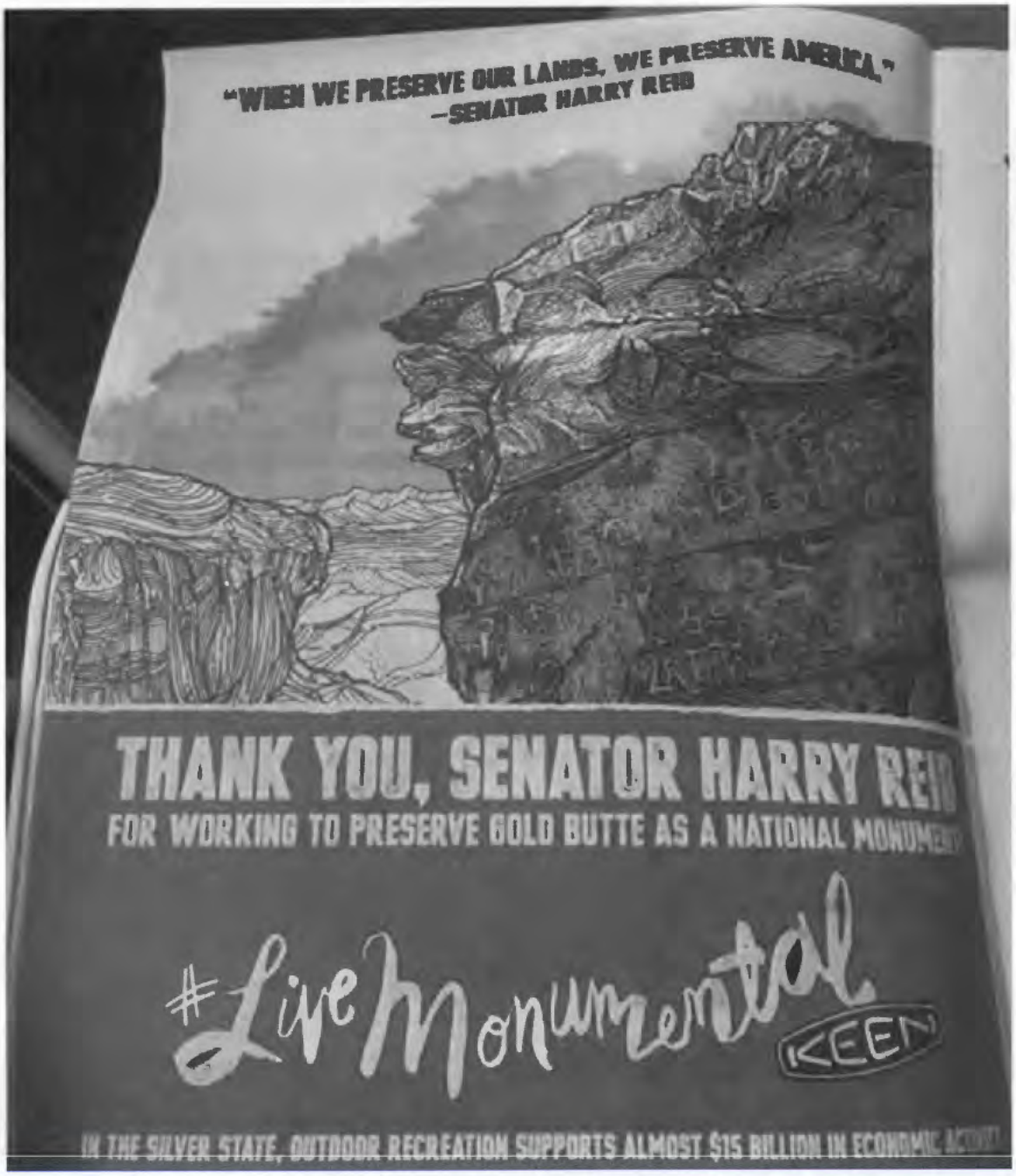
"WHEN WE PRESERVE OUR LANDS, WE PRESERVE AMERICA."
—SENATOR HARRY REID
THANK YOU, SENATOR HARRY REID
FOR WORKING TO PRESERVE GOLD BUTTE AS A NATIONAL MONUMENT
#LiveMonumental
KEEN
IN THE SILVER STATE, OUTDOOR RECREATION SUPPORTS ALMOST $15 BILLION IN ECONOMIC

August 18, 2016:

Damage Report Press Conference

The Spectrum

Obama's environmental legacy: Some 24 national monuments

Writer: Kevin Freeking
Published: August 15, 2016

WASHINGTON - The race is on to win President Barack Obama's attention as he puts some final touches on his environmental legacy.

Conservation groups, American Indian tribes and federal lawmakers are urging his administration to preserve millions of acres as national monuments. Such a designation often prevents new drilling and mining on public lands, or the construction of new roads and utility lines.

The flurry of activity is creating enthusiasm — and tensions — in several parts of the country.

Efforts are underway in Utah, Arizona, Nevada, Maine and elsewhere to get Obama to designate new national monuments. Proponents aren't just focused on land. They're also looking to greater protections for vast swaths of ocean bottom off the coasts of New England, California and Hawaii.

Obama has created or expanded 24 national monuments during his seven-and-a-half-year tenure, the most of any president. Almost nobody thinks he's done yet. Environmental groups are urging him to go big as he leaves office.

"What he's done in terms of protection has been good, but what he does next is how we measure whether his legacy is great or not," said Sharon Buccino of the Natural Resources Defense Council.

Proponents of the various monument proposals know that the next administration will have other immediate priorities. Some presidents, including Richard Nixon, Ronald Reagan and George H.W. Bush, never exercised their powers to designate national monuments through the 1906 Antiquities Act. The proponents recognize the window of opportunity could be closing for several years.

They're also aware that Obama's immediate predecessors, Presidents Bill Clinton and George W. Bush, waited almost exclusively until their final months in office to designate national monuments, so there is a chance Obama will become even more active.

That's disconcerting for many members in Congress, particularly Republicans, who say the Antiquities Act wasn't designed to bolster a president's legacy.

"Presidents are starting to abuse this authority as they leave the office. If they actually tried to do this on the first day so that Congress had some ability to respond to it, and the people did, I'd be more comfortable about what their motives are," said GOP Rep. Rob Bishop of Utah, chairman of the House Natural Resources Committee.

Christy Goldfuss, managing director of the White House Council on Environmental Quality, won't discuss specific national monument possibilities, but said Obama "certainly feels we have more to do to protect this planet from climate change, so we'll see how this plays out."

Bishop said lawmakers would work with the administration on additional protections for some public lands, but environmental groups and others are less willing to compromise knowing they can go to the president to get a national monument designation.

"It actually impedes the ability of bringing everyone together knowing the president has this power to create a monument whenever he wants to," Bishop said.

Goldfuss said the administration works to get extensive local feedback before making any monument determination. She and others such as Interior Secretary Sally Jewell and Agriculture Secretary Tom Vilsack feed the president information, but in the end, it's his decision.

"It is all about taking the long view here and recognizing there are things of importance to future generations, and the president is in a good spot to make that determination," Goldfuss said.

Bishop's state is home to perhaps the most talked about effort, the proposed Bears Ears National Monument.

Utah's Republican-dominated Legislature overwhelming voted for a resolution opposing the monument. Republican Gov. Gary Herbert said a monument designation would bring more visitors but not necessarily more resources, leading to an increase in vandalism and environmental degradation.

Bishop wants instead additional protections for about 1.4 million acres of the Bears Ears area and opening up other lands for gas and oil exploration and recreation.

Matt Keller, the national monuments campaign director for the Wilderness Society, said he believes the prospects for a monument designation in Bears Ears are promising. Jewell's fact-finding trip to the region last month shows the administration is serious about protecting the thousands of artifacts and rock carvings documenting how Native Americans lived through the centuries.

"A big priority for them is protecting lands that are inclusive of diverse populations and tell the story of the American people a little more broadly," Keller said.

http://www.thespectrum.com/story/news/local/2016/08/16/obamas-environmental-legacy-national-monuments/88815464

Obama pressed to establish new national monuments in Nevada, elsewhere

Writer: Henry Brean
Published: August 15, 2016

WASHINGTON — The race is on to win President Barack Obama's attention as he puts some final touches on his environmental legacy. Conservation groups, American Indian tribes and federal lawmakers are urging his administration to preserve millions of acres as national monuments, including an embattled swath of federal land in northeast Clark County known as Gold Butte.

Efforts also are underway in Utah, Arizona and elsewhere to get Obama to flex his presidential authority to set aside land under the 1906 Antiquities Act.

The flurry of activity is creating enthusiasm — and tensions — in several parts of the country.

Obama has created or expanded 24 national monuments during his seven-and-a-half-year tenure, the most of any president.

Twice he has acted to preserve land in Nevada. In December 2014, he signed into law a bill passed by Congress creating the Tule Springs Fossil Beds National Monument on 22,650 acres at the northern edge of the Las Vegas Valley. In July 2015, he invoked the Antiquities Act to designate the Basin and Range National Monument on 704,000 acres in Lincoln and Nye counties.

Almost nobody thinks he's done yet. Environmental groups are urging him to go big as he leaves office.

"What he's done in terms of protection has been good, but what he does next is how we measure whether his legacy is great or not," said Sharon Buccino of the Natural Resources Defense Council.

Proponents of the various monument proposals worry that their window of opportunity could be closing for several years if not longer.

Some presidents, including Richard Nixon, Ronald Reagan and George H.W. Bush, never exercised their powers to create national monuments. Obama's immediate predecessors, Presidents Bill Clinton and George W. Bush, waited almost exclusively until their final months in office to designate monuments, so there is a chance Obama will become even more active.

That's disconcerting for many members in Congress, particularly Republicans, who say the Antiquities Act wasn't designed to bolster a president's legacy.

"Presidents are starting to abuse this authority as they leave the office. If they actually tried to do this on the first day so that Congress had some ability to respond to it, and the people did, I'd be more comfortable about what their motives are," said GOP Rep. Rob Bishop of Utah, chairman of the House Natural Resources Committee.

Christy Goldfuss, managing director of the White House Council on Environmental Quality, won't discuss specific national monument possibilities, but said Obama "certainly feels we have more to do to protect this planet from climate change, so we'll see how this plays out."

The proposed Gold Butte National Monument has its share of support, opposition and complication.

Sen. Harry Reid and Rep. Dina Titus, both Nevada Democrats, back monument protection for the

remote, 350,000-acre landscape of desert plants, pastel-colored sandstone and ancient rock art. Republican members of Nevada's congressional delegation generally oppose the idea of restricting more land use in a state already under so much federal control.

Meanwhile, cattle belonging to jailed rancher Cliven Bundy still roam the Gold Butte area in defiance of three federal court orders and two failed attempts by the Bureau of Land Management to round up the animals.

Dispute also swirls around the proposed Bears Ears National Monument in Utah, where thousands of Native American artifacts and rock carvings recently prompted a fact-finding visit from Interior Secretary Sally Jewell.

The state's Republican-dominated Legislature overwhelmingly voted for a resolution opposing the monument. Republican Gov. Gary Herbert said a monument designation would bring more visitors but not necessarily more resources, leading to an increase in vandalism and environmental degradation.

Bishop instead wants additional protections for about 1.4 million acres of the Bears Ears area while opening up other lands for recreation and oil and gas exploration.

http://www.reviewjournal.com/news/nevada/obama-pressed-establish-new-national-monuments-nevada-elsewhere

Pressure for a new national monument

Writer: Steve Sebelius
Published: August 18, 2016

Senator Reid and Congresswoman Dina Titus are applying the pressure this week. Both want President Obama to declare the Gold Butte area a national monument before he leaves office. Reid says he has talked with the president about it multiple times. The land has been a flashpoint in the debate over who should control public lands. this week on politics now. Dina Titus tells Steve Sebelius about their efforts: "You not only have to designate it, you have to put some resources behind it so you would have some fences, so surveillance, be able to really protect it"

http://my.tvey.es/f4WRj

Jon Ralston interview with Rep. Dian Titus

Writer: Jon Ralston
Published: August 18, 2016

Interview from 0.0 to 5:03

http://www.ktnv.com/ralston

The Spectrum

Reid: Gold Butte National Monument "will happen before the first of the year"

Writer: Jud Burkett
Published: August 18, 2016

LAS VEGAS — Sen. Harry Reid is sure of it: Gold Butte will soon become a national monument.

The Senate Minority Leader, along with Nevada Democratic Rep. Dina Titus, William Anderson, former chairman of the Moapa Band of Paiutes, and representatives from the Las Vegas Convention and Visitors Authority and the Nevada Resort Association, held a press conference on Thursday to announce the release of a new report detailing damage done over the past year at Gold Butte near Mesquite.

Reid told reporters and supporters of the effort to provide greater protection to Gold Butte that he would continue to push President Obama to designate Gold Butte as a national monument and that "it is going to happen before the first of the year."

Reid, who introduced legislation in 2013 that would have designated Gold Butte as a National Conservation Area, said the only reason Gold Butte hadn't already received greater protection was because "Republicans hate public lands."

Gold Butte is an area of about 350,000 acres of public lands that sits between the Overton Arm of Lake Mead National Recreation Area and the Grand Canyon-Parashant National Monument just west of Mesquite. Most of the area is currently designated as an Area of Critical Environmental Concern in order to protect the habitat of endangered desert tortoise and bighorn sheep, along with significant cultural resources in the area like petroglyphs, historic mining sites and pioneer-era artifacts.

Gold Butte is currently under the jurisdiction of the Bureau of Land Management but was left unmanaged and unpatrolled for more than two years following the 2014 standoff between Nevada rancher Cliven Bundy and BLM officials who sought to remove Bundy's cattle from the area.

Bundy has since been arrested in connection with the standoff and his illegal grazing of cattle in Gold Butte, but his livestock still roam the area.

One of the most significant signs of damage detailed in the new report produced by the Friends of Gold Butte, a non-profit group dedicated to achieving permanent protection for the land, is an intensive system of irrigation trenches and livestock watering tanks that have been placed in Gold Butte.

"The appalling thing about it is it's 22 miles of trenching and laying water pipe in the ground," said Jaina Moan, executive director of Friends of Gold Butte. "That's like the width of the Las Vegas Valley. It's a pretty significant thing for somebody to do on a landscape that's designated as an area of critical environmental concern to protect a species that is threatened with extinction."

Other damages detailed in the report include illegal incursions of off-highway vehicles into sensitive areas destroying vegetation and tortoise habitat and significant damage to cultural and historical artifacts in the area, including petroglyph panels that have been riddled with bullet holes.

"For thousands of years, our people have roamed this area. We don't have books. We don't have documents that show where we're from and what we're about," said Anderson. "What we did was we'd tell stories, and we also had other signs like petroglyphs, and we'd pass it on from generation to generation.

"To find out that things are being done there to desecrate the land, to have skeletal remains removed, to have pottery removed, Indian paint removed, to have people actually shoot at the petroglyphs —they have no respect for our culture."

Anderson was particularly upset at vandals who completely removed the ancient rock writing from the area.

"People are cutting into the rock and removing the petroglyphs from the rock. It leaves this empty space where once our people had something that we'd share. To me, I want to share that with my son, and hopefully other generations will be able to share that and say, 'This is our culture; this is our tie to where we're at.'

Titus said the need to protect Gold Butte from further damage is gaining traction, not just among environmentalists but in the Las Vegas business community.

"This is not some new frivolous effort; it's not just a few little greenies wanting to save a patch of the desert out there that's not significant. This is our piece of the Grand Canyon," she said. "This is a place that deserves to be protected. Our business and our industry (leaders) are recognizing it, too. This is about quality of life, and it also brings economic income to the area, especially as we appeal to international tourists who want to come here and visit."

Titus added that greater protections for Gold Butte are favored by a majority of Nevadans, as well.

"A poll shows 71 percent of people across all party lines think this is a good idea," Titus said. "So as we look at the damage done — 22 miles out there of trench that's been dug — we've got to protect it now. We cannot wait another year for another report."

When asked is she felt a monument designation might lead to another standoff and what the government's response might be, Titus said "I think that's already in progress."

She added, "You've seen arrests made; you've seen charges filed; you've seen public opinion shift, even in the neighborhood where the Bundys were in Mesquite. The legitimate ranchers and industry here in Nevada did not support the Bundys because they pay their fees, so I don't think you're gonna have the kind of standoff that you had before. I think those days are over."

While Republicans in Congress have blocked his attempts to legislate further protections for Gold Butte, Reid said, the land deserves to be preserved.

"That little place — a lot of people think is not worth the trouble, not far from Las Vegas — it is stunning in its uniqueness, and it's something we have to preserve and protect," Reid said. "Why hasn't it been done up to this time? I'll tell you why: Republicans hate public lands. They have done everything they can to destroy our ability to work on public lands. Things that used to be routine like naming places, changing boundaries of places, we don't do that now. There's a group of people in the House and the Senate who hate public lands, and they're able to stop everything."

Reid pointed out that there is a way around the GOP and their hatred of public lands, however.

"Theodore Roosevelt, the Republican president, had the same problem a long time ago, and he did something about it," said Reid. "His people checked on it, and there was a law on the books, the Antiquities Act, and he said, 'I'm going to use that. I'm going to go around Congress and do it on my own.'"

Reid said President Obama can and should use that same Antiquities Act.

"I've talked with the president; I'll continue to do so; I'm going to see him again on Thursday," Reid said. "He knows how I feel about this. I've talked to the Secretary of the Interior. We're going to continue pushing this. It's going to happen."

And Reid encouraged those in attendance to continue the push to protect Gold Butte.

"I'm here today to protect part of America, part of Nevada; that is so meaningful that we all should care, as I know we do. So let's be missionaries. Let's tell others how important this is. We need to tell people: Keep your damn hands off of public lands."

http://www.thespectrum.com/story/news/2016/08/18/reid-gold-butte-national-monument-happen-before-first-year/88973730/

Reid says he's 'confident' Obama will designate Gold Butte a national monument

Writer: Michael Scott Davidson
Published: August 18, 2016

U.S. Sen. Harry Reid said Thursday he's "confident" that President Barack Obama will designate Gold Butte as a national monument before leaving office in January.

"It's going to happen," Reid, D-Nev., the Senate minority leader, said to an audience of more than 50 gathered inside Mandalay Bay's Foundation Room.

"We just want it to happen before the first of the year."

Such a designation would be the president's second in Nevada, and would widen federal protections to maintain Gold Butte's historic significance.

Gold Butte lies south of Mesquite near the Arizona border. It is roughly 350,000 acres of government-protected conservation land and wilderness managed by the federal Bureau of Land Management.

The property is home to the desert tortoise, a historic mining town and ancient Native American petroglyphs and artifacts.

But those natural and historical resources are being threatened, a local conservation advocacy group reported.

Reid's remarks came during a press conference to announce the release of the second damage report created by Friends of Gold Butte.

The nonprofit group's executive director, Jaina Moan, said the report documented vandalism, illegal incursions by off-road vehicles and 22 miles of illegal trenches through habitats to lay a water pipe.

"We felt like it was important for people to realize and understand the extent of the damage that was happening out there," Moan said. "We don't believe this is the way you treat our public lands." Neither does Reid.

In 2013 and 2015, he proposed legislation to protect Gold Butte as a National Conservation Area. But the bills did not come to fruition.

On Thursday, Reid made it clear he blamed the Republican Party for the efforts' failures.

"They have done everything they can to destroy our ability to work on public lands," he said.

But Obama can bypass Congress using executive authority under the Antiques Act of 1906 to designate Gold Butte as a national monument. Doing so would allow the property to be managed more like a national park.

Obama has used the power in Nevada before.

In 2015 he designated the 704,000-acre Basin and Range National Monument in remote areas of Lincoln and Nye counties.

Expanding protections for Gold Butte could limit further development and commercial use of the property.

Now with defiant Bunkerville rancher Cliven Bundy and some of his anti-government militia backers in jail, it seems like a prime opportunity for

the Obama administration to step in. In April 2014, Bundy and law enforcement had an armed standoff after federal officials began rounding up Bundy's cattle that were grazing in Gold Butte.

Speaking at Thursday's press conference, Rep. Dina Titus, D-Nev., said it's time for the government to protect the area.

"We cannot wait another year for another (damage) report," she said.

Other lawmakers, including U.S. Sen. Dean Heller, R-Nev., and Congressman Cresent Hardy, R-Nev., have opposed a national monument designation.

"The establishment of any new national monument in the State of Nevada, regardless of location, ought to be considered in the public Congressional process," Heller wrote in an April letter to Obama. "Only through this type of process, not unilateral action by the executive, can we ensure all parties, including those who support and oppose a given measure, have an equal opportunity to voice their opinions."

On Thursday, Heller spokesman Neal Patel said Heller's position has not changed.

Hardy offered a similar view on the issue.

"The Gold Butte stunt we saw on the Strip today further peddled the false narrative that designating a national monument is the only way to protect our public lands," he said in a statement. "I think there's a better way to protect our natural heritage, and it starts by allowing Nevada's elected representatives to have a vote in Congress."

http://m.reviewjournal.com/news/nevada/reid-says-he-s-confident-obama-will-designate-gold-butte-national-monument

KVCR npr 91.9

In Nevada, Tribes Push To Protect Land At The Heart Of Bundy Ranch Standoff

Writer: Kirk Siegler
Published: August 18,2016

When rancher Cliven Bundy claimed his family of Mormon pioneers had "ancestral" rights to the federal land in and around Gold Butte, Nevada, Vernon Lee scoffed.

"As a native, and as the tribe that actually had that land granted by the federal government back in the 1800s, he really doesn't got a right at all," Lee says. "If anybody's got a right it would be the Moapa Band of Paiutes."

A former tribal councilman, Lee is sitting on a lawn chair in the shade of his mobile home on the Moapa River Reservation.

An air conditioner hanging from a side window hums. He swats away flies as he recalls how the tribe's land once included all of Gold Butte, but was later shrunk tenfold by the US Government. Today the reservation is just this small sliver of desert north of Cliven Bundy's place and adjacent to a coal-fired power plant.

"To be quite candid I wish they would give it all back, but realistically that probably won't happen," Lee says.

So the Southern Paiute tribes in Nevada are proposing another plan. Now that Bundy and many of his militia followers have been arrested by federal authorities, they sense a small window of opportunity before President Obama leaves office. They want him to designate Gold Butte as a national monument.

"We want to protect the lands, we want to protect the animals and we want our sacred sites protected," Lee says. "Right now the best thing we can think of is to go on the side of this creation of a monument."

Vandalism of Sacred Sites

Such a designation would be a bittersweet end to an especially rough few years for the tribes. After the armed standoff on the Bundy Ranch, the federal government stopped managing Gold Butte entirely due to safety concerns. Until recently, it was lawless.

Kenny Anderson, cultural director for the Las Vegas Paiute Tribe, recounts a recent walk through Gold Butte with a group of elders.

He noted that the Bundy family's cows are still trespassing in the area.

"There was petroglyphs that they were walking on, there was cow patties everywhere," Anderson says. "And I'm saying, dang, what the heck?"

It's not just the cows that Anderson and other tribal members are concerned about. They've documented evidence of people shooting bullets at ancient petroglyphs carved into rocks, theft of pottery and arrowheads. There are photos of off-road vehicle tracks cutting across plants native people have gathered for centuries to make paint and baskets.

"I don't know if it's because of they weren't told about things like this or maybe they weren't concerned with what history is," Anderson says. "It's a mystery."

Thursday in Las Vegas, tribal leaders joined U.S. Senator Harry Reid and other conservationists to issue a more detailed report of what they say is extensive damage and vandalism in Gold Butte. The event followed a recent announcement that the federal Bureau of Land Management has resumed

its field work in the remote area east of Las Vegas, after a more than two year absence.

Seizing the Moment

In the end, the irony is that the Bundy standoff may end up helping the tribes' cause. There's a lot more public attention being paid to these historical lands than in recent memory. And not just in Nevada either. There's a plan to transfer ownership of the National Bison Range to tribes in Montana. In Utah, five tribes that want to create a massive, jointly-managed national monument have the ear of the Obama Administration.

National monument designations that bypass Congress are hugely controversial. University of Colorado historian Patty Limerick says it's not uncommon for a president to wait until the very last minute.

"Bill Clinton and his secretary of the Interior Bruce Babbit had quite a realistic recognition that the Democrats were not going to be carrying Utah in the 1990s," Limerick says. "So they could go ahead with national monuments, whether or not the people of Utah thought that was a cool idea or not."

In this presidential election year, the politics in a state like Nevada are even more sensitive. And that has a lot of tribal activists like Vernon Lee feeling pessimistic.

"I don't think anybody wants to move and do anything for Indian Country because it's not a popular thing to do," Lee says. "And it's all about the votes."

Lee says in Indian Country, justice is slow to come, if it comes at all.

http: kvernews.org post/nevada-tribes-push-protect-land-heart-bundy-ranch-standoff#stream 0

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Grazers, campers, ATVs damaging Nev.'s Gold Butte — report

Writer: Scott Streater
Published: August 18, 2016

Sensitive federal lands in southeast Nevada near the site of a federal showdown two years ago with rancher Cliven Bundy continue to be damaged by illegal grazing activity, vandals and all-terrain vehicles, according to a report by a conservation group that is pushing for the area to be designated a national monument.

The report, conducted by Friends of Gold Butte and released today at a Las Vegas ceremony attended by Senate Minority Leader Harry Reid (D-Nev.) and Nevada Rep. Dina Titus (D), documents widespread damage to "virgin desert terrain" caused by, among other things, a 22.5-mile network of water tanks, troughs and pipelines that appear to be associated with illegal livestock grazing activity.

The group, which documented the damage during site visits and "field observations" conducted from September 2015 through April 2016, also reports finding "numerous illegal vehicle" tracks from ATVs crossing into environmentally sensitive areas of Gold Butte.

In some instances, fences designed to protect sensitive wildlife and their habitat have been "cut or taken down," apparently by ATV users forging new pathways through the desert. There are so many of these tracks, the report says, "it would be impossible to photograph, catalogue, and maintain data for them all."

All of the damage outlined in the report was documented within the Gold Butte Areas of Critical Environmental Concern (ACEC).

The 350,000-acre area — located about 50 miles northeast of Las Vegas, between the Grand Canyon-Parashant National Monument and the Lake Mead National Recreation Area — is comprised mostly of formally designated ACECs to protect desert tortoise and bighorn sheep.

But the Bureau of Land Management, which designated the Gold Butte ACEC in 1998, has not actively managed the area since the armed standoff between BLM and ranchers in early 2014 "due to safety and security concerns," the agency said in June.

"In the absence of a land management presence, Friends of Gold Butte has witnessed an increasing level of damage near historic and cultural sites as well as disturbance to sensitive desert areas that are habitat for threatened and endangered species," the report says.

The group argues the ongoing damage underscores the need for President Obama to use his authority to designate the area a national monument. Reid has also asked Obama to consider designating Gold Butte a national monument before he leaves office.

"We released this report because we think people need to know the threats to our natural and cultural resources in Gold Butte," said Jaina Moan, Friends of Gold Butte's executive director. "The need to protect Gold Butte is urgent. It needs and deserves a national monument designation."

Moan said Nevada residents for 15 years have been asking that elected officials "find a legislative solution to protect the nationally significant cultural, historic and natural treasures in Gold Butte."

Titus last year sponsored legislation to designate the 350,000-acre Gold Butte National Conservation

Area, designate a portion of those lands as wilderness, and establish a visitor center and field office in Mesquite, Nev. Reid sponsored a companion bill in the Senate.

The bills stalled last year in both Republican-led chambers.

Reid, who described the Gold Butte area as "stunning in its uniqueness," said at the Las Vegas ceremony that he will continue to push Obama to designate the area as a national monument.

"He knows how I feel about this," Reid said. "We're going to continue pushing this. It's going to happen."

The Friends of Gold Butte report hints that the area is a lawless expanse of federal land where people do as they please, much to the detriment of the region's natural resources.

Indeed, the 1,000 or so head of cattle from Bundy's 160-acre ranch in Bunkerville, Nev., are still roaming on federal land in and around the Gold Butte region.

Bundy is currently in jail facing federal felony charges for the 2014 standoff.

BLM has said it has no plans to round up the illegally grazing cattle as the agency works with the Justice Department on the Bundy legal matter.

But the group reports finding "22.5 miles of illegal trenching" used to connect water tanks and troughs across the area.

Construction of this watering network on federal land along the northern and western edges of the Virgin Mountains required the "use of heavy equipment to trench into virgin desert landscape," which the report says "destroys tortoise burrows and habitat" in the conservation area.

"In addition, rusted fuel tanks and large tires serve as water tanks and troughs and have created a trail of toxic, industrial trash across the desert," the report says. That can be seen on Google Earth in one area, the report notes.

A cut fence designed to protect the Horse Spring has allowed "feral burros and cows" to trample the riparian vegetation, the report says. The fence cutting was intentional, it suggests, noting "a salt block has been placed" in the area "to encourage cattle."

At one location on Gold Butte Road near Juanita Springs, the livestock brand "VO" that is used by the Bundy Ranch was "painted on the asphalt." At least five information and direction signs in the area were painted with the "L-V" brand used by the Finicum Ranch.

Ongoing trouble

Today's damage report is the second in the last year; Friends of Gold Butte released the first damage report in August 2015.

That report found a large water tank, a trough and pipelines had been illegally installed in the area, apparently associated with Bundy's illegally grazing livestock (Greenwire, Aug. 19, 2015).

"More water tanks and troughs have been discovered," today's report says.

The second report comes just two months after BLM Director Neil Kornze toured the Gold Butte area for the first time since the 2014 standoff with armed ranchers led by Bundy (Greenwire, June 17).

Kornze wanted to "get a firsthand look" at the damage done by the illegal grazing and other activities, an agency spokesman said, and to assess what needs to be done to repair the lands.

Kornze and other BLM officials touring the area in June found that in addition to the illegal grazing, vandals have caused significant damage to the area, specifically to some of the region's red sandstone formations.

Much of the Whitney Pocket camping area, where Kornze hiked in June, "is littered with toilet paper

and human waste," according to the Friends of Gold Butte report.

Members of the group visiting Whitney Pocket also witnessed a camper dumping "black water with toilet paper from their [recreational vehicle] holding tanks before leaving camp; they also dumped what appears to be motor oil at their campsite."

The report also notes extensive damage to Cabin Canyon Corral — a large stock corral built by ranchers using closely spaced upright posts. Campers, according to the report, "have removed most of the upright posts and used them for firewood, leaving little of the original corral."

At another site, the group found a "freshly chopped down" Joshua tree.

"This damage is egregious and ranges from persistent vehicle incursions into pristine habitat to vandalism to illegal trenching across 22 miles of desert to lay pipe for unauthorized water systems," Moan said. "Protection is the only way for us to truly address all of these issues."

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Tribes push for national monument at site of Bundy standoff

Writer: Kirk Siegler
Published: August 19, 2016

With President Obama's term in office set to draw to a close, Native American tribes are ramping up pressure on the administration to designate several national monuments on federal land in the West to protect archaeological and cultural resources that they consider sacred.

Vernon Lee, a former tribal councilman for the Moapa Band of Paiutes, scoffed when rancher Cliven Bundy began claiming that his family of pioneers had ancestral rights to land on Gold Butte, Nev.

The tribe was granted the land in the 1800s, but the U.S. government has since shrunk its land holdings tenfold. Now, the tribe's reservation is just a small sliver near a coal-fired power plant, north of where Bundy made a standoff against Bureau of Land Management officials in 2014.

"To be quite candid, I wish they would give it all back," Lee said. "But realistically, that probably won't happen."

Instead, the tribe is urging Obama to designate a national monument at Gold Butte, where cow pies and gunshot holes pepper ancient petroglyphs, pottery and arrowheads on the BLM land the tribe was once able to protect.

Tribal activists, however, are pessimistic, especially given the controversy surrounding the administration's national monument proposal at Bears Ears in Utah.

"I can't help but think we're just playing political football," Lee said. "I don't think anybody wants to move and do anything for Indian Country because it's not a popular thing to do, and it's all about the votes"

Let's Talk Mesquite
Where Communities Communicate

Reid, Titus, & Vegas Heavy Hitters Go All In For Gold Butte

Writer: Andrew Davey
Published: August 19, 2016

Yesterday, something incredible happened at The Foundation Room. And no, it had nothing to do with any illicit affairs involving any Hollywood celebrities.

Rather, US Senator Harry Reid (D), Rep. Dina Titus (D-Paradise), & other key Southern Nevada community leaders made it clear where they stand in the ongoing saga over Gold Butte & the Bundys. Yesterday, they made it clear they want President Obama to #ProtectGoldButte before he leaves office.

In front of an audience of local media & Gold Butte advocates, Senator Reid threw down. After sharing a personal story of a favorite hiking spot near Searchlight that would later be lost to development, Reid vowed to everything in his power to ensure the same fate wouldn't fall upon Gold Butte. He then excoriated Congressional Republicans, such as Reps. Cresent Hardy (R-Bunkerville) & Joe Heck (R-Henderson), for blocking nearly every bill aiming to protect environmentally sensitive public lands. And even though Reid didn't mention them by name, it wasn't too difficult to figure out how Senator Reid feels about the #BundyRanch "Range War" against the federal government.

Just before Reid took to the podium to read #BundyRanch to filth, Titus sang the praises of Gold Butte.

But wait, why would the Congresswoman who represents the Fabulous Las Vegas Strip care at all about a plot of open space near the Arizona state line? Titus explained the importance of public lands like Gold Butte for all of Nevada. For one, some of those 42 million tourists who visit Las Vegas every year want to go out and actually experience "The Wild West" for themselves. Why not welcome these visitors with open arms to our beautiful open spaces?

This sentiment was echoed by none other than Virginia Valentine, President of the Nevada Resort Association. She noted how protecting special places like Gold Butte is good for business.

Former Nevada Sheriffs & Chiefs Association President and current Mesquite resident Frank Adams chimed in with another important perspective. Not only does Adams live just a short drive away from Gold Butte, but he's also a registered Republican. So what on earth was he doing at The Foundation Room? For Adams, this isn't a partisan issue.

And that wasn't the only show of unity on top of Mandalay Bay yesterday. Former Chair of the Nevada Band of Paiutes William Anderson explained the significance of Gold Butte for Native Americans. He spoke just after Las Vegas Convention & Visitors Authority (LVCVA) President Rossi Ralenkotter reiterated the economic significance of protecting critical public lands. Both asked for bold action to #ProtectGoldButte before it's too late.

At the end of the program, we were asked to look outside. From a distance, there was Gold Butte. Way out there was the land we were talking about over here. It's way out there, yet it's only about 100 miles away. And as "out there" as it seems, it's a part of our story here.

So how will this story end? Will Gold Butte continue to be the plagued by #BundyRanch lawlessness? Will it be stuck in some sort of odd legal purgatory? Or will it be saved? Will there be a brighter future for "Nevada's Piece of the Grand Canyon"?

Much has been said about the "divisive rancor" that's come to define this election season. Perhaps not enough is being said about what brings Nevadans & Americans together. One such issue is protecting public lands like Gold Butte. So why are certain elected "leaders" treating it like it's "controversial"? And how much more public outcry must there be until The White House takes action?

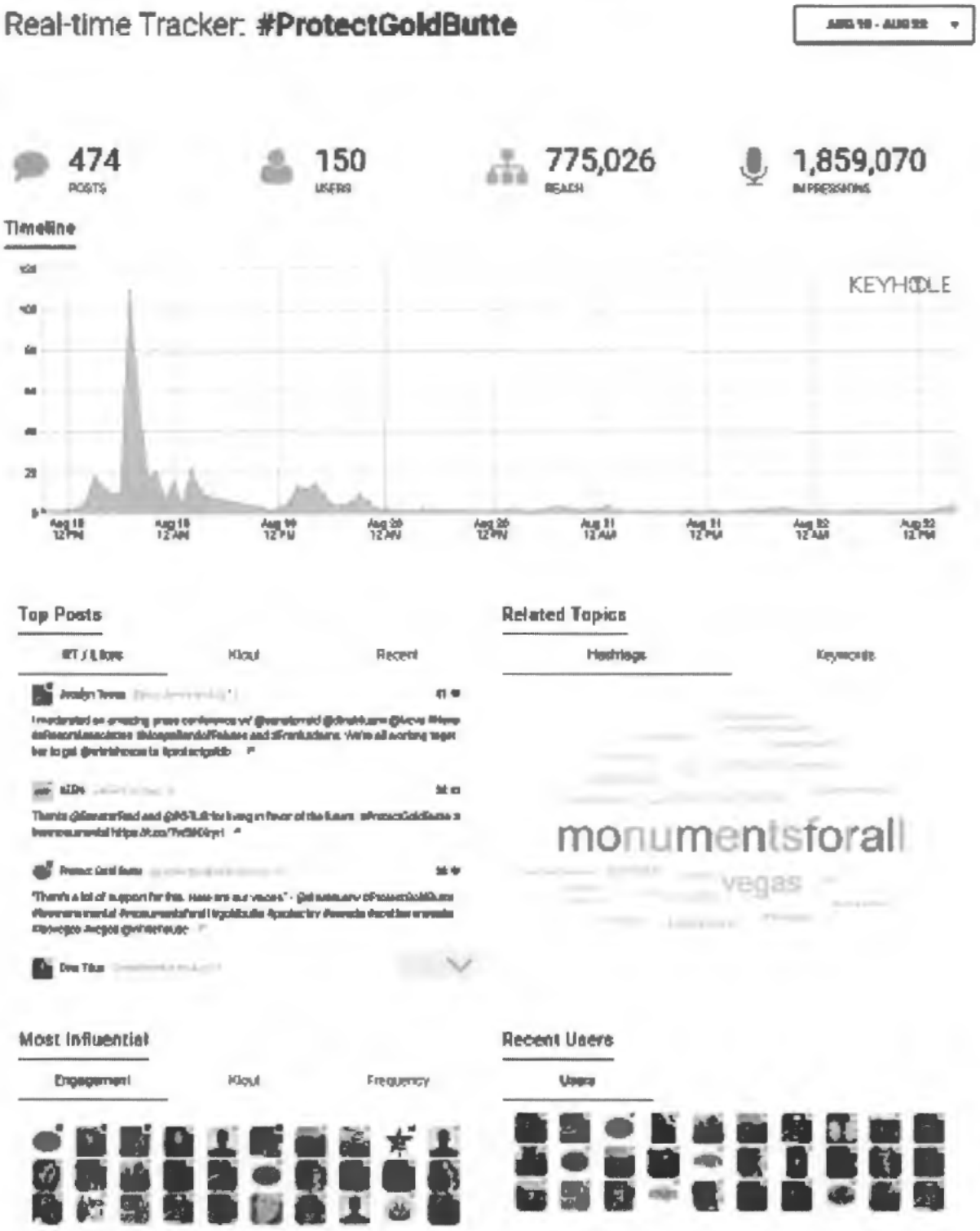
http://letstalknevada.com/author/andrew-davey/

Senator Harry Reid and Rep. Dina Titus are applying the pressure this week to protect Gold Butte

Writer: Steve Sebelius
Published: August 21, 2016

Starting at 9:45 http://www.lasvegasnow.com/news/politics-now-82116

Social media metrics for #protectgoldbutte, August 18-22



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These are the places Obama may protect by January

Writer: Emily Yehle,
Published: October 6, 2016

Earlier this year, President Obama hit a milestone: He designated more monuments than any other president in U.S. history.

Obama has created or expanded 28 national monuments, using his power under the century-old Antiquities Act. In the last two months alone, he quadrupled the size of the Papahānaumokuākea Marine National Monument, set aside 87,000 acres in Maine as the Katahdin Woods and Waters National Monument and created the first marine monument in the Atlantic Ocean.

Most environmentalists think he's not done. Some predict Obama will create three or four more monuments before his term ends.

But which ones?

Under the Antiquities Act, Obama is able to unilaterally set aside federal land. He doesn't have to hold public hearings, get local support or ask Congress.

Obama's willingness to use the act — and the approaching end of his presidency — has also resulted in a steady stream of pitches by conservationists, including for a former artillery range in Texas and seamounts off California's shores.

So far, however, Obama has generally stuck to a pattern before announcing a monument. It usually begins with a proposal from an advocacy group, gains steam in a local public meeting with an administration official and takes shape in legislation from local lawmakers that the White House can build upon.

After a few tweaks, Obama rolls out the announcement with all the attending fanfare. Here are some of the more likely candidates:

California Coastal National Monument

The pitch: President Clinton created the monument in 2000, protecting more than 20,000 small islands and pinnacles along California's 1,100-mile shoreline. Obama expanded it in 2014, but California Democrats want him to now triple its size to encompass more outcroppings and five onshore sites.

Administration visit: BLM Director Neil Kornze attended a public meeting on Sept. 16 (Greenwire, Sept. 20).

Legislation: California lawmakers have introduced competing bills, H.R. 4233 and H.R. 3565. The first, from Rep. Dana Rohrabacher (R), would expand the monument to only incorporate the outcroppings. The latter, from Rep. Lois Capps (D), is the broader proposal that the Obama administration is considering. It would triple the size of the monument, incorporating not just the rocks but also five onshore sites (E&E Daily, May 9).

Bears Ears

The pitch: Conservatives and Native American tribes have asked Obama to protect 1.9 million acres in Utah's southeast corner, calling it the "most significant unprotected cultural landscape." The region — distinguished by the "ears" of twin buttes — includes scenic and archaeologically rich federal lands frequented by tribes who consider it their ancestral home.

Administration visit: Interior Secretary Sally Jewell hosted a public meeting on July 16 in Bluff, Utah (Greenwire, July 18).

Legislation: Utah Republican Reps. Rob Bishop and Jason Chaffetz — chairmen of the House Natural Resources Committee and Oversight and Government Reform Committee, respectively — introduced H.R. 5780 as an alternative to a monument designation. The bill passed the Natural

Resources Committee last month, but it does not have the support of Democrats or the Obama administration (Greenwire, Sept. 22).

Gold Butte

The pitch: Senate Minority Leader Harry Reid (D-Nev.) has long championed protection of these 350,000 acres in Nevada and in August said he was "confident" Obama would make it a national monument. Located near the Arizona border, it is home to the desert tortoise and bighorn sheep, as well as historic mining sites and petroglyphs. It also surrounds the ranch of Cliven Bundy, who used the lands to graze hundreds of cattle without a permit and enlisted supporters to drive away federal officials.

Administration visit: On Feb. 18, 2015, Interior Deputy Secretary Michael Connor traveled to Las Vegas to attend a meeting with Reid and Rep. Dina Titus (D-Nev.). Kornze toured the area in June (Greenwire, June 17).

Legislation: Last year, Reid introduced S. 199 to designate a 350,000-acre Gold Butte National Conservation Area, including 220,000 acres of wilderness. But it has stalled without the support of Sen. Dean Heller (R-Nev.).

Owyhee Canyonlands

The pitch: Conservationists and outdoor businesses have pushed for a monument to preserve the rolling sagebrush hills and sheer desert canyons in southeast Oregon. At 2.5 million acres, the proposed monument would roughly be the size of Yellowstone National Park. But local opposition and raw nerves after the 41-day occupation of nearby Malheur National Wildlife Refuge have stalled its momentum.

Administration visit: In March, Jewell hosted a community meeting in the area, though that was primarily focused on the Malheur occupation (Greenwire, March 21).

Legislation: None.

Greater Grand Canyon National Monument

The pitch: The proposed monument would turn 1.7 million acres surrounding the Grand Canyon into a national monument. Arizona Democratic Rep. Raúl Grijalva, who is the ranking member on the Natural Resources Committee, has urged the designation in part to prevent new uranium mines near Grand Canyon National Park. Polls have found that more than 80 percent of Arizonans and nationwide voters support the monument (E&ENews PM, Sept. 20).

Administration visit: Jewell made a surprise visit to the area in July, stoking speculation (E&ENews PM, July 21).

Legislation: Grijalva has introduced the "Greater Grand Canyon Heritage National Monument Act," along with more than 40 Democratic co-sponsors. H.R. 3882 would protect water, wildlife and Native American cultural sites. It has made little progress due to Republican opposition.

Nevada
M-Gold Butte

MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION
BOX 340
MOAPA, NEVADA 89025
TELEPHONE (702) 865-2787
FAX (702) 865-2875

September 15, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave
Washington DC 20006

Dear President Obama:

The Moapa River Indian Reservation was established in Southern Nevada as two million acres in 1874. The original reservation boundaries included an area today known as Gold Butte. In 1876 our Reservation was reduced to only a thousand acres. In December 1980, under the Carter Administration, an additional 70,000 acres were provided, still leaving Gold Butte far from our current Reservation boundaries.

Gold Butte is a sacred area to our Tribe, and contains abundant petroglyphs, rock art, antiquities, and artifacts. These cultural treasures have been threatened and damaged for several years due to off-road vehicle use, grazing activities, and looting. The area has seen increasing amounts of damage since the standoff between federal officials and the Bundy militia in April of 2014.

Our Tribe has supported legislative proposals submitted to Congress for several years. Our Tribal Council passed a resolution in 2010 that supported Senator Reid's legislation to protect Gold Butte. We have been frustrated as the legislation continues to be stymied in Congress while damage continues to accumulate. Each day that passes without additional protection for Gold Butte puts our culture and traditions at risk.

The Moapa Band of Paiutes formally requests that you use your power under the 1906 Antiquities Act to establish a National Monument at Gold Butte. We ask that the designation include language protecting our special relationship to the land. We look forward to partnering with the Department of Interior to establish a management plan that preserves our sacred sites and antiquities while protecting our tribal member's rights to access the land and practice our traditional lifeways in the area. Our Tribe is a willing partner in the long-term shared stewardship of Gold Butte.

On behalf of all members of the Moapa Band of Paiutes Tribe, we thank you for the consideration of this request. We are ready and willing to provide any additional information the administration needs to protect Gold Butte.

Sincerely,

NV-Gold Butte

Pamela A. Goynes-Brown
Councilwoman

CITY OF
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Office of the Mayor and City Council
2250 Las Vegas Boulevard North, Suite 910 • North Las Vegas, Nevada 89030
Telephone (702) 633-1336 • Fax (702) 649-0038 • TDD: (800) 326-6868

October 17, 2016

Honorable Barak Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.

But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources, and for me it is also important that we preserve National monuments for our future generations. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument. It is vitally important that we safeguard Gold Butte's cultural, environmental and economic benefits for future generations.

Sincerely,

Pamela Goynes-Brown

Pamela A. Goynes-Brown
Councilwoman

cc: U.S. Senator Harry Reid

U.S. Representative Dina Titus

Christy Goldfuss, Managing Director, White House Council on Environmental Quality

Sally Jewell, Secretary, U.S. Department of Interior

Neil Kornze, Director, Bureau of Land Management

M-Gold Butte

CITY OF HENDERSON
240 S. Water Street
P.O. Box 95050
Henderson, NV 89009

October 17, 2016

Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama:

For years Southern Nevadans have been protecting the landscapes that make our region so unique. Places like Red Rock Canyon and Mt. Charleston are a source of community pride. They improve our quality of life and help to drive our economy. As a Nevadan, I understand the need to protect the region's recreational, cultural, and natural resources. That is why I support protecting Gold Butte, Nevada's piece of the Grand Canyon.

Covering almost 350,000 acres in southeastern Nevada, Gold Butte is a treasure trove of cultural, historic, and natural wonders. These wonders include thousands of petroglyphs; historic mining- and pioneer-era artifacts; rare and threatened wildlife such as the Mojave Desert tortoise and desert bighorn sheep; dramatic geologic features like sculpted red sandstone and rock spires; and fossil track-sites dating back 170 to 180 million years ago.
But more importantly time is running out for Gold Butte--due to recent events in the last 18 months, this treasured landscape has seen a large increase in destruction to critical habitat, ancient petroglyphs and pioneer heritage sites.

For me, as an elected official, it is also important to preserve Gold Butte because of the tremendous significance and value it has in helping to educate and inspire future generations. These types of monuments enhance our quality of life, enrich our understanding of our past, and help us appreciate the incredible value of our natural environment. This incredible area is a treasure, and should be preserved for many generations to come.

I strongly urge you to take action to permanently protect Gold Butte now, by either encouraging Congress to pass Senator Reid and Congresswoman Titus's current legislation (S.199 and H.R. 856) or by utilizing the Antiquities Act to designate Gold Butte as a national monument.

CITY OF HENDERSON
240 S. Water Street
P.O. Box 95050
Henderson, NV 89009

It is vitally important that we safeguard Gold Butte's cultural, environmental. and economic benefits for future generations.

Sincerely,

Debra March

Councilwoman Debra March
The City of Henderson, Nevada

cc: U.S. Senator Harry Reid
U.S. Representative Dina Titus
Christy Goldfuss, Managing Director, White House Council on Environmental Quality
Sally Jewell, Secretary, U.S. Department of Interior
Neil Kornze, Director, Bureau of Land Management

Deputy Secretary Connor Tours Tule Springs Fossil Beds National Monument Ahead of Public Meeting on Conservation in Southern Nevada

Office of the Secretary

Session Hosted by Senator Reid and Congresswoman Titus to Focus on Next Steps for New Addition to National Park System, Conservation Priorities for the 114th Congress

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LAS VEGAS, Nevada – Today, Deputy Secretary of the Interior Michael L. Connor visited the recently-designated Tule Springs Fossil Beds National Monument, the newest addition to the National Park Service. The visit builds on the Department's work to support locally-driven efforts to preserve and protect places that hold special meaning to communities across the country.

"Tule Springs Fossil Beds National Monument is a worthy addition to our National Park System with its rich history and remarkable access for the two million people of the Las Vegas metropolitan area," said Connor. "A broad group of community members stepped forward to support the legislation to make this a national park, and we are committed to continuing that collaboration as we take care of this exceptional area."

Spanning 22,650 acres of the Upper Las Vegas Wash, Tule Springs is regarded by scientists as one of the best collections of Pleistocene mammal fossils in the United States. Researchers count among their discoveries Columbian mammoths, dire wolves, saber-tooth cats, prehistoric camels and giant sloths. The National Monument lies just minutes from the community of North Las Vegas and only 30 minutes from the Las Vegas Strip, providing a boost to the tourism and outdoor recreation industries of the Las Vegas Metropolitan Area.

The Tule Springs Fossil Beds National Monument was created through Title 30 of the National Defense Authorization Act (NDAA) in December of 2014. Originally sponsored by Senator Reid, Congresswoman Titus and the rest of the Nevada delegation, the legislation was supported by the cities of Las Vegas and North Las

Vegas, Clark County, the Las Vegas Metro Chamber of Commerce, local and national conservation partners, as well as thousands of individual Nevadans.

The legislation provided for management of the area by the National Park Service. Staff from Lake Mead National Recreation Area, the closest National Park Service area to Tule Springs, have been administering the land transfer from the Bureau of Land Management. Lake Mead employees have been meeting with community leaders and supporters, establishing a volunteer cadre, and analyzing existing conditions in order to welcome visitors while preserving the park's unique resources.

Later today, at the invitation of Senator Harry Reid and Congresswoman Dina Titus, Connor is also joining a public meeting to hear from the Las Vegas community on next steps for the monument, as well as other conservation priorities for southern Nevada for the 114th Congress.

Senator Reid and Congresswoman Titus have invited the public to comment on their conservation proposals for the 114th Congress, including the Garden Valley Withdrawal Act and the Gold Butte National Conservation Area Act, two bills introduced by Senator Reid and Congresswoman Titus at the start of this session.

"I want to thank Congresswoman Dina Titus for co-hosting this event with me and to Mike Connor from the Department of Interior for being here to listen to Nevadans on these important issues. Some of my proudest accomplishments in the Senate have been working to protect the special places in our state for future generations. The goal for today's meeting is to talk a little bit about conservation in Southern Nevada and hear from the public their thoughts on these issues and I appreciate every Nevadan who will attend."

"We welcome more than 42 million visitors from around the world to Southern Nevada every year, and many of those travelers come to see the sights beyond the bright lights of the Las Vegas Strip," said Congresswoman Dina Titus. "Today's public hearing is a chance for the community to convene and discuss the future of some of Nevada's most sensitive habitats and scenic landscapes. Together we can find the best ways to preserve public space and cultural resources for generations to come."

Press Release

Let's Talk Mesquite
Where Communities Communicate

#NVLeg Special Report: This Land Is Our Land

Writer: Andrew Davey
Published: February 19, 2015

Every so often, I can hear Woody Guthrie singing when I travel to and through the wide open expanses of Nevada (that is, when I'm not hearing "Wide Open Spaces", one of my favorite Dixie Chicks songs). This land is your land. This land is my land. This land was made for you & me.

When did we lose track of this very American dream? When did "this land is made for you & me" become "controversial"?

Ever since Cliven Bundy launched his "Range War" against the rule of law, his extreme "TEA Party" allies have been trying to "shift the Overton Window" and make the concept of public lands seem "controversial". Bundy's buddies in the Nevada Legislature are pushing SJR 1 to demand the federal government transfer wide swaths of federal public land to the State of Nevada so the state can turn the land over to developers and other commercial interests. And US Rep. Cresent Hardy (R-Mesquite) vows to "fight tooth and nail" any attempt by US Senator Harry Reid (D) to secure federal protection for Gold Butte.

Yet when Senator Reid and US Rep. Dina Titus (D-Paradise) held a joint community meeting on the state of Nevada's public lands, the crowd gathered at te Lloyd George Federal Building in Downtown Las Vegas expressed overwhelming support for preserving Gold Butte, Tule Springs, and Garden Valley (in Lincoln County).

Mesquite community leaders, such as Former City Council Member Karl Gustaveson and current Virgin Valley Water District Board Member Sandra Ramaker, spoke in favor of creating a National Conservation Area (NCA) for Gold Butte. So did the Nevada Resort Association's Virginia Valentine. So did Sean Fellows on behalf of Sig Rogich and Rogich Communications. So did local business leader & philanthropist Jenna Morton. So did the Las Vegas Convention & Visitors Authority (LVCVA). And so did Paiute Nation tribal leaders. And so did many more Southern Nevadans.

Democrats, Nonpartisans, and Republicans all stated their support for federal protection for Nevada's environmental treasures at Lloyd George yesterday. Educators, students, art lovers, history buffs, health care professionals, business executives, sportsmen, hikers, and others from all walks of life professed their love for Nevada's natural wonders… And their desire to keep these wonders public and preserved.

Really, the only opposition came from someone who was referring to himself as "John Q. Public". He spoke of Harry Reid's "BLM goons", being forced into "gay marriage", "abortion on demand", "environmental junk science", "domestic terrorists", and the kind of material one typically hears from the "black helicopter" crowd.

I had heard from several folks at Grant Sawyer who were concerned about Bundy supporters causing a scene at the event. But in the end, only "John Q. Public" rose to make his nonsensical rant before making a dramatic (yet peaceful) exit.

So why are Cresent Hardy and several Republican state legislators behaving as if most Nevadans agree with the Bundy Bunch and "John Q. Public"? Why are they claiming they have some sort of mandate to privatize these critical public resources?

This land is your land. This land is my land. This land is all our land. Nevada was made for you and me.

http://letstalknevada.com/nvleg-special-report-this-land-is-our-land

Protecting Nevada Lands

Guest Writer: Tim Castille, Mesquite
Published: March 8, 2015

To the Editor:

Thank you for the article about the public lands meeting hosted by Sen. Harry Reid and Rep. Dina Titus ("Lands bill could hamper Yucca Mountain Project," Feb. 20 Review-Journal). I attended the meeting, and the room was packed with Southern Nevada residents who expressed overwhelming support for public lands protection.

It was heartening to see people of all ages and backgrounds attest their love and appreciation for Gold Butte, Tule Springs and the Great Basin. Given the turnout at the meeting, the numerous testimonials made by people in support of public lands and the noticeable lack of opposition, I believe that this is not an issue that has two sides. It seems to me that all Nevadans love their public lands, and there is overwhelming support for protecting these treasured places.

http://m.reviewjournal.com/opinion/letters-construction-defect-law-full-flaws

ProgressNow Nevada Thank You Ad

Published: February 20, 2015

Federal Official Urges Local Plan For Gold Butte

mvprogress.com/2011/10/05/federal-official-urges-local-plan-for-gold-butte/

vrobison

By Vernon Robison

Moapa Valley Progress

David Hayes, deputy secretary of the Interior, stressed the importance of local input on any future planning for the Gold Butte public land complex in a recent visit to the area last week.

Deputy Secretary of the Interior David Hayes (left) and BLM Senior Advisor Neil Kornze (right) visit a petroglyph site in Mud Wash during a tour of the Gold Butte area on Wednesday, September 28. Photo by Vernon Robison.

On Wednesday morning, September 28, Hayes toured several sites in the Gold Butte area. Accompanying him on the tour was Neil Kornze, senior advisor to the director of the Bureau of Land Management (BLM), Mel Meiers, BLM's Southern Nevada associate district manager, Gayle Marss-Smith, assistant field manager of the BLM Las Vegas field office and Sendi Kalcic, BLM wilderness specialist.

In the afternoon, Hayes and his team also met with a group of around 50 local people at a stakeholders meeting held at the Falcon Ridge Hotel in Mesquite.

Hayes explained that his visit was part of a larger tour of several western sites that had been identified as possible places needing further protection.

"My boss, (Interior Secretary) Ken Salazar is extremely interested in finding consensus approaches for protecting special places in the U.S.," Hayes said. "He is looking for places that many folks believe should merit special protection."

Hayes said that Salazar had asked Congressional representatives to offer recommendations on areas that ought to be protected.

But just what those protections are, and how they are implemented, should be based on a consensus built among people living in the nearby areas who know the lands best and use them most, Hayes said.

"They don't have to be wilderness designations," Hayes said. "They can be protections that preserve existing uses and make them permanent, including recreational vehicles, for example."

"We want to get away from the notion that: number 1, the federal government is coming in and telling you what to do; and number 2, the philosophical question of whether we are going to protect this area or not, are we going to call it wilderness or not. What does that mean? Let's put all that aside. Let's work at the local level and see if there are some positions that come out about areas that the local communities and representatives think will be better off with some level of protection."

Hayes said that Gold Butte was one of several areas that had been brought forward. But he said that he and his team had come to listen to local residents on the matter.

"We come here with no predilections of what we should do or not do," he said. "(Gold Butte) does seem like a good candidate for consideration by Congress for some type of protection, but the nature of it, and how to work it through, I don't know."

"We don't really have a formula for how to protect important places," Hayes continued. "The recipes that seem to make the most sense are the ones that take into account historic use of special places and how to protect those uses, and to protect the values that the communities care so much about."

State Assemblyman Cresent Hardy said that he had spoken personally with Congressman Joe Heck, Congressman Mark Amodei and Senator Dean Heller.

"They will not be supporting any wilderness designation out here, so I'd like to take the politics off the table," Hardy said. "I like what you said, that we're going to work on a plan. I think that's the direction we want to go out here to save certain areas, but a wilderness designation is not what we believe is the best thing for this area."

Terry Roberts, programs director for Friends of Gold Butte, recalled her pioneer heritage in the area and the value that the Gold Butte area has played to her family. She stated that the Friends of Gold Butte organization strongly supports a National Conservation Area (NCA) designation for the area with additional wilderness.

Moapa Valley Town Advisory Board member, Dustin Nelson said that a top-down approach to protection of Gold Butte would be the wrong direction.

"I would like to see something that is grown from home and pushed from a broad coalition of local residents," Nelson said. "I know we have a diversity of people here who feel different ways about it, but if a consensus is going to be reached, I don't think it's going to come from the federal government down."

Nelson pointed to the fact that a management plan for Gold Butte was already in process involving area stakeholders working in cooperation with local BLM officials.

"I would ask where the current tools are failing," he said. "Why aren't we on the local level allowed to build a plan that works for the community? And when I say community, I don't mean Logandale, I don't mean Mesquite; I mean the community of people who use the areas, and that is a diverse array of people. I would like to see a solution that works for all of us."

Former Mesquite mayor, Susan Holecheck, agreed.

"One of the main themes that I have heard is that the people who live here want to have input (on Gold Butte)," she said. "We hope that all of us, or at least representatives from each of the jurisdictions, are invited to the table, so that we can have some input."

Holecheck also stated her belief that, if Gold Butte became a mandated NCA, it would bring greater opportunities for education and more funding for management.

"An NCA would also bring tremendous economic opportunity to Mesquite and the region," she said.

Hayes said that only Congress could create an NCA or wilderness area and that such a Congressional decision would require a consensus approach.

"But in some cases the community wants to make sure that the process sticks by bringing a more formal designation," Hayes said. "There can be a potential advantage when Congress affirms a conservation approach for an area. That is that future BLMers in 5 or 10 or 20 years don't come in and overturn the way we want the lands to be used."

John Hiatt of the Red Rock Audubon Society said that with the increase in population in the region, he had seen increased use of the Gold Butte area. This has brought significant damage to important areas, he said.

"When rock art is gone it is gone; it can't be replaced," Hiatt said. "I am convinced that the area needs higher level of protection."

Partners In Conservation chairman Lindsey Dalley said that no one disagrees about the need for protection of Gold Butte. But where the disagreement has arisen is in the narrow scope of conservation possibilities offered, Dalley said.

"Just protection alone is very simple," Dalley said. "I can protect an area with nothing more than $1000 worth of chain link fence. But, while that may be effective in protecting the land, it doesn't preserve it and its traditional uses."

"All conservation is local," Dalley continued. "Until we put real community-based conservation in motion we will only have exclusion. We need to work hard to bring the community into the game."

Dalley cited one example of success at this in the positive relationship which has recently developed between area stakeholders and local BLM officials.

"We have a good working relationship with the BLM here," he said. "We are trying to address a lot of these problems right here. It is working. Let it work."

Hayes asserted that the interest in Gold Butte had been generated from people in Nevada. But he agreed with the concept of broadening the scope of protection so that it didn't just entail walling the area off. The resources of the area ought to include historical uses, he said.

"There are some areas that are so unique, so important, that we don't want to take chances that they'll be messed with by future bureaucrats or whoever," Hayes said. "So let's hard-wire it in that this is going to be an area that we're going to preserve and protect current uses the community thinks make sense, that are consistent with the land."

Mauricia Baca, executive director of the Outside Las Vegas Foundation, agreed that an NCA designation would increase the visitation in the area. This would be good for Nevada and the local communities, she said.

But with more people there is a greater need to take care of these areas, she said.

"If we designate these areas as monuments or any kind of new conservation designation without backing that up with proper funding and staffing, we're not going to be doing anyone a favor," she said.

Clint Bentley, of the Fraternity of the Desert Bighorn, pointed out that federal designations often affects that ability to maintain water features for wildlife.

"In Gold Butte, due to the last 21 years of no grazing in the allowed area, the water rights for beneficial use of wildlife have been disregarded and not maintained," Bentley said.

He said that wilderness areas were often bad for wildlife because they excluded things like helicopter landing sites which allow agencies to transport crews into remote areas and maintain springs and seeps that sustain wildlife.

"These designations in effect hamstring state agencies from doing what they are supposed to be doing," he said.

Bentley also requested that renewable energy facilities not be considered in vast open areas of Gold Butte where they would affect bighorn sheep herds and other wildlife.

"Solar energy is a good example of why you might want to consider a special designation," Hayes remarked. "The BLM has authority to use the land in a variety of ways, including solar energy. Yes there would be a public process, but there would always be a risk. Protection should be considered if possible future use is incompatible with traditional uses."

Bunkerville Town Board member Brian Haviland expressed concern that his small community, which includes the vast Gold Butte area in its boundary, has often been overlooked in the process.

"Frankly my community has felt railroaded by special interest in fighting this Gold Butte issue for years," Haviland said. "Because of that we don't have the confidence that the federal government will actually support what we as locals want to do without changing something before it gets to Congress."

Hayes said that he was impressed with the community passions surrounding Gold Butte.

"I understand that you appropriately fear that what you love will somehow get screwed up," he said. "You've got ATV use that's responsible and historical. You have historical artifacts that people love and respect. You've got recreational opportunities that people want to continue. I don't see why these things can't be accommodated and you can't get more permanence to the uses that you think are appropriate and that you want to see your kids and their kids still be able to use in much the same way you're using them now. But it's risky, you're right."

Nancy Hall of Friends of Gold Butte stated that most of the wilderness areas being recommended by her organization as part of its NCA proposal are in roadless lowlands which is tortoise habitat.

"You can't drive into these areas now," she said. "So whatever legal uses are there now, you will still be able to do them then."

Partners in Conservation administrator Elise McAllister pointed out that an NCA designation would not be a guarantee that vandalism and other damage would not take place. She pointed to the recent instance of damage done to petroglyphs at the Red Rock NCA.

She added that while an NCA designation might bring economic benefits to the area, nearly anything allowed to be done on public lands could bring similar benefits.

"Any community that wants to promote its public lands can bring those benefits," she said. "It is not just an NCA designation."

McAllister said that a management plan for Gold Butte has already been funded and is currently in progress.

"We should let that plan go forward," she said. "Let it be developed locally. Let it continue while it is working."

Mesquite city council member, Kraig Hafen said that Mayor Mark Weir and the council are in the process of bringing local stakeholders together to find common ground and develop a plan for Gold Butte.

"We're in the process of doing what you said about bringing it back to the local level," he said. "We hope that can be honored without everybody trying to one-up the other. I hope that everyone heard your opening statements, and we're going to take it to heart. Let's get a commonsense approach and do what's best for Gold Butte, not what's best for me, or best for somebody else. Let's do what's best for Gold Butte."

Desert Valley Times

Hayes Lauds Gold Butte Potential

Desert Valley Times
David Bly
December 1, 2011

That was the gist of a roundtable discussion in Las Vegas on Wednesday headed up by David Hayes, the deputy secretary of the interior, and Neil Kornze, deputy director of the Bureau of Land Management.

The meeting was held at the Las Vegas Chamber of Commerce where Hayes had invited about 20 people to brainstorm about the economic possibilities generated by national recognition of Gold Butte and other public lands in the region.

Hayes said economic information gathered by the Department of the Interior and outside consultants shows a strong correlation between economic activity and national designation.

"It's stunning," he said. "The numbers are huge. Tourism is the sixth largest sector in the country. The outdoor recreation industry is something like $730 billion a year in economic activity. The jobs numbers are something like 6.5 million in outdoor, hospitality-related industry."

He said the Department of the Interior has been working with the White House on a national tourism initiative.

"As a nation we don't promote some of our national resources very well, and we've lost some of our international tourists since 9/11, and they still haven't come back," he said. "As nation, we have eco-tourism destinations that are as good as any in the world, but we don't market them that way, and in some cases don't even market them at all. There's a big-picture opportunity and we'd like your ideas on how we might get a better-organized effort to promote tourism and our recreation economy. "

"Obviously from our perspective in the Department of the Interior we're talking about these fabulous landscapes that we have, whether it be Hoover Dam and the Lake Mead Recreation Area, or Gold Butte, or Pine Forest.

"We don't do a great job. We can do more."

He said that's one of the reasons his department engaged in a process that resulted in the recent release of a report identifying a number of special places the department wants Congress to designate.

"They typically have been subject of a lot of local discussion and there is a fair amount of consensus about the importance of giving permanent recognition and protection," he said. "Congressional recognition can bring with it additional opportunities for economic activity.

"It's a bit of a mixed bag — some folks want to keep it exactly the way it is forever. But the reality is that as these places get discovered that's going to be the future. There are going to be people who want to see it. That's another reason to figure out how these places should be managed and protected.

"We think that by focusing on some of these areas, we can help tell that broader story, that this is not about walling areas off or putting a barrier up, it's really a welcoming of Americans to see their beautiful landscapes and to participate in them."

Hayes said economic activity follows national designation.

"It can be an additional magnet for this fabulous area, another reason to come to Las Vegas, to have the incredible varied experiences you can have here," he said.

He said his department is considering a national tourism-related initiative around recreation-related uses and public lands.

Former Mesquite mayor Susan Holecheck, who now works with the Nevada Wilderness Project, agreed that more needs to be done to promote the Nevada that lies outside Las Vegas. She said that as a member of the Las Vegas Convention and Visitors Authority, she went to London to attend an international travel exposition.

Almost every American state had a booth there, she said, "but where was Nevada? You would have found Las Vegas, but not Nevada as a state."

She asked if the Nevada Commission on Tourism could play a larger role.

Steven Horsford, Nevada's senate majority leader, said the tourism commission's primary focus is promotion of Nevada outside of the Las Vegas and Reno urban areas. "That is their mission," Horsford said. "We can connect with the resources they bring in. The state did invest more money, even in this downturned economy, because of the role we believe that agency plays throughout the United States and internationally."

He suggested local and state efforts should be connected to the efforts of the national tourism commission with the idea of expanding job creation and tourism.

"We've been engaging with them," said Hayes. "They're really just on the ground floor, but they have a bunch of money. Maybe we could try a pilot here in Nevada. The federal resources here are pretty cool: Red Rock, Gold Butte, Grand Canyon, the not-so-distant national parks . . .

"Maybe there's something we can do. We ought to explore that."

"We know we're a sunbelt state," said Holecheck, "and we know we're one of the leading states for baby boomers to be retiring to. That lends itself to supporting a pilot program in Nevada."

Nancy Hall, director of the Friends of Gold Butte, said one of the most important things would be a visitors center in Mesquite. She said a column in the Desert Valley Times a couple of years ago advocated a Gold Butte visitors center, and the idea continues to grow. Recently, the Mesquite Chamber

of Commerce, with the help of the Virgin Valley Artists Association, converted a small room at the chamber into a Gold Butte information room.

"(Chamber director) Anne (Miranda) says 50 to 80 people are coming to this little Gold Butte room in our chamber," said Hall. "They're coming to learn about our businesses, but they are also coming to learn about Gold Butte.

"We need that presence in town. That would be a huge benefit to Mesquite. You talk about having extra federal dollars and being this pilot program. We could really set it up, because we're also the west entrance to the Grand Canyon Parashant National Monument, which is another great national conservation land, and we have Lake Mead National Recreation Area, and Gold Butte in the center as our star National Conservation Area. Each area offers a different experience.

"We can pave the way, but Congress is the one that appropriates funding for that sort of thing," said Hayes, "but I'm encouraged that discussions are continuing. Our view on all of this is to basically be supportive but it's got to happen here and the delegation has to be supportive and come together."

Beyond economic possibilities, Gold Butte needs protection because of the increasing traffic, said Terry Robertson of the Friends of Gold Butte.

"I'm thinking about 45 years ago when we were working on Red Rock Canyon and never dreaming about what was going to happen out there," said Robertson. "We are at that moment with Gold Butte. It's Gold Butte's time. We need to make it happen or we're going to have a disaster out there because the people are coming. We're glad they're there and we're glad they love it, but the facilities are needed, the monitoring is needed, and that can only come with federal designation."

Holecheck said rising population alone means more traffic in Gold Butte. She said Clark County's population was 800,000 in the 1980s, and now it's more than two million, and people in the county have discovered Gold Butte.

"That doesn't factor in overseas visitors," she said. "There's an urgency now."

Virginia Valentine, president of the Nevada Resort Association asked about the level of support for national designation for Gold Butte.

Halls said it will be impossible to get everyone to agree on the region's future.

"There never will be consensus," she said. "Not everyone is going to agree, but we need to step forward for our national lands. It's important for the effort be community-led, but it is still a national treasure."

Archeologist Greg Seymour came representing a number of organizations, including the Nevada Archeological Association, Preserve Nevada and the Great Basin National Heritage Area Partnership

"Your comments about tourism and preservation are right on," he told Hayes. He said Great Basin became a heritage site three years ago "and the numbers on our website have gone up and up and up, and it's not just about preservation, which is extremely important, but it's also about tourism.

"People come and visit. They spend time in hotels, they buy meals, they buy gas, they buy stuff out of those shops, and that's really important. It really gives the public the opportunity to understand how beautiful this country is and how rich our historical resources are. That to me is the most important part about preserving places like Gold Butte and the heritage and the natural beauty that come along with that."

Kornze asked if the Nevada Resort Association was measuring the effects of outdoor recreation, and if hotels were integrating such areas as Red Rock Canyon and Sloan Canyon in their marketing

Valentine said some do, and it's a concept that's growing.

"Traditionally, the idea was to invite people to come stay inside the casinos and gamble as long as you can stay awake," she said. "I don't think it's like that any more."

She said a lot of tour companies market such areas as Red Rock Canyon, and a growing share of revenue is coming from non-gaming sources.

Andre Carrier, chief operating officer of Mesquite's Eureka Casino and Hotel, said one of the problems is it's difficult to measure the revenues associated with activities outside the casinos and the hotels.

"If your predomination reason for visitation is outside the building, we don't know about it," Carrier said.

He said when he was at the Golden Nugget, he could get an understanding of how many helicopter tours were sold, "because my bellman was selling the tours. I would have some understanding of how many people were buying Grand Canyon tours because we were selling those tours. But an in Internet world, you are making those decisions well before you hit our doorway. It's changed dynamically in the last six to 10 years."

In the past, he said, people would arrive, then make plans for their stay in consultation with the concierge.

"That doesn't happen anymore," he said. "One thing that really doesn't exist is some kind of partnership portal where you can go to a National Parks site and partner with the fulfillment side, where you can basically buy all your incremental tours, or plan your trip, based on where you want stay, what you want to see.

"I don't know that there's a one-stop shop here."

Valentine now now that nearly all states have legalized gambling, something extra is needed to attract visitors to Nevada.

"One of the things we've got going for us is this great outdoors," she said.

"It seems to be there are a lot of assets here in southern Nevada that are forgotten or not mentioned ever," said Seymour. "All this stuff is out there and is not mentioned outside of Las Vegas. People don't understand that Las Vegas isn't just about gaming. There's all this stuff, and Gold Butte is one of those things, and the Grand Canyon, Death Valley, Great Basin National Park."

Hayes said the BLM has a different philosophy than national parks, which have procedures and facilities for attracting and welcoming visitors.

"We will rely on local communities as the places to welcome visitors," he said. "We obviously have the beautiful Red Rock facility, but that's unusual in the BLM world. Mostly, the gateway communities are the places where you can key in on what's available.

"One of the exciting things about Gold Butte is the possibilities there for Mesquite, in particular, to be a gateway community. The possibility of building something in collaboration with the business community is exciting to me."

It's important to urge Congress to act on giving national recognition to Gold Butte, he said.

"The intent is to have a non-partisan effort to preserve the values of these special places," he said.

Valentine asked how local people can be effective in supporting this.

Hayes said a broad coalition showing support is important, and contacting the local delegation is effective, but doesn't matter who is contacted, because information is shared.

"We're in such a weird time in Washington," he said. "There's a tendency to say the legislative branch has stopped functioning, but the reality is a number of bipartisan public lands bills that protect certain areas are moving through the Congress and there's an opportunity, there's a window here potentially. As much support as you can all muster will be good.

"This is such a fabulous state. You have such fabulous resources. From a perspective of showcasing things, and doing some pilot stuff, and taking some chances on trying some new things in the tourism area — you guys are tailor-made for that sort of thing.

"We are going to be pushing forward with a national tourism initiative. We're going to make sure you guys are dialed in on that, and maybe we can do something special that is focused here."

http://www.thespectrum.com/article/20111202/DVTONLINE01/111201018/Hayes-lauds-Gold-Butte-potential

BLM returning staff to Gold Butte after 2014 standoff with Bundy family

The Gold Butte area is seen at sundown on Thursday, May 22, 2014. The Gold Butte Region, administered by the BLM and the U.S. National Park Service, is about 2 1/2 hours east of Las Vegas near the Overton Arm of Lake Mead. (Jeff Scheid/Las Vegas Review-Journal)

Rock formations as seen Thursday, May 22, 2014 in the Gold Butte area. The Gold Butte Region, administered by the BLM and the U.S. National Park Service, is about 2 1/2 hours east of Las Vegas. (Jeff Scheid/Las Vegas Review-Journal)

A cattle corral near Little Finland, also known as Hobgoblin's Playground and Devil's Fire, is shown Thursday, May 22, 2014 in the Gold Butte area, about 2 1/2 hours east of Las Vegas. (Jeff Scheid/Las Vegas Review-Journal)

By HENRY BREAN and KIMBER LAUX
LAS VEGAS REVIEW-JOURNAL
Two years after its hasty retreat from the Gold Butte area, the federal government is moving back into the remote corner of northeastern Clark County for the first time since its confrontation with the Bundy family in 2014.

BLM spokesman Craig Leff said Friday that the BLM's decision to return came after Southern Nevada residents said they wanted the agency back out there managing the resources.

ADVERTISING
"Our local folks had been having meetings with local representatives and the community," Leff said. "It was time."

BLM employees have not conducted field work in the Gold Butte area, 110 miles northeast of Las Vegas, since early 2014 "due to safety and security concerns," BLM officials wrote in a release Friday.

Those concerns stemmed from the armed standoff with Cliven Bundy, his sons and their supporters, including militia and patriot groups that had gathered on the family's Bunkerville ranch in April 2014.

BLM Director Neil Kornze and the agency's state director, John Ruhs, toured Gold Butte on Thursday with Clark County Commissioner Marilyn Kirkpatrick and Metro Capt. James LaRochelle. The visit was not announced until after it occurred.

BLM archaeologists, law enforcement officers and local BLM officials have also visited the area in the past month, the BLM wrote in the release.

The BLM plans to increase its presence at Gold Butte in the coming months.

"This area is a real treasure," Kornze said in Friday's statement. "We look forward to working with our local partners to restart the many important efforts we had underway."

Those efforts include assessing the damage to cultural heritage sites, repairing communications infrastructure, maintaining roads and establishing route signs to help guide visitors. They also plan to work with nearby communities to address the spread of weeds and reduce the threat of wildfires.

Conservationists are happy to see the BLM back on the job in Gold Butte.

The area has suffered a great deal of damage from vandals and off-road vehicles since 2014, according to the Friends of Gold Butte, a local nonprofit group whose members monitor the area and advocate on its behalf.

"People creating their own roads by driving into the pristine desert habitat is a huge problem," said Jaina Moan, the group's executive director. "We're excited to partner with (the BLM) on the stewardship of the land."

"It's about time," said Rob Mrowka, a senior scientist for the Tucson, Arizona-based Center for Biological Diversity. "I think the BLM fears were overblown once the militia left. It's going to be good to have the sheriff back in town out there."

Mrowka's organization is part of a coalition of nine environmental groups that have called on the BLM to finish what it started two years ago: the roundup and removal of Bundy's cattle from public land as ordered by a federal judge.

But Mrowka said he is willing to "leave talk of a roundup" for another day. "I would be satisfied if they just did their normal protect-the-resource job," he said.

A year ago, Cliven Bundy told the Review-Journal that things were pleasantly quiet in the Gold Butte area without federal workers around. "We've gotten along just fine without the BLM," he said. "We're done with them, and we're not going to let them come back."

Today Bundy finds himself in federal custody awaiting trial on charges in connection with the 2014 standoff.

Though BLM officials did not cite it as a reason, their return to Gold Butte comes four months after Bundy was indicted with four of his adult sons and 14 others.

Bundy's wife, Carol, who continues to oversee the ranch while her family members await trial, could not be reached for comment Friday.

Some have speculated that the increased federal presence could be a precursor to another government cattle roundup, a presidential declaration establishing Gold Butte as a national monument, or both.

Advocates have called for permanent protection of the remote, 350,000-acre expanse, which is filled with ancient rock art, sweeping desert vistas and twisted pastel-colored sandstone formations.

Nevada's congressional delegation remains divided on the proposed monument, so Sen. Harry Reid has been pressing President Barack Obama to protect Gold Butte using his authority under the Antiquities Act.

Reid plans to continue that push until he and Obama leave office, said Kristen Orthman, spokeswoman for the Democratic senator from Searchlight.

Moan, Mrowka and other advocates see the next six months as their best — if not last — chance to win monument protection for Gold Butte.

But Moan sees no connection between that campaign and the BLM's announcement on Friday.

"It was always their plan to return," she said of bureau officials. "They're just doing their job."

From: Friends of CM

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*Note: References in **bold** are considered of particular significance to understanding the history, science and culture of Bears Ears.

A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch
Photo: William Doelle

Between October 2011 and June 2016, the Bureau of Land Management Monticello Field Office **investigated at least 27 incidents** of looting, vandalism and serious damage to archaeological sites in San Juan Cunty. Those are the incidents the BLM is aware of on lands it manages and does not include incidents on Forest Service, Park Service and State Trust lands.

Bones tossed aside by looters desecrating a burial site.

Friends of Cedar Mesa estimates the actual number of incidents over this time frame could easily top 50 events on all public land jurrisdictions in San Juan County. In just the **first six months of 2016, Friends of Cedar Mesa is tracking six incidents** within the Bears Ears area.

FCM esimates more than **50 incidents of looting & vandalism** in San Juan County since 2011, with **7 incidents in the first 6 months** of 2016.

Petroglyph marred by attempted theft with rock saw and chisel.

Recent Examples of Cultural Resource Damage in Bears Ears

- 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.
- Summer of 2015, significant digging was found in a Basketmaker burial alcove in Beef Basin.
- In January of 2016, locals discovered a petroglyph partially removed from the cliff 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.
- In June of 2016, the Wolfman Panel in Butler Wash was vandalized with graffiti.

Hogan destroyed for campfire Photo: Comb Ridge HP

CULTURAL RESOURCE DAMAGE IN SOUTHEASTERN UT & 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 indidual 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.

UTE

No. 15-4080

In the United States Court of Appeals for the Tenth Circuit

UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH,

Plaintiffs-Appellants,

v.

MYTON CITY,

Defendant-Appellee.

On appeal from the U.S. District Court for the District of Utah,
The Honorable Bruce Jenkins presiding
Case Nos. 2:75-cv-00408 and 2:13-cv-00276

STATE OF UTAH'S BRIEF AS AMICUS CURIAE IN SUPPORT OF DEFENDANT-APPELLEE AND AFFIRMANCE

Tyler R. Green
Utah Solicitor General
Sean D. Reyes
Attorney General
350 N. State Street, Ste. 230
Salt Lake City, Utah 84114
801-538-1191
tylergreen@utah.gov

Stanford E. Purser
Deputy Solicitor General
Randy S. Hunter
Katharine H. Kinsman
Assistant Attorneys General
160 East 300 South, 5th floor
Salt Lake City, Utah 84114
801-366-0533
spurser@utah.gov

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STATEMENTS OF IDENTITY, INTEREST AND AUTHORITY

Federal Rule of Appellate Procedure 29(a) authorizes the State of Utah, as amicus curiae, to file this brief.

Utah has significant interests in this matter. First, although the State is not a party to this appeal—because the order certified under Rule 54(b) names only Appellee Myton City as a defendant—the State remains a party in the underlying proceeding and has been a party in related prior proceedings addressing the boundaries of the reservation at issue here. Second, the State has an interest in helping to defend a United States Supreme Court judgment in its favor establishing certain boundaries of the reservation so that the State knows precisely where within its borders it may, and may not, exercise its jurisdiction and enforce its laws. Third, the State has an interest in refuting the Plaintiff-Appellant's accusation that the State committed a fraud on the United States Supreme Court when it secured that prior victory.

ISSUES PRESENTED

1. The State of Utah did not commit a fraud upon the United States Supreme Court in *Hagen v. Utah*, 510 U.S. 399 (1994), nor can that overdue claim be used to reverse the district court's decision.

2. The Supreme Court's holding in *Hagen* that the "town of Myton . . . is not in Indian country" is not dicta.

ARGUMENT

I. The State of Utah Did Not Commit a Fraud on the United Sates Supreme Court

More than 20 years after the fact, Plaintiff-Appellant (the Tribe) alleges that the State made "false representations and omi[tted] material facts" in its *Hagen* response brief that caused the Supreme Court to conclude that Myton is not in Indian country. Appellant's Corrected Opening Brief (Aplt's Br.) at 28. This Court should reject the Tribe's fraud-on-the-court argument for three reasons.

First, as Myton City explains in its brief, the Tribe did not preserve the fraud-on-the-court issue for appeal and has not shown plain error. Brief of Appellee Myton City at 46-51. The argument therefore provides no basis for reversal.

Second, even if the Tribe had properly preserved the argument—and it has not—the State did not mischaracterize anything in its *Hagen* response brief. Though not entirely clear, the Tribe appears to argue the State misleadingly told the Supreme Court that Myton was situated outside Indian country, and also failed to tell the Court that the 1945 Restoration Order, according to the Tribe, gave part of Myton back to

the Tribe. Aplt's Br. at 27-28.[1] In essence, the Tribe complains that the State's recitation of the facts and law to the Supreme Court supported the Utah Supreme Court's underlying holdings in *Hagen* and *Parenk*—Myton is not in Indian country—rather than the contrary federal court conclusions in *Ute I* and *Ute III* that the reservation had not been diminished. That is not fraud. It's honest advocacy.

Reviewing the State's *Hagen* brief makes clear that the State did not mislead the Supreme Court about Myton's status or hide the effect of the 1945 Restoration Order. The State thoroughly explained the origins and status of the reservation and disputed lands, including Myton. Brief for Respondent, *Hagen v. Utah*, 510 U.S. 399 (1994) (No. 92-6281), 1993 WL 384805 at *5-*10. The State even informed the Supreme Court that it could consider the record developed in the federal Ute Tribe case and cited to that record throughout its brief. *Id.* at *3 n.2. In particular, when the State asserted that "[t]he town of Myton—where Petitioner Hagen's crime occurred—is situated on non-

[1] Only a few pages later in its brief, the Tribe contradicts its fraudulent-omission theory by asserting that the State of Utah "understandably" did not address whether the 1945 Restoration Order gave land in Myton back to the Tribe because "the issue was not implicated by the facts." Aplt's Br. at 36.

trust land," the State cited to a map that was part of the record in *Ute I*. *Id.* at *6 & n.3.

The State also told the Supreme Court that the 1945 Restoration Order had restored a large tract of the original reservation to the Tribe, which was evidence that the original reservation boundaries previously had been diminished. *Id.* at *9, *33. After explaining the effect of the 1945 and 1948 restorations, the State reiterated there was no dispute that the tribal reserves, remaining allotments and restored lands were all Indian country. *Id.* at *9. The dispute in *Hagen,* the State argued, "involve[d] the approximately 400,000 acres of non-trust lands [including Myton] that were restored to the public domain and opened to settlement by the 1902 Act, as amended." *Id.* at *9-*10.

Any fair reading of the State's brief in *Hagen* thus leads to the conclusion that there there was no "sleigh[t] of hand presentation of the facts." Aplt's Br. at 27. The State openly presented its position—in an adversarial proceeding whose sole purpose was to determine whether Myton was located in Indian country—using citations to the federal court record, all the while knowing the Supreme Court was fully informed about the *Ute Tribe* proceedings and decisions and also the

underlying *Hagen* and *Perank* state supreme court proceedings and decisions. Under the circumstances, it is implausible to think that the State would have even tried to dupe the Supreme Court about Myton, much less that it would have succeeded in doing so.

Third, even if the Tribe's allegations were true—which they are not—they would not constitute fraud on the court. This Court has explained that "only the most egregious conduct," such as bribing a judge or an attorney's participation in fabricating evidence, amounts to fraud on the court. *Zurich N. Am. v. Matrix Serv., Inc.*, 426 F.3d 1281, 1291 (10th Cir. 2005) (internal quotation marks omitted). Less serious misconduct like "nondisclosure to the court of facts allegedly pertinent to the matter before it, will not ordinarily rise to the level of fraud on the court." *Id.* (internal quotation marks omitted). Moreover, the fraud must have been intentional. *Id.* And these high standards for proving fraud on the court are "strictly applied." *Id.*

Here, the Tribe at most accuses the State of mischaracterizing and omitting relevant facts. Aside from being untrue, those allegations would not constitute a fraud on the court under this Court's precedent.

II. *Hagen's* Conclusion Regarding Myton Is Not Dicta

Invoking the mantra of dicta, both the Tribe and the United States, as amicus curiae, attempt to shrink *Hagen's* holding that "the town of Myton . . . is not in Indian country" into a much smaller conclusion (because it offers them control of large parts of Myton). But their argument fails for at least two reasons.

First, the dicta label is irrelevant. Even if *Hagen's* holding about Myton "could be plausibly characterized as *dicta,* [this Court's] job as a federal appellate court is to follow the Supreme Court's directions, not pick and choose among them as if ordering from a menu." *Surefoot LC v. Sure Foot Corp.*, 531 F.3d 1236, 1243 (10th Cir. 2008). The Supreme Court's directive about Myton, whether holding or dicta, could not be clearer no matter how badly the Tribe and others disagree with it. Indeed, this Court has repeatedly stated that it is "bound by Supreme Court dicta almost as firmly as by the [Supreme] Courts' outright holdings, particularly when the dicta is recent and not enfeebled by later statements." *Bonidy v. U.S. Postal Serv.*, 790 F.3d 1121, 1125 (10th Cir. 2015) (internal quotation marks omitted).

Second, even if the label mattered, *Hagen's* statements about Myton are not dicta. Dicta is generally described as reasoning or statements "unnecessary to the Court's decision." *Kastigar v. U.S.*, 406 U.S. 441, 454-55 & n.39 (1972); *see also Bishop v. Smith,* 760 F.3d 1070, 1083 (10th Cir. 2014) ("Statements which appear in an opinion but which are unnecessary for its disposition are dicta.").

Far from being unnecessary, determining Myton's location relative to Indian country was the whole point of the *Hagen* decision. The opinion's first paragraph puts the matter beyond question. "In this case," the Supreme Court began, "we decide whether the Uintah Indian Reservation was diminished by Congress when it was opened to non-Indian settlers at the turn of the century." *Hagen,* 510 U.S. at 401. "If the reservation has been diminished," the Court continued, "then the town of Myton, Utah, which lies on opened lands within the historical boundaries of the reservation, is not in 'Indian country,' see 18 U.S.C. § 1151, and the Utah state courts properly exercised criminal jurisdiction over petitioner, an Indian who committed a crime in Myton." *Id.* at 401-02.

Later in the opinion, the Court again recounted Myton's centrality to the underlying dispute: "petitioner was charged in Utah state court with distribution of a controlled substance. The offense occurred in the town of Myton, which was established within the original boundaries of the Uintah Indian Reservation when the reservation was opened to non-Indian settlement in 1905." *Id.* at 408.

Then, after analyzing the relevant issues, the Court "conclude[d]" in the final paragraph of its opinion, "that the Uintah Indian Reservation has been diminished by Congress. Accordingly, the town of Myton, where petitioner committed a crime, is not in Indian country *and the Utah courts properly exercised criminal jurisdiction over him.* We therefore affirm the judgment of the Utah Supreme Court." *Id.* at 421-22 (emphasis added).[2]

From the decision's first paragraph to its last, there can be no legitimate question that *Hagen* meant what it said as a holding: "the town of Myton . . . is not in Indian country." *Hagen*, 510 U.S. at 421.

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[2] In case any doubt remained about Myton's inclusion in *Hagen's* holding, the Tenth Circuit has noted that terms like "conclude" "indicate a holding, not *dicta*." *U.S. v. Rohde*, 159 F.3d 1298, 1302 (10th Cir. 1998).

To justify cutting "the town of Myton" out of *Hagen's* holding, the Tribe and the United States point to the fact that the Supreme Court said it granted certiorari to resolve a direct conflict "on the question whether the Uintah Reservation has been diminished." *Id.* at 409; Aplt's Br. at 35; Amicus Brief of U.S. at 17. But if the Supreme Court had answered only that question, it could have rendered only an improper advisory opinion; the Court could not have entered judgment affirming the Utah Supreme Court (as it did) without *also* concluding that Myton is *outside* Indian country.

In other words, the question presented at certiorari may help explain why the Supreme Court chose to exercise its jurisdiction—to resolve conflicting views of federal law—but the Supreme Court could only exercise that jurisdiction in the first place if the question presented affected an ongoing, actual "case or controversy" between real-world parties. In *Hagen*, of course, that case or controversy was whether the State of Utah properly exercised its criminal jurisdiction over a crime committed in Myton. *Hagen*, 510 U.S. at 401-02. And a necessary part of resolving that dispute required deciding whether Myton was located in Indian country. *Hagen's* conclusion on that point is therefore a

holding, not dicta. Otherwise, as the Tribe and the United States would have it, *Hagen* offers nothing more than an advisory opinion on the reservation's boundaries—an abstract legal issue better suited to a law review article than the United States Reports.

CONCLUSION

For the foregoing reasons, the State of Utah, as amicus curiae, respectfully requests the Court to affirm the order and decision of the district court dismissing Myton City.

Date: November 12, 2015.

Respectfully submitted,

SEAN D. REYES
Utah Attorney General

s/ Stanford E. Purser
Tyler R. Green
Utah Solicitor General
Stanford E. Purser
Deputy Solicitor General
Randy S. Hunter
Katharine H. Kinsman
Assistant Attorneys General

Counsel for Amicus Curiae State of Utah

CERTIFICATE OF COMPLIANCE WITH RULE 32(a)

1. This brief complies with the type-volume limitations of Fed. R. App. P. 29(c)-(d) and 32(a)(7)(B) because:

   [x] this brief contains 1,917 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because:

   [x] this brief has been prepared in a proportionally spaced typeface using Word in 14 point Century Schoolbook font.

s/ Stanford E. Purser

ECF CERTIFICATIONS

Pursuant to Section II(I) of the Court's CM/ECF User's Manual, the undersigned certifies that:

1. all required privacy redactions have been made;

2. hard copies of the foregoing brief required to be submitted to the clerk's office are exact copies of the brief as filed via ECF; and

3. the brief filed via ECF was scanned for viruses with the most recent version of Microsoft Security Essentials v. 2.1.111.6.0, and according to the program is free of viruses.

s/ Stanford E. Purser

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2015, a true, correct and complete copy of the foregoing Amicus Brief was filed with the Court and served on counsel of record via the Court's ECF system:

s/ Stanford E. Purser

No. 15-4080

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UTE INDIAN TRIBE,

Plaintiff-Appellant

v.

MYTON,

Defendant-Appellee

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH (HON. BRUCE S. JENKINS)

UNITED STATES' BRIEF AS AMICUS CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT AND IN SUPPORT OF REVERSAL

JOHN C. CRUDEN
Assistant Attorney General

JENNIFER SCHELLER NEUMANN
GINA L. ALLERY
Attorneys
Environment & Natural Resources Div.
U.S. Department of Justice
P.O. Box 7415, Ben Franklin Station
Washington, D.C. 20044-7415
(202) 305-0261
gina.allery@usdoj.gov

Of Counsel:
Barbara Coen
Grant Vaughn
U.S. Dept. of Interior

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STATEMENT OF RELATED CASES

This case was previously before this Court in Ute Indian Tribe v. Utah (Ute III), 773 F.2d 1087 (10th Cir. 1985) (en banc), cert. denied, 479 U.S. 994 (1986); Ute Indian Tribe v. Utah (Ute V), 114 F.3d 1513 (10th Cir. 1997), cert. denied, 522 U.S. 1107 (1998); and Ute Indian Tribe v. Utah (Ute VI), 790 F.3d 1000 (10th Cir. 2015).

INTEREST OF THE UNITED STATES

Pursuant to Federal Rule of Appellate Procedure 29(a), the United States respectfully submits this amicus curiae brief. This case involves the boundaries of the Uintah Reservation which was set aside for the Ute Indians of the Uintah, Uncompahgre, and Whiteriver Bands. The Ute Indian Tribe, whose members are the modern-day descendants of those bands, has jurisdiction over the Reservation. Therefore, the location of those boundaries affects the scope of the United States' law-enforcement obligations under the Indian Major Crimes Act, 18 U.S.C. § 1153,

and other statutes that apply only in Indian country.[1] Furthermore, due to the United States' special relationship with the Indian tribes, the United States has an interest in cases determining whether lands within the boundaries of a diminished reservation remain Indian country. As such, the United States participated as amicus curiae in the original litigation and has an interest in ensuring that this Court's Ute III mandate, as modified by Ute V, which became final in 1998 when the Supreme Court denied certiorari, is enforced.

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[1] "Indian country" is defined by 18 U.S.C. § 1151 as "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through same." Generally, a State has jurisdiction over an offense committed by or against an Indian in Indian country only where Congress has granted jurisdiction to the State. Washington v. Confederated Bands & Tribes of the Yakima Indian Nation, 439 U.S. 463, 470-71 (1979). Congress has not granted the State of Utah jurisdiction over any Indian country pertinent here.

QUESTION PRESENTED

Whether the district erred in holding that the entire town of Myton, Utah, is not Indian country, in conflict with Ute III, Ute V, and Hagen v. Utah, 510 U.S. 399 (1994).

BACKGROUND

A. History of the Ute Indian Tribe's Reservation

The Uintah Valley Reservation was established in 1861 by presidential order. Executive Order of Oct. 3, 1861. Congress confirmed the President's action in 1864. Act of May 5, 1864, § 2, 13 Stat. 63. The predecessors of the members of the present-day Ute Indian Tribe were prevailed upon to move onto the reservation.

In 1902, Congress provided that, if a majority of the Tribe's adult male members consented, the Secretary of the Interior should make allotments by October 1, 1903, on the Uintah Reservation. Act of May 27, 1902, § 1, 32 Stat. 263-64. The 1902 Act also provided that after October 1, 1903, "all the unallotted lands within said reservation shall be restored to the public domain," and that those lands would be subject to entry under the homestead laws.

The allotment process, however, did not proceed as Congress had contemplated, and the opening date was extended twice. Act of Mar. 3, 1903, § 1, 32 Stat. 997-98; Act of Apr. 21, 1904, 33 Stat. 207-08. The 1903 Act also directed the Secretary to allot the land unilaterally if Indian consent was not obtained.

By Section 1 of the Act of March 3, 1905, 33 Stat. 1048, Congress again deferred the opening, this time until no later than September 1, 1905. Section 1 also provided that the unallotted and unreserved lands "shall be disposed of under the general provisions of the homestead and townsite laws of the United States." Id.

On July 14, 1905, the President issued a proclamation declaring that the unallotted lands in the Reservation which were not otherwise reserved would "be opened to entry, settlement and disposition under the general provisions of the homestead and townsite laws." 34 Stat. 3120. That same day, the President, acting under a provision of the 1905 Act authorizing him to set aside Reservation lands as a forest reserve, designated some 1,010,000 acres within the Reservation as an addition to the Uintah Forest Reserve. 34 Stat. 3116. Approximately 282,460 acres of other unallotted Reservation lands remained reserved for tribal purposes. See Ute Indian Tribe v. Utah (Ute I), 521 F. Supp. 1072, 1125 (D. Utah 1981).

Not all the lands opened for settlement passed from federal ownership. In 1945, the Secretary, acting under Section 3 of the Indian Reorganization Act, 48 Stat. 984, as amended, 25 U.S.C. § 463, restored approximately 217,000 acres of opened lands to trust status and tribal ownership.[2] Some of those lands — located in the

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[2] The United States holds title to the lands in trust for the benefit of the Tribe. See Appendix ("A") 2350, 2732. The Act of March 11, 1948, 62 Stat. 72, also "extended" the "exterior boundary" of the Reservations to include a tract of approximately 510,000 acres (the "Hill Creek Extension"), as did 18 Fed. Reg. 426 (Jan. 20, 1953); 21

town of Myton, a political subdivision of the State of Utah, in Duchesne County — are the focus of this appeal.

B. Litigation over the Reservation's Boundaries

In 1975, the Ute Indian Tribe enacted a Law and Order Code asserting jurisdiction over lands within the original boundaries of the Uintah and Uncompahgre Reservations ("the Reservation").[3] This assertion of jurisdiction was opposed by local non-Indian governments. The Tribe then brought this action seeking to establish the exterior boundaries of its Reservation, to define the effectiveness of the Law and Order Code within those boundaries, and to restrain the defendants from interfering with the Code's enforcement. The State of Utah intervened as a defendant.[4] Ute I, 521 F. Supp. at 1075-78.

The district court held that the opening of the "surplus" Uintah Reservation lands to non-Indian settlement in 1905 did not terminate the lands' reservation status.

Fed. Reg. 5015 (July 6, 1956); 24 Fed. Reg. 8175 (Oct. 8, 1959); and 26 Fed. Reg. 1718 (Feb. 28, 1961). See Ute I, 521 F. Supp. at 1144.

[3] The Uncompahgre Reservation was originally set aside for the Uncompahgre Band. Because this appeal does not involve the Uncompahgre Reservation, a discussion of its history is omitted. However, in Ute III this Court held that the Uncompahgre Reservation was neither disestablished nor diminished. 773 F.2d at 1093. Because Hagen did not directly address the Uncompahgre Reservation, this Court in Ute V declined to modify its Ute III holding regarding this part of the Reservation. See Ute V, 114 F.3d at 1529. Therefore, the United States continues to exercise jurisdiction over the Uncompahgre Reservation.

[4] For convenience, all the Ute Indian Tribe defendants will be collectively referred to as "the State," and the defendant-appellee in this appeal as "Myton."

The court also held, however, that the Uintah Reservation lands which had been set aside for national-forest purposes in 1905 were no longer reservation lands. The court further found that certain additional Uintah tracts (no longer at issue) had also lost reservation status. Id. The Tribe and the local governments appealed. The State of Utah did not appeal.

After this Court initially ruled against the Tribe on virtually all the issues contested on appeal,[5] Ute Indian Tribe v. Utah (Ute II), 716 F.2d 1298 (1983), the Court reheard the case en banc and ruled almost wholly for the Tribe, holding that the Reservation boundaries were intact. Ute Indian Tribe v. Utah (Ute III), 773 F.2d 1087 (1985). The Supreme Court denied certiorari. Utah v. Ute Indian Tribe, 479 U.S. 994 (1986).

Although the Tribe obtained a favorable federal-court declaratory judgment and the Supreme Court denied certiorari, no permanent injunction was entered. Utah state officials chose to disregard the binding effect of this Court's decision and relitigated the boundary dispute in a friendlier forum by prosecuting Indians in state court for conduct occurring on the Uintah Reservation. Thereafter, the Utah state courts considered three criminal cases in which the Indian defendants asserted that the State lacked jurisdiction because the offenses had occurred within either Myton or

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[5] The district court had found that the "Gilsonite Strip" and certain lands withdrawn for a reservoir project were no longer within the Reservation's boundaries. The Tribe did not contest these rulings on appeal.

Roosevelt, which are towns within the Uintah part of the Reservation as defined by this Court's 1985 decision in Ute III. The Utah state trial court ruled for the State in all three cases, but the Utah Court of Appeals reversed.

The Utah Supreme Court, relying on the language of the 1902 Act regarding restoration of unallotted lands to the public domain, reversed the Utah Court of Appeals and ruled in favor of the Tribe. State v. Hagen, 858 P.2d 925 (1992); State v. Coando, 858 P.2d 926 (1992); State v. Perank, 858 P.2d 927 (1992). The Utah Supreme Court addressed the issues at length in Perank and issued summary opinions in Hagen and Coando.

In Perank, the Utah Supreme Court found that Perank was an Indian and that the state courts would lack jurisdiction over him if the offense, which had occurred in Myton, was within the Reservation. The court, however, concluded that the situs of the offense was not within the reservation. The court framed that issue as follows:

> The *only issue* in this case is whether the unallotted and unreserved lands that were opened to entry in 1905 *and not later restored* to tribal ownership and jurisdiction by the 1945 "Order of Restoration" are within the present boundaries of the Reservation.

858 P.2d at 934 (emphasis added).

The Utah Supreme Court, disagreeing with Ute III, answered the inquiry in the negative:

> We hold that the [restoration-to-the-public-domain] language in the 1902 Act established the necessary congressional intent to diminish the Reservation as to those lands restored to the public domain and that the

> restoration language in the 1902 Act remained operative statutory language when the Reservation was opened in 1905.

Ibid.

Mr. Hagen sought review in the United States Supreme Court. The Tribe moved to intervene, but its motion was denied. The Tribe then filed a brief as amicus curiae in support of petitioner Hagen. The United States also participated as amicus curiae in support of the petitioner.

The U.S. Supreme Court affirmed the Utah Supreme Court's judgment. Hagen v. Utah, 510 U.S. 399 (1994). The Court stated that it granted review "to resolve the direct conflict between these decisions of the Tenth Circuit and Utah Supreme Court on the question of whether the Uintah Reservation has been diminished." Id. at 409. Next, noting that Mr. Hagen had disavowed any reliance on preclusion principles, the Court found that there was no reason for the Court to consider that issue. Id. at 410.

Addressing the merits, the Court found that the phrasing of the 1902 Act stating that "all of the unallotted lands within said reservation shall be restored to the public domain" signaled an intent to diminish the reservation:

> [W]e hold that the restoration of unallotted reservation lands to the public domain evidences a congressional intent with respect to those lands inconsistent with the continuation of reservation status. Thus, the existence of such language in the operative section of a surplus land Act indicates that the Act diminished the reservation.

Id. at 414.

The Court then concluded that the 1902 Act's intent as to the restoration of lands to the public domain was carried over into the 1905 Act. 510 U.S. at 415-17, 419-20. Therefore, in referring to the non-trust lands where Mr. Hagen had committed the crime, the Court stated that "the town of Myton, where petitioner committed a crime, is not in Indian country and the Utah courts properly exercised criminal jurisdiction over him." 510 U.S. at 421-22.

Meanwhile, after the Utah Supreme Court had announced its Perank, Hagen, and Coando decisions, the Tribe moved in the federal district court for a temporary restraining order and a preliminary injunction prohibiting the Utah Supreme Court from issuing the Perank remittitur and the final judgment.[6] The Tribe also moved for permanent injunctive relief. See Ute V, 114 F.3d at 1519.

The State and Tribe subsequently entered into a stipulation, which was incorporated into a district court order entered on September 2, 1992, whereby the State agreed to refrain from enforcing Perank and exercising jurisdiction within the exterior boundaries of the Reservation, as those boundaries were set forth in Ute III. See Ute V, 114 F.3d at 1519.

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[6] The United States' memorandum supporting the Tribe's motion for injunctive relief is included in the appendix. A147.

On April 24, 1994, after the Supreme Court ruled in Hagen, the State moved the district court to set aside the September 2, 1992 order and to dismiss the Tribe's motion for a permanent injunction. Ute V, 114 F.3d at 1519. The State also sought emergency relief from the September 2, 1992 order. The Tribe, supported by the United States as amicus curiae, opposed these motions.

On May 2, 1994, the court temporarily modified its September 2, 1992 order "to allow the state and local defendants to prosecute felony crimes occurring on lands within the original boundaries of the Uintah Valley Reservation which are not 'Indian country' as defined by 18 U.S.C. § 1151." Ute V, 114 F.3d at 1519. The court, however, stated that it was "not determining one way or another which lands may or may not constitute 'Indian country.'" Id.

After hearing argument, the district court entered its Opinion and Order on April 2, 1996. Ute Indian Tribe v. Utah (Ute IV), 935 F. Supp. 1473 (D. Utah 1996); A158. The court found that (1) neither Hagen nor any other authority supports a conclusion that the Uintah Reservation had been extinguished, rather than merely diminished, id. at 1487-93; (2) Hagen determined that the Uintah Reservation was diminished with respect to the unallotted and unreserved lands opened for entry in 1905 and that such lands which have not since been taken back into trust remain stripped of reservation status, id. at 1493-96; and (3) the post-1905 Reservation included (and still includes) the allotted lands and the lands which had been retained as lands reserved for tribal purposes at the time of the 1905 opening of the

reservation and also includes lands restored to the reservation by Congress or the Department of the Interior, id. at 1492-93.

Turning to the Tribe's contentions concerning the asserted preclusive effect of this Court's 1985 decision (Ute III), the district court found that the proceedings were governed by the "law of the case" doctrine, rather than by res judicata and collateral estoppel. Id. at 1505-16. The district court declined to enter any permanent relief conflicting with this Court's 1985 mandate. Instead, the district court sought this Court's guidance. Id. at 1531-33. The district court, however, further modified its September 2, 1992 order to provide that the lands not within Indian country "include[] those unallotted and unreserved lands of the Uintah Reservation that were opened to entry in 1905, *to the extent that those lands were not later restored to tribal ownership or otherwise reincorporated within the Reservation* by subsequent congressional and administrative action." Id. at 1531 (emphasis added).

On appeal, this Court declined to withdraw its prior mandate but modified it to the extent it was inconsistent with Hagen. Ute V, 114 F.3d at 1527. This Court's prior holding in Ute III that the Uncompahgre Reservation had not been disestablished therefore remained in effect; and the U.S. Forest Reserves, former allotted lands within the Uintah Valley, and, most significantly for this appeal, all lands restored to the Tribe therefore remained Indian country. Ute V, 114 F.3d at 1528-

29.[7] The United States Supreme Court denied certiorari. Duchesne County v. Ute Tribe, 522 U.S. 1107 (1998). Accordingly, the Ute III mandate, as modified by Ute V, became final in 1998.

In accord with Ute V, when a question arises regarding the Indian-country status of a particular parcel, the Department of the Interior's Bureau of Indian Affairs Realty Staff at the Uintah and Ouray Agency Office reviews the official plat books, consults with the Office of the Solicitor of the Interior, and certifies the particular parcel's status on a case-by-case basis.[8]

C. The Current Litigation

In 2013, the State of Utah again initiated prosecutions of Indians in the Utah state courts for the alleged commission of crimes within the Reservation boundaries as defined by this Court in Ute V. Upon learning of the State's actions, the Ute Tribe filed both a motion for supplemental proceedings in the original case and a new complaint for injunctive relief to enforce Ute V. Ute Indian Tribe v. Utah et al., Case

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[7] Ute V also held that certain other categories of fee lands remained part of the Reservation and thus Indian country, including lands apportioned to the Mixed Blood Utes under the Ute Partition Act, 25 U.S.C. §§ 677-677aa, lands allotted to individual Indians that passed into fee status after 1905, and lands that were held in trust after the Reservation was opened in 1905 but that have since been exchanged into fee status in an effort to consolidate the Tribe's land holdings. Ute V, 114 F.3d at 1528-30.

[8] The Bureau of Indian Affairs is in the process of finalizing a GIS map of the land status of every acre on the Reservation, which will be available to law-enforcement and civil government officials who deal with jurisdictional issues. The system is already in use by the Bureau of Indian Affairs, Office of Judicial Services.

No. 13-cv-276 (D. Utah Apr. 17, 2013). Although the town of Myton was not part of the original case, the new complaint named Myton as a defendant. The district court reopened the original action, consolidated that action with the new case, and denied the Tribe's request for a preliminary injunction. A386-87, 520-21. The Tribe appealed.

On June 16, 2015, this Court reversed the district court's judgment, reaffirmed its decision in Ute V, and ordered the district court to enjoin the State of Utah and Wasatch County from prosecuting tribal members on lands that qualify as Indian country under Ute V. See Ute VI, 790 F.3d at 1012-13.

In the meantime, while the preliminary-injunction appeal was pending, the district court on January 28, 2015, granted Myton's motion to dismiss the Tribe's claims against it in the new case. The district court dismissed Myton based on the dicta from Hagen stating that "the town of Myton, where petitioner committed a crime, is not in Indian country." A2263. On May 18, 2015, the district court entered an order denying the Tribe's various motions for clarification and reconsideration of the dismissal order and granted Myton's motion to certify the order as a final and appealable ruling under Federal Rule of Civil Procedure 54(b). A3228-30. The Tribe then filed this appeal.

SUMMARY OF ARGUMENT

As this Court recognized in Ute V, Hagen only affected "the boundaries of the Uintah Valley Reservation to the extent that lands within the Reservation

were unallotted, opened for settlement under the 1902-1905 legislation, *and not thereafter returned to tribal ownership.*" Ute V, 114 F.3d at 1528 (emphasis added)[9] Lands that were returned to tribal ownership include undisposed-of opened lands restored to the Tribe under the Indian Reorganization Act and "added to and made part of the existing reservation" by the 1945 Order of Restoration. 10 Fed. Reg. 12,409 (Oct. 2 1945) ("the Restoration Order"). The town of Myton includes land returned to tribal ownership and now held in trust by the United States for the benefit of the Ute Tribe. Those parcels of land are Indian country, and Indians on those lands are not subject to prosecution by the State or its political subdivisions, including Myton.[10] The district court erred in not following this Court's mandate in Ute V and in relying instead on dicta in Hagen stating that Myton is not in Indian country.[11]

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[9] Although the President signed the Proclamation opening the Uintah Reservation to entry on the same day he established the Forest Reserve, this Court held in Ute III "that the withdrawal of the National Forest Lands did not diminish the Uintah Valley Reservation," and declined to recall that portion of the mandate in Ute V. 114 F.3d at 1528-1529.

[10] Crimes committed on those same lands by non-Indians against an Indian are also outside of Myton's jurisdiction. See 18 U.S.C. § 1152.

[11] This Court instructed the Tribe to address in its opening brief any concerns the Tribe may have about the district court's jurisdiction to rule on Myton's motion to dismiss. Order at 2, Ute Indian Tribe v. Myton, No. 15-4080 (10th Cir. Aug. 18, 2015), ECF No. 01019477657. This Court's Order was in response to a motion by the Tribe questioning whether pending appeals of three unrelated collateral orders focusing solely on the sovereign immunity of the Tribe and Uintah County and the denial of the Tribe's request for a preliminary injunction against Wasatch County had

ARGUMENT

This Court definitively determined the effect of Hagen in Ute V, holding that "*Hagen*'s only effect was to reduce (and not terminate) the boundaries of the Uintah Valley Reservation to the extent that lands within the Reservation were unallotted, opened for settlement under the 1902-1905 legislation, *and not thereafter returned to tribal ownership.*" Ute V, 114 F.3d at 1528 (emphasis added). The counties' petition for certiorari in Ute V was denied. Duchesne County v. Ute Indian Tribe, 522 U.S. 1107 (1998). Accordingly, the district court was bound by Ute V, and the court plainly erred as a matter of law when it dismissed the Tribe's claims against Myton on the ground that Myton contained no Indian country. It is undisputed that Myton contains lands that were restored to tribal ownership and trust status under the 1945 Restoration

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deprived the district court of jurisdiction to rule on Myton's motion. See Expedited Motion to Suspend Briefing Pending a Ruling on Whether the Appellate Court has Jurisdiction over the Appeal, Ute Indian Tribe v. Myton, No. 15-4080 (10th Cir. Aug. 17, 2015), ECF No. 01019476593. In its opening brief, however, the Tribe does not argue that the district court lacked jurisdiction to consider the issues or that this Court consequently lacks appellate jurisdiction. See Br. at 11 (merely referencing the motion to suspend briefing). Regardless, the district court had jurisdiction to rule on Myton's motion because "the transfer [of jurisdiction] affects only those aspects of the case involved in the appeal. Thus, when an appeal is taken from a limited interlocutory ruling, as opposed to one that affects the litigation as a whole, the district court may proceed with the case." Howard v. Mail-Well Envelope Co., 150 F.3d 1227, 1229 (10th Cir. 1998) (citations omitted). Here, the appeals were confined to unrelated collateral orders, so the district court retained jurisdiction to rule on the merits of Myton's motion to dismiss.

Order,[12] which Ute V determined were part of the Reservation, and therefore are Indian country. Ute V, 114 F.3d at 1528; A2350; A2732.[13] This Court's Ute V ruling is binding on the district court.

Indeed, Ute V's holding was undoubtedly correct. In Perank, the Utah Supreme Court cast its holding in precise terms, explaining that the "only" issue before it was "whether the unallotted and unreserved lands that were opened to entry in 1905 *and not later restored to tribal ownership and jurisdiction by the*

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[12] Myton and the State failed to timely challenge the Restoration Order after it was issued in 1945, and the State did not dispute that the restoration orders made these lands part of the reservation in the original case. See Ute II, 716 F.2d at 1312-13. Myton was certainly aware of the Restoration Order's effect, as Myton's request that additional lands be sold to it was rejected by Interior because the open, ceded lands had been restored to the Tribe under the Restoration Order. See Restoration of Land to Tribal Ownership, 54 Interior Dec. 559 (M-34912) (Apr. 11, 1947).

[13] The Restoration Order states that "the said lands are hereby *restored to tribal ownership* for the use and benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah, *and are added to and made a part of the existing reservation*," 10 Fed. Reg. 12,409 (emphasis added). As the Tribe points out in its alternative motion to reconsider, A2376-77, which the district court denied, A3228, to the extent that Myton or the State argues that the Restoration Order lands are no longer part of the reservation, these lands would still be Indian country. Once these lands were restored to trust status, they fit within the Supreme Court's definition of dependent Indian community under the Indian-country statute, 18 U.S.C. § 1151(b), because the lands were set aside by the federal government (pursuant to the Indian Reorganization Act) for the use of the Tribe and are under federal superintendence. See Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520 (1998) (holding that § 1151(b)'s "dependent Indian community" status is satisfied upon finding a federal set-aside and federal superintendence); Hydro Resources, Inc. v. E.P.A., 608 F.3d 1131, 1164-65 (10th Cir. 2010) (approving a "straightforward application of *Venetie*" to scattered trust lands, and rejecting the "community of reference" test that the Tenth Circuit had used prior to Venetie) (citation omitted).

1945 'Order of Restoration' are within the present boundaries of the [Uintah] Reservation." 858 P.2d at 934 (emphasis added). The United States Supreme Court, in turn, announced that it had granted review "to resolve the direct conflict between these decisions of the Tenth Circuit and Utah Supreme Court on the question of whether the Uintah Reservation has been diminished," 510 U.S. at 409; and it agreed with the Utah Supreme Court that "the Uintah Reservation [was] diminished by the opening of the unallotted lands to non-Indian settlement," id. at 420.

The United States Supreme Court resolved the conflict between this Court and the Utah Supreme Court by ruling only on the facts before it: The U.S. Supreme Court held that lands within the original boundaries of the Uintah Reservation (and within the town limits of Myton) that were opened to public entry in 1905 and that have not since been restored to tribal ownership do not fall within the current boundaries of the Uintah Reservation and thus are not "Indian country" under 18 U.S.C. § 1151(a). None of the crimes committed by Perank, Coando, or Hagen occurred on lands subject to the 1945 Restoration Order; so the Supreme Court did not address the status of lands restored to tribal ownership under the 1945 Restoration Order.

Indeed, the State's U.S. Supreme Court brief in Hagen acknowledged that "[t]here is no dispute that . . . the surplus lands restored to tribal ownership and reservation status in 1945 . . . are also Indian country." Brief of Respondent, Hagen v.

Utah, 1993 WL 384805, at *9 (1993); A2392. There were no factual or legal challenges to the status of the lands subject to the 1945 Restoration Order before the Court in Hagen. While the Supreme Court stated that "the town of Myton, where petitioner committed a crime, is not in Indian country," the Court's holding dealt only with lands that had *not* been restored to the Tribe. The status of lands restored to the Tribe was not before the Hagen Court. As a result, the holding in Hagen is limited to the status of lands that were patented to non-Indians under the 1902-1905 acts, not the status of the lands in Myton that were returned to the Tribe in the 1945 Restoration Order (or any of the restoration orders).

To the extent that the Court's Hagen opinion suggested that the entire town of Myton was not in Indian country, that statement was dicta. This Court's Ute V decision confirms that "Hagen's only effect was to reduce . . . the boundaries of the Uintah Valley Reservation to the extent that lands within the Reservation were unallotted, opened for settlement under the 1902-1905 legislation, *and not thereafter returned to tribal ownership*." Ute V, 114 F.3d at 1528 (emphasis added). Therefore, the district court erred in relying upon the dicta in Hagen and not adhering to this Court's mandate in Ute V.

CONCLUSION

For the foregoing reasons, this Court should reverse the district court's dismissal of the Ute Indian Tribe's claims against the town of Myton because the dismissal conflicts with Hagen, Ute III, and Ute V.

October 19, 2015

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General

JENNIFER SCHELLER NEUMANN
GINA L. ALLERY
/s/ Gina L. Allery
Attorney
Environment & Natural Resources Div.
U.S. Department of Justice
P.O. Box 7415, Ben Franklin Station
Washington, D.C. 20044-7415
(202) 305-0261
gina.allery@usdoj.gov

Of Counsel:
Barbara Coen
Grant Vaughn
U.S. Dept. of Interior

CERTIFICATE OF COMPLIANCE

As required by Fed. R. App. P. 32(a)(7)(C), I certify that this brief complies with the applicable volume limitations because it is proportionally spaced and contains 4,121 words. I relied on my word processor program to obtain the word count, and that program is Microsoft Office Word 2013. I certify that the information on this form is true and correct to the best of my and knowledge and brief formed after a reasonable inquiry.

s/ Gina L. Allery
GINA L. ALLERY

ADDITIONAL CERTIFICATIONS

I hereby certify that:

- There is no information in this brief subject to the privacy redaction requirements of 10th Cir. R. 25.5; and
- The hard copies of this brief to be submitted to the Court are exact copies of the version submitted electronically; and
- This brief was scanned with System Center Endpoint Protection, version 1.207.3664.0, updated 10/19/2015, and according to the program the brief is free of viruses.

s/ Gina L. Allery
GINA L. ALLERY

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit by using the appellate CM/ECF system, which will serve the brief on the other participants in this case.

/s/ Gina L. Allery
Gina L. Allery

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Tenth Circuit

August 9, 2016

Elisabeth A. Shumaker
Clerk of Court

PUBLISH

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION,

Plaintiff - Appellant,

v.

MYTON, a municipal corporation,

Defendant - Appellee,

and

DUCHESNE COUNTY, a political subdivision of the State of Utah; ROOSEVELT CITY, a municipal corporation; DUCHESNE CITY, a municipal corporation; UINTAH COUNTY, a political subdivision of the State of Utah; WASATCH COUNTY; GARY HERBERT, in his capacity as Governor of Utah; SEAN D. REYES, in his capacity as Attorney General of Utah,

Defendants.

UNITED STATES OF AMERICA; THE STATE OF UTAH,

Amici Curiae.

No. 15-4080

Appeal from the United States District Court
for the District of Utah
(D.C. Nos. 2:75-CV-00408-BSJ and 2:13-CV-00276-BSJ)

Frances C. Bassett and Jeffrey S. Rasmussen (Thomas W. Fredericks and Jeremy J. Patterson, with them on the briefs), Fredericks Peebles & Morgan LLP, Louisville, Colorado, for Plaintiff-Appellant.

J. Craig Smith (Clark R. Nielsen, Stephen L. Henriod, and Brett M. Coombs, with him on the brief), Smith Hartvigsen, PLLC, Salt Lake City, Utah, for Defendant-Appellee.

Gina L. Allery, Attorney, Environmental and Natural Resources Division of the United States Department of Justice, Washington, D.C. (John C. Cruden, Assistant Attorney General, and Jennifer S. Neumann, Attorney, Environmental and Natural Resources Division of the United States Department of Justice, Washington, D.C., Barbara Coen, United States Department of the Interior, Washington, D.C., and Grant Vaughn, United States Department of the Interior, Salt Lake City, Utah, with her on the brief), for amicus curiae United States, in support of Plaintiff-Appellant.

Sean D. Reyes, Attorney General, Randy S. Hunter and Katharine H. Kinsman, Assistant Attorneys General, Tyler R. Green, Solicitor General, and Stanford E. Purser, Deputy Solicitor General, State of Utah, Salt Lake City, Utah, for amicus curiae State of Utah, in support of Defendant-Appellee.

Before **GORSUCH**, **PHILLIPS**, and **MORITZ**, Circuit Judges.

GORSUCH, Circuit Judge.

We're beginning to think we have an inkling of Sisyphus's fate. Courts of law exist to resolve disputes so that both sides might move on with their lives. Yet here we are, forty years in, issuing our seventh opinion in the *Ute* line and still addressing the same arguments we have addressed so many times before.

Thirty years ago, this court decided all boundary disputes between the Ute Indian Tribe, the State of Utah, and its subdivisions. The only thing that remained was for the district court to memorialize that mandate in a permanent injunction. Twenty years ago, we modified our mandate in one respect, but stressed that in all others our decision of a decade earlier remained in place. Once more, we expected this boundary dispute to march expeditiously to its end. Yet just last year the State of Utah and several of its counties sought to relitigate those same boundaries. And now one of its cities tries to do the same thing today. Over the last forty years the questions haven't changed — and neither have our answers. We just keep rolling the rock.

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To understand how this very old fight arrives back before us today, a brief dip into Western history helps. Beginning in the 1860s and under pressure to make way for incoming settlers, the federal government forced members of the Ute Indian Tribe in Utah onto a new reservation. Like most reservations established around that time, the land the Utes received represented but a portion of their historic lands and pretty undesirable land at that. *See* Floyd A. O'Neil, *The Reluctant Suzerainty: The Uintah and Ouray Reservation*, 39 Utah Hist. Q. 129, 130-31 (1971). But, as these things often went, as the decades wore on and settlement pressures continued to increase the Tribe's land began to look a good deal more alluring. *See id.* at 137-38. By 1905, Congress authorized the

Secretary of the Interior to break up the Ute reservation by assigning individual plots to individual tribal members and allotting any land left over (and a very great deal was sure to be left over) to interested homesteaders. In exactly this way, massive swaths of former Ute reservation lands passed back into the public domain. *See generally Ute Indian Tribe v. Utah* (*Ute I*), 521 F. Supp. 1072, 1092-1127 (D. Utah 1981).

That is, until 1945. Instead of disassembling reservations, Congress by now wished to reassemble them. While by this point the former Ute reservation had been opened to nontribal settlement for forty years, large portions still remained unclaimed and sitting in the hands of the Secretary of the Interior. With Congress's permission, the Secretary in 1945 issued an order returning these unallotted lands, about some 217,000 acres, to tribal jurisdiction. *See* Indian Reorganization Act of 1934, ch. 576, 48 Stat. 984; Order of Restoration, 10 Fed. Reg. 12,409 (Oct. 2, 1945); *Ute Indian Tribe v. Utah* (*Ute II*), 716 F.2d 1298, 1312-13 (10th Cir. 1983).

The litigation surrounding these events and their upshot began in earnest in 1975. That year the Ute Tribe filed a lawsuit in federal court, alleging that the State of Utah and several local governments were busy prosecuting tribal members for crimes committed on tribal lands, even though (constitutionally supreme) federal law generally assigns criminal enforcement responsibilities in "Indian country" to federal and tribal officials, not state or local ones. *See* 18

U.S.C. §§ 1151-1152, 1162; *Cheyenne-Arapaho Tribes of Okla. v. Oklahoma*, 618 F.2d 665, 668 (10th Cir. 1980). For their part, the State and its subdivisions responded that the lands in question didn't qualify as Indian country because the 1905 legislation that opened reservation lands to outside settlement had the effect of diminishing or disestablishing the Utes' reservation. *See Ute I*, 521 F. Supp. at 1075-79.

It took a decade and an exhaustive adversarial process, but in 1985 this court finally resolved the issue *en banc* in a case the parties call *Ute III*. This court sided with the Tribe and, in a nutshell, held that *all* lands encompassed within the original Ute reservation boundaries established beginning in the 1860s — including all those lands that passed to non-Indian settlers between 1905 and 1945 — remained Indian country subject to federal and tribal (not state and local) criminal jurisdiction. *See Ute Indian Tribe v. Utah* (*Ute III*), 773 F.2d 1087, 1088-89, 1093 (10th Cir. 1985) (en banc), *cert. denied*, 479 U.S. 994 (1986). After the Supreme Court denied certiorari, that might have seemed the end of it. After all, *Ute III* "disposed of all boundary questions at issue on the merits" and "left nothing for the district court to address [on remand] beyond the ministerial dictates of the mandate." *Ute Indian Tribe v. Utah* (*Ute V*), 114 F.3d 1513, 1521 (10th Cir. 1997) (internal quotation marks omitted).

But that was not the end of it. That was not even the beginning of the end of it. Dissatisfied with the result of *Ute III*, state and local officials went

shopping for a "friendlier forum" in which to "relitigate the boundary dispute." United States' Mem. in Support of Ute Indian Tribe's Mot. for Injunctive Relief 3, Supp. App. 8 (Nov. 23, 1992). And no doubt correctly sensing it would represent their best chance for victory, they chose "[a]s a vehicle for their effort" state court prosecutions of tribal members whose unlawful conduct occurred on former reservation lands that had passed to nontribal settlers between 1905 and 1945. *Ute Indian Tribe v. Utah* (*Ute VI*), 790 F.3d 1000, 1003 (10th Cir. 2015); *see also State v. Perank*, 858 P.2d 927, 934 (Utah 1992). Never mind that *Ute III* held that these very lands qualified as Indian country, where Utah and its subdivisions lacked criminal law enforcement authority over tribal members. 773 F.2d at 1088-89, 1093. Never mind, too, the normal operation of issue or claim preclusion principles. State officials argued to Utah state courts that their prosecutions could proceed because the 1905 legislation carved out from Indian country at least those lands that had passed to nontribal members between that year and 1945. *See Perank*, 858 P.2d at 934. Ultimately, the Utah Supreme Court agreed with this much. *See id.* at 953; *State v. Hagen*, 858 P.2d 925, 925-26 (Utah 1992). And so did the U.S. Supreme Court in *Hagen v. Utah*, 510 U.S. 399 (1994). *See id.* at 421-22.

That twist of events required this court to reconsider *Ute III*'s mandate in light of *Hagen*. On the one hand, "[u]psetting a final decision by recalling and modifying a mandate is and ought to be a rare and disfavored thing in a legal

system that values finality." *Ute VI*, 790 F.3d at 1004. On the other hand, if left untouched, *Ute III*'s mandate invited a pretty unsavory result: the possibility that the Supreme Court's decision in *Hagen* would be left to "control only cases arising from Utah state courts and not federal district courts." *Id.* To avoid that outcome, this court took the extraordinary step of recalling and modifying *Ute III*'s mandate a decade after its issuance "to reconcile [the] two inconsistent boundary determinations and to provide a uniform allocation of jurisdiction among [the] separate sovereigns." *Ute V*, 114 F.3d at 1523.

This was no easy task. After carefully reviewing the possibilities, Judge Tacha, writing for the court in a decision the parties call *Ute V*, held that a full and proper respect for *Hagen* meant that this court now had to recognize that "lands that passed from [tribal] trust to fee status pursuant to non-Indian settlement" between 1905 and 1945 do *not* qualify as Indian country. *Id.* at 1529; *see also id.* at 1530. At the same time, Judge Tacha declined to read *Hagen* as affecting *Ute III*'s mandate in any other respect. So, for example, she explained that lands that could've been but were not allotted to nontribal members between 1905 and 1945, and that were instead restored to tribal status in 1945, remained Indian country. *Id.* at 1528-31; *see also Ute VI*, 790 F.3d at 1004. With that much decided, *Ute V* (once again) resolved all outstanding boundary issues, leaving to the district court nothing but the ministerial task of entering a permanent injunction memorializing its terms. *See Ute V*, 114 F.3d at 1530-31.

Once more, too, the Supreme Court denied certiorari. 522 U.S. 1107 (1998). And with that, you could be forgiven for thinking that surely, now, the saga was about to draw to a close as the century neared its end.

Not even close. After this court issued *Ute V* and its light, the parties entered into a series of agreements under the district court's superintendence that seemed to keep the peace — even for some years after major portions of them expired in 2008. But then, much as they did in the build-up to *Hagen*, Utah and several of its counties began what appeared to the Tribe to be a campaign to undermine this court's boundary determinations by prosecuting tribal members for crimes committed "on the very lands *Ute V* said remain Indian country even after *Hagen*." *Ute VI*, 790 F.3d at 1004. Unsurprisingly, the Tribe responded to this effort by filing suit once more in 2013 and by requesting a permanent injunction to enforce the terms of *Ute III* and *V*. As a first step toward that end, the Tribe sought a preliminary injunction halting the prosecution of one tribal member for alleged traffic offenses on land that "*Ute III* and *V* recognized as Indian country." *Id.* at 1005. Yet in a one-line order that contained no explanation, the district court denied the request.

So it is that just last year the rock returned for this court to push up the hill one more time. In *Ute VI*, we found that the land at issue in the prosecution in question unquestionably qualified as Indian country under the terms of *Ute V* and that Utah and the localities were indeed attempting to "undo the tribal boundaries

settled by *Ute III* and *V*." *Id.* Accordingly, this court ordered the district court to issue the preliminary injunction forthwith. *Id.* ("[T]he district court should have issued a preliminary injunction and *must do so now* . . . ." (emphasis added)). "[T]he time has come," we said, for the parties "to respect the peace and repose promised by settled decisions." *Id.* at 1013. Again the Supreme Court denied review. 136 S. Ct. 1451 (2016).

Yet even that wasn't the end of it. While *Ute VI* was before this court, one of the defendants, the town of Myton, filed a motion to dismiss the Tribe's suit. Even though the Tribe's complaint alleged that Myton lies on original Ute reservation lands and includes tracts that were opened in 1905 but never settled and so restored to tribal jurisdiction in 1945. And even though the Tribe's complaint alleged that the town and its agents sought to prosecute tribal members for crimes on those restored tribal lands. Despite all this, Myton sought dismissal and the district court granted it, certifying its disposition for appeal under Fed. R. Civ. P. 54(b). And so with that we face the rock and the hill yet again, with the Tribe and the federal government asking us to give effect to *Ute V*'s mandate by overturning the district court's ruling.

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We are of course obliged to do exactly that. The Tribe's suit against Myton alleges that local officials seek to exercise criminal jurisdiction over tribal members on lands that were restored to tribal jurisdiction in 1945. Lands that,

accordingly, remain Indian country under the express terms of *Ute V* and so qualify as lands where tribal members are generally subject only to federal and tribal criminal authorities.

To be sure, Myton disputes the facts alleged in the complaint. It contends that not a single bit of land within its boundaries was subject to the 1945 restoration order. But if Myton really wishes to dispute the facts alleged in a complaint, a motion to dismiss surely isn't the proper way to go about it. At the motion to dismiss stage we and the district court must construe all well-pleaded factual allegations in the light most favorable to the non-movant and ask only if they state a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). And the Tribe's factual allegation that Myton includes land that qualifies as Indian country under the terms of *Ute V* is a good deal more than plausible. Indeed, it is undisputed that Myton lies on land that was part of the Tribe's original reservation. *See* Aple. Br. at 4 ("Myton City . . . is encompassed by the historic boundaries of the Uintah Valley Indian Reservation . . . ."). The town's own plan and plat acknowledge that even today "approximately 48%" of the town's geographic space remains tribal "trust lands." Myton City General Plan FY 2006, at 12; *see also id.* at fig.2. And when in 1947 the town sought to purchase certain parcels of land within the townsite's boundaries so that it might build an airport, the U.S. Department of the Interior refused the sale, citing its judgment that the tracts in question had been "irrevocab[ly]" restored to tribal

jurisdiction in 1945. App. vol. XIV at 2087-88. So it seems Myton's response to this appeal is really no response at all.

Of course, that's not Myton's only reply. The town also argues that the Supreme Court's decision in *Hagen* requires the dismissal of this suit. In particular, it points to a sentence in which the Court stated that "the town of Myton, where petitioner committed a crime, is not in Indian country." 510 U.S. at 421. But though perhaps appealing on first encounter, on closer inspection this argument proves no more persuasive than the last.

After all and as we've seen, any dispute over the meaning and effect of *Hagen* was itself finally decided by this court a very long time ago. As *Ute V* recognized, *Hagen* addressed the question whether state officials had the power under federal law to prosecute a particular crime by a particular defendant — a question whose answer turned on whether the particular parcel of land where the crime occurred (Mr. Hagen's home in Myton) was or was not Indian country. *See Ute V*, 114 F.3d at 1518-19; *see also* 18 U.S.C. § 1151; *United States v. Arrieta*, 436 F.3d 1246, 1247 (10th Cir. 2006); *United States v. Martine*, 442 F.2d 1022, 1023 (10th Cir. 1971). The Supreme Court *held* that particular parcel was not Indian country, so state officials could lawfully prosecute Mr. Hagen. *See Hagen*, 510 U.S. at 421-22. Of course, *Hagen*'s *reasoning* or *ratio decidendi* extended further, for the Court made plain that its holding rested on the judgment that all parcels of land transferred to nontribal members between 1905 and 1945 are not

Indian country — and that Mr. Hagen's home sat on such a parcel. *See id.* at 414. And in *Ute V*, this court sought to give full effect not just to *Hagen*'s holding but to its reasoning too, revising *Ute III*'s mandate to reflect that *all* former reservation lands transferred to nontribal members between 1905 and 1945 no longer qualified as Indian country. *See Ute V*, 114 F.3d at 1528, 1530. But, as interpreted by *Ute V*, *Hagen* didn't hold that each and every tract of land inside Myton is outside Indian country and didn't purport to supply reasoning that might support such a rule. *See id.* at 1530. Myton might disagree with *Ute V*'s assessment on this score and believe "that *Ute V* drew the wrong boundaries." *Ute VI*, 790 F.3d at 1012. But Judge Tacha's careful interpretation of *Hagen* in *Ute V* dates back nearly twenty years, the Supreme Court has twice declined to disturb its judgment, and we are not free to tinker with that controlling precedent now. *See In re Smith*, 10 F.3d 723, 724 (10th Cir. 1993); *Tokoph v. United States*, 774 F.3d 1300, 1303-04 (10th Cir. 2014). Neither, for that matter, does Myton dispute that it is in privity with the parties to *Ute V* or identify any other reason that might prevent that decision from binding it not just as a matter of precedent but as a matter of issue preclusion too.

Though it's long since water over the dam, both as a matter of precedent and preclusion, we might add our view that *Ute V*'s interpretation of *Hagen*'s rule and reasoning was entirely correct. Every bit of evidence suggests that the Supreme Court meant to remove from *Ute III*'s determination about the scope of

Indian country those lands (and only those lands) allotted to nontribal members between 1905 and 1945. Indeed, the Utah Supreme Court decisions under review in *Hagen* didn't purport to hold differently. As *Hagen*'s companion case, *Perank,* made clear, the "only issue" the Utah Supreme Court sought to resolve was "whether the unallotted and unreserved lands that were opened to entry in 1905 *and not later restored to tribal ownership and jurisdiction* [in] 1945" qualified as Indian country. 858 P.2d at 934 (emphasis added). Neither did the State of Utah seek a different rule before the U.S. Supreme Court. In its briefing, Utah expressly acknowledged that "[t]here is no dispute that . . . the surplus lands restored to tribal ownership and reservation status in 1945 . . . are also Indian country." Br. for the Resp't, *Hagen*, 510 U.S. 399 (No. 92-6281), 1993 WL 384805, at *9. An acknowledgment the State repeats even today in the amicus brief it tenders otherwise in support of Myton. Br. of Utah as Amicus Curiae at 3 ("After explaining the effect of the 1945 and 1948 restorations, the State [in *Hagen*] reiterated there was no dispute that the tribal reserves, remaining allotments and restored lands were all Indian country."). In this light, it is evident that the Supreme Court's mention of the town of Myton in *Hagen* was no more than a shorthanded reference to the situs of the crime, a parcel of land inside the town of Myton that had been allotted to a nontribal member between 1905 and 1945, and thus a parcel of land that failed to qualify as Indian country under the Court's reasoning. No one before the Court sought a ruling that *all* of Myton is

outside Indian country. That question simply wasn't presented. And nothing in the parties' arguments to the Court or the reasoning of the Court's opinion would support such an idiosyncratic rule. So it is *Ute V*'s interpretation of *Hagen* is not only plainly controlling: it seems to us plainly correct.

As a final measure, Myton appeals to equity. It laments the consequences for the town's administration that follow from having to contend with some parcels in town where it cannot exercise criminal jurisdiction over some persons. But this sort of "checkerboard" jurisdiction — where state and local officials bear criminal enforcement power on some lands and federal and tribal officials oversee others — is the natural consequence of Congress's decision to open and then close reservation lands to outside settlement. Neither would a victory for Myton eliminate the checkerboard that already exists in former Ute reservation lands: it would only alter the shape of the board in one relatively small and peculiar way, a way that would defy the shape dictated by *Ute III* and *V* more than a generation ago, and we see no equity in that. For that matter, checkerboard jurisdiction is a fact of daily life throughout the West, the result of many different congressional commands like those at issue here, and something many localities have lived with successfully. Myton offers no reason to think it has not done or cannot do the same. Surely, too, it is not for this court to override Congress's commands on the basis of claims of equity from either side. *See Hydro Res., Inc. v. EPA*, 608 F.3d 1131, 1158 (10th Cir. 2010) (en banc) ("[A]s this court has previously explained,

Congress has authorized checkerboard jurisdiction under its definition of Indian country in 18 U.S.C. § 1151." (internal quotation marks omitted)).

By way of equity Myton finishes with an appeal to the doctrine of laches. That doctrine may be used as a matter of judicial discretion to vindicate "justifiable expectations" threatened by the untimely assertion of long dormant claims. *City of Sherrill v. Oneida Indian Nation of N.Y.*, 544 U.S. 197, 215 (2005) (internal quotation marks omitted). Because the Tribe waited so long to assert claims against it, Myton submits, the town has long since and fairly come to expect that it contains no tribal lands qualifying as Indian country.

We don't see how. For one thing, the lands that reverted to the Tribe in 1945 are owned by the United States and held in trust for the benefit of the Tribe. Br. of United States as Amicus Curiae at 4. And given this, it is far from clear whether the doctrine of laches could be used to determine the fate of this territory, for laches is a line of defense that usually may not be asserted against the United States. *See Guar. Trust Co. v. United States*, 304 U.S. 126, 132 (1938). For another thing, we don't see how the town might have ever justifiably thought that it contained *no* lands qualifying as Indian country. As we've seen, the Department of the Interior long ago explained its view that the 1945 restoration order had the effect of returning to the Tribe's jurisdiction lands within the town's limits. As we've seen, too, when local governments started to assert jurisdiction over tribal members on tribal lands about thirty years ago, the

Tribe brought a suit to challenge their actions — and no one disputes that the Tribe did so in a timely manner. Since then, the Tribe has consistently defended its jurisdiction over lands throughout the original Ute reservation territories — lands that include Myton. Indeed, the Tribe has won two separate judgments (*Ute III* and *V*) holding (first) that *all* and (then) that *some* of Myton is inside Indian country. What's more, in previous iterations of this dispute, in *Hagen* itself, and again in this case, both the State of Utah and Myton's county (Duchesne) have accepted that the 1945 order restored tribal jurisdiction over unallotted former reservation lands like those in Myton. *See Perank*, 858 P.2d at 949; *Ute II*, 716 F.2d at 1312-13; Br. for the Resp't, *Hagen*, 510 U.S. 399 (No. 92-6281), 1993 WL 384805, at *9; Br. of Utah as Amicus Curiae at 3. On this record, Myton's claim to have long and justifiably expected that its town contains no Indian country simply cannot withstand scrutiny. *Cf. City of Sherrill*, 544 U.S. at 214, 221 (approving laches on a very different record where the land was sold to nontribal members and neither the tribe nor the federal government did anything to assert their rights "[f]rom the early 1800's into the 1970's").

Before we finish rolling the rock up the hill, one more issue remains to confront. The Tribe has filed a motion seeking the reassignment of this and related cases to a different district judge on remand. Absent proof of bias, reassignment is, of course, a step this court takes only in "extreme circumstances." *Procter & Gamble Co. v. Haugen*, 427 F.3d 727, 744 (10th Cir.

2005) (internal quotation marks omitted). But we think those exist here. The unavoidable fact is that nearly twenty years ago in *Ute V* this court explained that, between *Ute III* and its own disposition, "all boundary questions at issue" had been finally resolved. *Ute V*, 114 F.3d at 1521. Even so, the years since seem to have brought nothing but relitigation of those boundaries. *See, e.g.*, *Ute VI*, 790 F.3d at 1005. Utah and its subdivisions bear responsibility for much of this. We have even had to take the extraordinary step of reminding them, parties who should (and do) know better, of the possibility of sanctions if they continue to defy settled judicial mandates. *Id.* at 1013. But the fact remains that the district court, in *Ute VI* and again today, has twice failed to enforce this court's mandate in *Ute V* and has given us little reason to hope that things might change on remand or that this long lingering dispute will soon find the finality it requires. Accordingly, while we see no sign of bias in this case, we conclude reassignment of this and all related disputes is required to ensure their just and timely resolution. *See, e.g.*, *Leoff v. S & J Land Co.*, 630 F. App'x 862, 864, 866 (10th Cir. 2015) (reassigning for failure to "comply strictly with the mandate" issued by this court); *United States v. Gupta*, 572 F.3d 878, 892 (11th Cir. 2009) (same).

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The district court's order granting Myton's motion to dismiss is reversed. This case and all related matters shall be reassigned to a different district judge.

The court and parties are directed to proceed to a final disposition both promptly and consistently with this court's mandates in *Ute V*, *Ute VI*, and this case.

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QUITCLAIM DEED WITH COVENANT

LAKEVILLE SHORES, INC. and HERBERT C. HAYNES, INC. a.k.a H. C. Haynes, Inc., Maine corporations both with a mailing address of P.O. Box 96, Winn, Maine, 04495, for consideration paid, grant to **CHARLES F. LANE**, with a mailing address of P.O. Box 67, Sherman, Maine, 04776 and **KIRK A. RITCHIE**, with a mailing address of P.O. Box 342, Lee, Maine, 04455, as tenants in common, hereinafter known as "Lane/Ritchie", with quitclaim covenants, the land, in **Township 5, Range 7, WELS, Penobscot County, Maine**, more particularly described in **Schedule A** attached hereto and made a part hereof.

This conveyance is subject to all easements, conditions, and restrictions of record. This deed shall be construed according to the laws of the State of Maine.

IN WITNESS WHEREOF, Lakeville Shores, Inc. and Herbert C. Haynes, Inc. has caused this instrument to be executed by Ginger E. Maxwell, their Treasurer, hereunto duly authorized this 16th day of April, 2008.

Witness:

LAKEVILLE SHORES, INC.

By: Ginger E Maxwell
GINGER E. MAXWELL,
Its Treasurer

Witness:

HERBERT C. HAYNES, INC.
a.k.a H. C. Haynes, Inc.

By: Ginger E Maxwell
GINGER E. MAXWELL,
Its Treasurer

STATE OF MAINE
PENOBSCOT COUNTY

April 16, 2008

Then personally appeared the above named Ginger E. Maxwell, Treasurer, of Lakeville Shores, Inc. and Herbert C. Haynes, Inc., and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Corporations.

Before me,

Kimberly J. Downs
NOTARY PUBLIC

Printed Name
KIMBERLY J. DOWNS
MY COMMISSION EXPIRES JULY 9, 2014

SEAL

2083/1348

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Schedule A

LAKEVILLE SHORES, INC. TO CHARLES F. LANE AND KIRK A. RITCHIE

Part of PE17, Plan 2, Lot 6

A certain lot or parcel of land, situated on the most southerly shore of Lower Shin Pond, in Township 5, Range 7 WELS, County of Penobscot and the State of Maine, bounded and described as follows:

Beginning at a found 5/8 inch rebar near the shore of Lower Shin Pond and on the westerly line of land now owned by Russell L. Weller and Susan M. Weller as described in a deed dated April 11, 2007 and recorded in the Penobscot County Registry of Deeds in Vol. 10926, Page 340;

Thence S 03° 43' W, along the most westerly line of said Weller, a distance of three hundred seventy-eighty and nine tenths (378.9') feet to a found 5/8 inch rebar at the southwesterly corner of said Weller, said rebar also being located approximately thirty-three (33') feet northerly from the center of an existing gravel road, being the main access road;

Thence generally southwesterly, along the sideline of said gravel road, a distance of four hundred fifty-eight (458'±) feet, more or less, to a set 5/8 inch rebar located approximately thirty-three (33') feet northerly from the center of said gravel road;

Thence N 01° 15' W, along a blue blazed line established in 2007, a distance of four hundred three and zero tenths (403.0') feet to a set 5/8 inch rebar near the shore of Lower Shin Pond;

Thence continuing at N 01° 15' W a distance of eight (8'±) feet, more or less, to the normal high water mark of Lower Shin Pond;

Thence generally northeasterly and easterly, along the normal high water mark of Lower Shin Pond, a distance of four hundred eighty-five (485'±) feet, more or less, to the northwesterly corner of the above mentioned Weller;

Thence S 03° 43' W, along the most westerly line of said Weller, a distance of five (5'±) feet, more or less, to the point of beginning.

The above mentioned rebars located thirty-three (33') feet northerly of the existing gravel road are connected by a tie line with a bearing of S 57° 33' W and a distance of four hundred fifty-four and one tenth (454.1') feet in length.

The above mentioned rebars near the shore of Lower Shin Pond are connected by a tie line with a bearing of N 62° 17' E and a distance of four hundred seventy and six tenths (470.6') feet in length.

The above described lot contains three and eight tenths (3.8) acres, more or less.

All bearings are based on a 2007 magnetic observation.

ALSO CONVEYING all of the Grantor's interest between the normal high water mark and the normal low water mark of Lower Shin Pond that is adjacent to the above described lot.

The foregoing parcel shall not be further divided for a period of five years from recording of this deed unless as part of a subdivision approved by the appropriate governmental agency, or as part of a transaction which is determined not to require subdivision approval of the appropriate governmental agency. This restriction shall not be deemed to make this deed of conveyance a fee simple determinable or fee simple subject to a condition subsequent and accordingly, for breach of this restriction, the Grantor shall not have the benefit of a "possibility of reverter" or "right of re-entry for condition broken."

SUBJECT TO the rights and title of the State of Maine in and to all great ponds, and the property underlying said great ponds, falling in whole or in part within the property herein conveyed. Hereby conveying, however, as appurtenant to the above-described property, any right, title or interest of the Grantor in or to said great ponds, or the property underlying said great ponds and adjacent to the above described lot.

GRANTING, in common with Grantor and others, a sixty-six (66') foot wide right of way, thirty-three (33) feet on each side of the following centerline, subject to the terms and conditions set forth in Schedule B hereof, over an existing gravel road, being the main access road, the centerline of which is described as follows:

Commencing at a point in the centerline of said main access road which is located S 03° 43' W a distance of thirty-six and nine tenths (36.9') feet from the above mentioned rebar at the southeasterly corner of said above described lot;

Thence S 67° 01' W a distance of one hundred fourteen and nine tenths (114.9') feet to a point in the centerline of said main access road;

Thence S 59° 18' W a distance of one hundred fifty-four and nine tenths (154.9') feet to a point in the centerline of said main access road;

Thence S 48° 08' W a distance of one hundred sixty-three and seven tenths (163.7') feet to a point in the centerline of said main access road and to a point opposite the most southwesterly corner of said above described lot;

Thence S 57° 46' W a distance of ninety-seven and one tenth (97.1') feet to a point in the centerline of said main access road;

Thence S 73° 01' W a distance of one hundred seventy-eight and seven tenths (178.7') feet to a point in the centerline of said main access road;

Thence S 55° 19' W a distance of fifty-five and three tenths (55.3') feet to a point in the centerline of said main access road;

Thence S 37° 20' W a distance of seventy-six and nine tenths (76.9') feet to a point in the centerline of said main access road;

Thence S 29° 29' W a distance of thirty-one and five tenths (31.5') feet to a point in the centerline of said main access road and to a point on the most easterly boundary of land now

owned by Shirley Realty Trust as described in a deed dated March 28, 2008, and recorded in the Penobscot County Registry of Deeds in Vol. 11341, Page 26, said point also being located S 17° 07' E a distance of forty-five and four tenths (45.4') feet from a found rebar at an angle point in said Shirley easterly boundary.

ALSO GRANTING, in common with Grantor and others, a sixty-six (66') foot wide right of way, thirty-three (33) feet on each side of the following centerline, subject to the terms and conditions set forth in Schedule B hereof, over an existing gravel road, being the main access road, which traverses the above mentioned Shirley lot in a general east to west direction, the centerline of which is described as follows:

Commencing at the terminus point of the last granted right of way described above;

Thence S 29° 30' W a distance of one hundred thirty-six and eight tenths (136.8') feet to a point in the centerline of said main access road;

Thence S 43° 37' W a distance of one hundred sixty-nine and five tenths (169.5') feet to a point in the centerline of said main access road;

Thence S 64° 31' W a distance of three hundred thirty-one and eight tenths (331.8') feet to a point in the centerline of said main access road;

Thence S 60° 17' W a distance of one hundred twenty-one and two tenths (121.2') feet to a point in the centerline of said main access road;

Thence S 33° 50' W a distance of ninety and zero tenths (90.0') feet to a point in the centerline of said main access road;

Thence S 02° 58' W a distance of one hundred sixty-four and four tenths (164.4') feet to a point in the centerline of said main access road;

Thence S 17° 32' W a distance of one hundred thirty-five and eight tenths (135.8') feet to a point in the centerline of said main access road;

Thence S 29° 50' W a distance of four hundred fifteen and three tenths (415.3') feet to a point in the centerline of said main access road;

Thence S 38° 05' W a distance of forty-nine and seven tenths (49.7') feet to a point in the centerline of said main access road;

Thence S 81° 24' W a distance of fifty-two and nine tenths (52.9') feet to a point in the centerline of said main access road;

Thence N 64° 05' W a distance of one hundred thirteen and eight tenths (113.8') feet to a point in the centerline of said main access road;

Thence N 58° 11' W a distance of two hundred and two tenths (200.2') feet to a point in the centerline of said main access road and in the center of an existing bridge built across Sucker Brook;

Thence N 57° 43' W a distance of one hundred thirty-six and zero tenths (136.0') feet to a point in the centerline of said main access road;

Thence N 64° 41' W a distance of forty-eight and five tenths (48.5') feet to a point in the centerline of said main access road;

Thence N 76° 46' W a distance of forty-six and eight tenths (46.8') feet to a point in the centerline of said main access road;

Thence S 88° 17' W a distance of fifty and seven tenths (50.7') feet to a point in the centerline of said main access road;

Thence S 79° 51' W a distance of ninety-three and three tenths (93.3') feet to a point in the centerline of said main access road;

Thence S 73° 53' W a distance of seventy-two and one tenth (72.1') feet to a point in the centerline of said main access road;

Thence S 64° 28' W a distance of thirty-seven and three tenths (37.3') feet to a point in the centerline of said main access road;

Thence S 38° 39' W a distance of fifty-five and zero tenths (55.0') feet to a point in the centerline of said main access road;

Thence S 21° 37' W a distance of seventy-one and nine tenths (71.9') feet to a point in the centerline of said main access road;

Thence S 02° 10' W a distance of sixty and four tenths (60.4') feet to a point in the centerline of said main access road;

Thence S 27° 54' E a distance of eighty-one and four tenths (81.4') feet to a point in the centerline of said main access road and being at an angle in the most westerly boundary of said Shirley lot, said point also being S 45° 55' E a distance of ninety-nine and two tenths (99.2') feet from a found rebar at a corner of said Shirley.

FURTHER GRANTING, in common with Grantor and others, a sixty-six (66') foot wide right of way, thirty-three feet on each side of the centerline, subject to the terms and conditions set forth in Schedule B hereof, over an existing gravel road, being the main access road, which is centered on the following described westerly boundary segments of said Shirley parcel:

Commencing at the terminus point of the last granted right of way described above;

Thence S 56° 57' E a distance of seventy-nine and seven tenths (79.7') feet to an angle point in the westerly boundary of said Shirley parcel;

Thence S 43° 21' E a distance of seventy-six and seven tenths (76.7') feet to an angle point in the westerly boundary of said Shirley parcel;

Thence S 19° 41' E a distance of seventy-nine and one tenth (79.1') feet to an angle point in the westerly boundary of said Shirley parcel;

Thence S 09° 34' E a distance of one hundred eighty-three and five tenths (183.5') feet to the most southwesterly corner of said Shirley parcel, said point also being located S 68° 12' W a distance of thirty-three and eight tenths (33.8') feet from a found rebar on the southerly boundary of said Shirley parcel.

ALSO FURTHER GRANTING, in common with Grantor and others, a fifty (50') foot wide right of way, twenty-five (25) feet on each side of the centerline, over an existing gravel road which leads generally southerly from the most southwesterly corner of the above mentioned Shirley Realty Trust land in T5, R7 WELS, then generally southeasterly through T4, R7 WELS and finally generally easterly through the Town of Patten to the intersection of the town roads known as the Frenchville Road and Waters Road, said rights of way further described or depicted as follows:

1. T5, R7 WELS - across other land of Lakeville Shores, Inc., and depicted on **Schedule C1**, subject to the terms and conditions set forth in Schedule B.

2. T4, R7 WELS – across land of Five Islands Land Corporation and depicted on **Schedule C2** attached hereto and further being shown on Exhibit A of an easement deed and agreement from Five Islands Land Corporation to Lakeville Shores, Inc. in a document dated December 31, 2007 and recorded in the Penobscot County Registry of Deeds in Vol. 11250, Page 304. This road segment is also subject to the conditions and restrictions contained in said easement deed and agreement recorded in Vol. 11250, Page 304.

3. Town of Patten – across land of Lange Timber Limited Liability Company et al., and depicted on **Schedule C3** attached hereto and further being shown on Exhibit A of an easement deed and agreement from Lange Timber Limited Liability Company et al., to Five Islands Land Corporation and Lakeville Shores, Inc. in a document dated June 13, 2007 and recorded in the Penobscot County Registry of Deeds in Vol. 11031, Page 248. This road segment is also subject to the conditions and restrictions contained in said easement deed and agreement recorded in Vol. 11031, Page 248.

Being part of the same premises conveyed by:

A- Five Islands Land Corporation to Lakeville Shores, Inc., by deed dated May 23, 2003 and recorded in the Penobscot County Registry of Deeds in Vol. 8758, Page 84.

B- Prentiss & Carlisle Company, Inc., Lange Timber Limited Liability Company, Webber Timber, LLC, Greentrees Inc., and McCrillis Timberlands, LLC to Lakeville Shores, Inc. and H.C. Haynes, Inc., by deed dated June 20, 2005 and recorded in the Penobscot County Registry of Deeds in Vol. 9943, Page 275.

C- Prentiss & Carlisle Company, Inc., Lange Timber Limited Liability Company, Webber Timber, LLC, Greentrees Inc. and McCrillis Timberlands, LLC to Lakeville Shores, Inc. and H.C. Haynes, Inc., by deed dated June 20, 2005 and recorded in the Penobscot County Registry of Deeds in Vol. 9943, Page 284.

SCHEDULE B

TREMS AND CONDITIONS PERTAINING TO GRANTED RIGHTS-OF-WAY IN T.5, R.7 WELS.

A. Reserving to Lakeville Shores, Inc., and it's successors and assigns, the full and free use of said right of way and the right to convey similar rights to others, including purchasers of a portion of Lakeville Shores, Inc. remaining land; also reserving the right to relocate, repair, reconstruct, or improve and maintain the road within said right of way, to the extent that Lakeville Shores, Inc., shall deem appropriate, and in such case, the right as needed to interrupt traffic to accomplish such purposes. Nothing herein shall restrict Lakeville Shores, Inc.'s right to relocate the road within said right of way or portions thereof. These reserved rights include maintenance, repair and replacement of the bridge over Sucker Brook.

B. Maintenance: Lakeville Shores, Inc., or Lane/Ritchie, shall be under no obligation to maintain or improve the right of way. To the extent that either party does not improve or maintain the same, the other party shall have the right, at their sole expense, to maintain the right of way upon consent of the fee owner, which consent will not be unreasonably conditioned or withheld. As used herein, "maintenance" or "maintain" shall mean undertaking the work necessary to preserve and keep the right of way road, culvert, ditch, bridge or other appurtenant facility in, as nearly as possible, its condition as at the commencement of the grant of this right of way easement, or as subsequently improved, to provide satisfactory and safe road service in compliance with all applicable laws and regulations. "Maintenance" or "maintain" shall not mean reconditioning or replacing of a right of way, road, bridge, culvert, ditch or other appurtenant facility to a standard higher or greater than that prevailing at the commencement of this grant.

C. Clearing: Lakeville Shores, Inc., and Lane/Ritchie shall have the right to keep the right of way clear of obstruction and may cut down, from time to time, dead trees or other trees which, because of their abnormal condition, may constitute a hazard to the right of way use. Any timber felled by either party, its agents, servants or contractors in future maintenance of the road, shall be and remain the property of the fee owner, to be salvaged at the discretion of the fee owner. Each party will, at their expense, take the necessary precaution to prevent present and future fire hazard in their operations in clearing, re-construction or maintenance of the right-of-way.

D. Litter and Obstruction: Each party shall keep the right of way free and clear of all litter and refuse caused by the party, its agents, guests, lessees, or independent contractors, directly or indirectly, and shall not obstruct or in any manner close off the right of way without prior consent from the other party, except as otherwise provided herein.

E. Restriction on Use: Each party shall use the road in a manner causing the least amount of damage to the road and interference with the rights of others to use the road. Each party shall comply with all reasonable road restrictions applicable to all users, including restrictions on weight, speed, and use during adverse weather or fire conditions, reasonably necessary to protect the road and adjacent timber. In addition, each party agrees not to haul timber on the right of way during the period of April 15 to June 1 without the prior written consent of the current landowner.

F. Damage: Any damage to the right of way caused by either party, its agents, guests, or independent contractors, directly or indirectly, shall be repaired by and at the expense of the offending party, and so that the condition after repair is at least as good as it was before damage within a reasonable time, (but in any event, within ninety [90] days of

notice by the aggravated party), and if not so repaired, the aggravated party, may repair such damage, and the costs thereof shall be billed to and paid by the offending party.

G. Permits and Environmental Laws: With respect to right of way maintenance performed by either party and the necessary permits to conduct such maintenance and improvements, it shall be the responsibility of the party doing the maintenance, subject to other parties approval, to obtain and comply with any and all permits to satisfy all national, state or local environmental requirements prior to commencing any maintenance within the right of way. All national, state or local permit applications, prepared by either party, shall be reviewed and authorized by the other party, prior to submission to national, state or local authorities. Each party shall be provided with copies of all permits and permitting correspondence by the other party. Each party shall be held harmless from any and all legal actions arising out of application of environmental laws and valid rules and regulations promulgated there under resulting from acts performed by the other party, specifically including any laws, rules, and regulations concerning the transportation, storage, or disposal of hazardous wastes.

H. Breach: In the event Lane/Ritchie, in Lakeville Shores' reasonable opinion, breaches Lane/Ritchie's obligations set forth in paragraphs D, E, F and G, above, Lakeville Shores, Inc., shall give written notice to Lane/Ritchie identifying the breach. Lane/Ritchie shall have ninety (90) days following written notice thereof from Lakeville Shores, Inc., to cure such breach unless it appears that Lane/Ritchie have commenced to cure such breach in good faith and have diligently continued to pursue such curing, but have been unable to complete the same due to the nature of the breach, in which event the time period shall be extended accordingly.

If Lakeville Shores, Inc., believes Lane/Ritchie have not satisfactorily cured the breach, Lakeville Shores, Inc., shall have the right to submit the matter to binding arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules. The arbitration shall be conducted in Bangor Maine, before a single arbitrator who has experience in the management of commercial timberlands, transporting and selling forest products in Maine. There shall be no discovery in the arbitration. The arbitration hearing shall be limited to six (6) hours (three hours for each side). If the arbitrator determines there is substantial or material failure on Lane/Ritchie's part to remediate the situation then the arbitrator shall order appropriate remediation and Lane/Ritchie shall have an additional ninety days to comply. In the event Lane/Ritchie fails to comply to the arbitrator's satisfaction, the arbitrator shall notify Lakeville Shores, Inc., and Lane/Ritchie in writing to that effect. Upon receipt of such notice from the arbitrator, Lakeville Shores, Inc., shall then have the right to terminate the easement by recording an affidavit by Lakeville Shores, Inc., in the Penobscot County Registry of Deeds indicating that a breach occurred and has not been cured as determined by arbitration and including as an exhibit to the affidavit the notice from the arbitrator. A copy of the affidavit shall be mailed to Lane/Ritchie by certified mail.

The arbitrator shall not award consequential or punitive damages. The arbitration must be commenced in a timely matter and not later than within one year from the act or omission giving rise to the dispute. This reduced statute of limitations period is established by mutual agreement. Each party will bear its own expenses in connection with the arbitration, and the parties will equally share the expenses of the arbitrator.

I. Gate: Lakeville Shores, Inc. has the exclusive right to close, gate, lock or otherwise restrict access along or through the right of way. In the event Lakeville Shores, Inc.,

closes, gates, locks or restricts access to, along or through the right of way, Lakeville Shores, Inc., agrees to provide Lane/Ritchie reasonable means to pass through the closed, gated, locked or restricted access point(s). Unless otherwise instructed by Lakeville Shores, Inc., Lane/Ritchie agrees the gate or other barriers utilized to restrict access shall remain closed and locked when the right of way is not in use by Lane/Ritchie and shall be opened only for a period of time necessary to permit passage.

J. Non-Assignment: The rights granted to Lane/Ritchie under this easement may not be assigned, other than as appurtenant to the sale of the land owned by Lane/Ritchie and benefited by this easement, without the express written consent of Lakeville Shores, Inc., its successors or assigns.

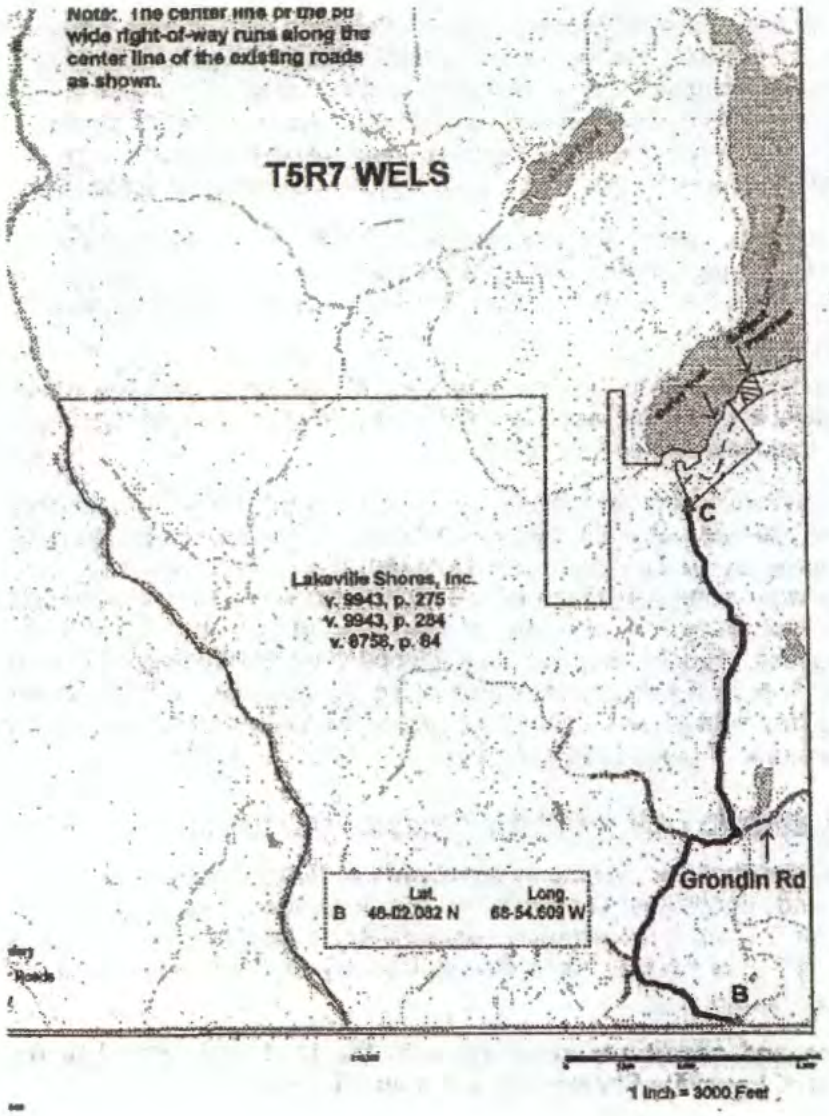
K. Subject to Restrictions: This grant is made subject to all liens, encumbrances, reservations, exceptions, easements, servitude's and public ways or rights of way in use or of record affecting the above described property.

L. Hold Harmless and Indemnification: Lane/Ritchie agrees to indemnify and hold harmless Lakeville Shores, Inc., for any and all claims, demands, expenses, judgments and awards against, incurred by or imposed upon Lakeville Shores, Inc., arising in any manner in connection with Lane/Ritchie's exercise or non-exercise of its rights under this grant, including, but not limited to, the use of the right of way by Lane/Ritchie, Lane/Ritchie's employees, agents, lessees, and independent contractors, including reasonable attorneys' fees in the event Lakeville Shores, Inc., is made a party to any legal action involving this right of way agreement, unless the foregoing arise from the improper acts or negligence of Lakeville Shores, Inc.

Granted ROW over land of others in T.4 R. 7 WELS and the Town of Patten:

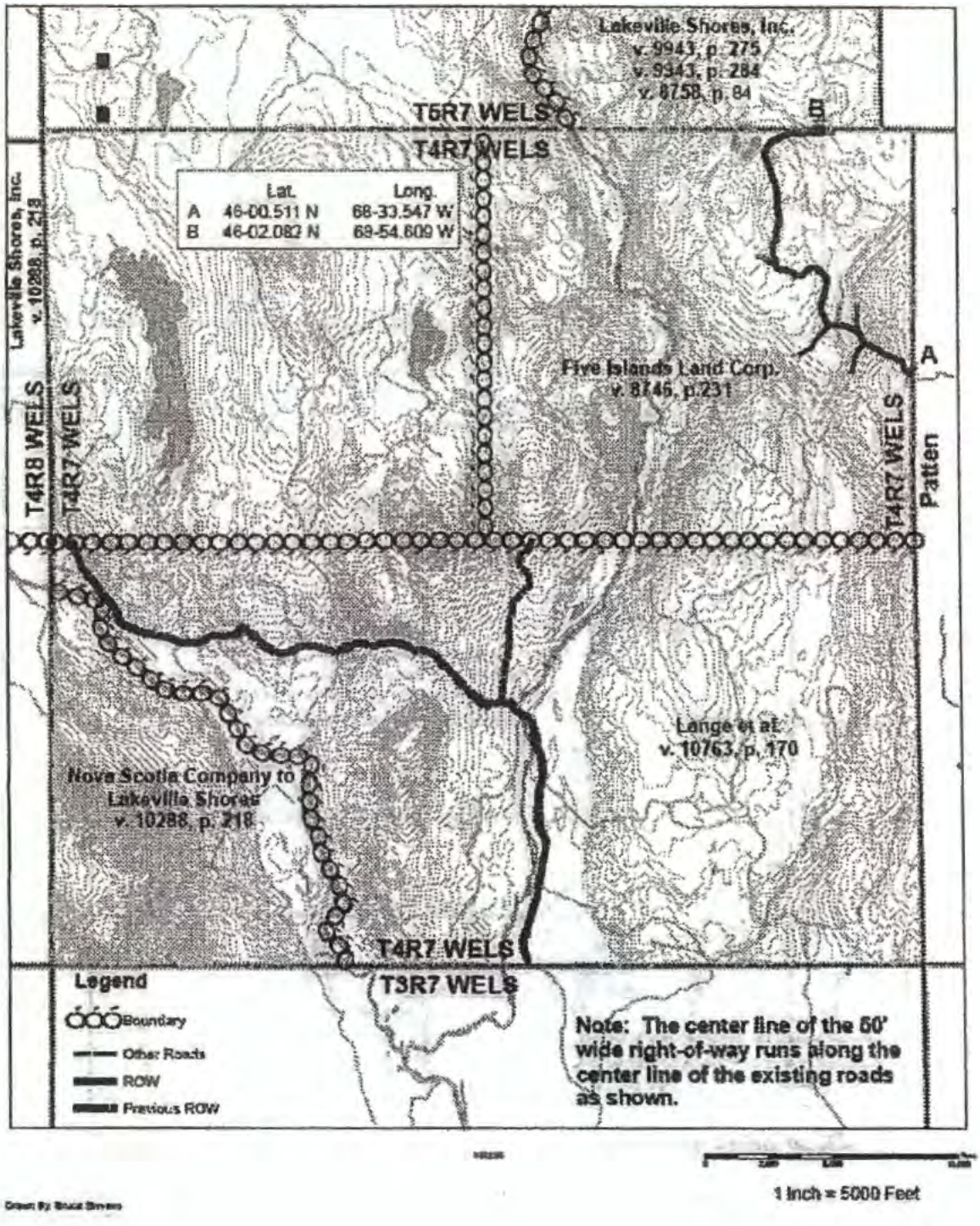
M. Lane/Ritchie acknowledge that the easements conveyed over land of others are subject to the restrictions and conditions contained in the instruments conveying such easements to Lakeville Shores, Inc. recorded, respectively, in Book 11250, Page 304 and Book 11031, Page 248 of the Penobscot County Registry of Deeds and referenced in Schedule A attached hereto.

The above stated terms and conditions shall run with the land and extend to the successors and assigns of Lakeville Shores, Inc. and Lane/Ritchie.


Note: The center line of the 50' wide right-of-way runs along the center line of the existing roads as shown.
T5R7 WELS
Lakeville Shores, Inc.
v. 9943, p. 275
v. 9943, p. 284
v. 6756, p. 84
C
Grondin Rd
B
Lat.
Long.
B 46-02.082 N 68-54.609 W
1 Inch = 3000 Feet

Schedule C2

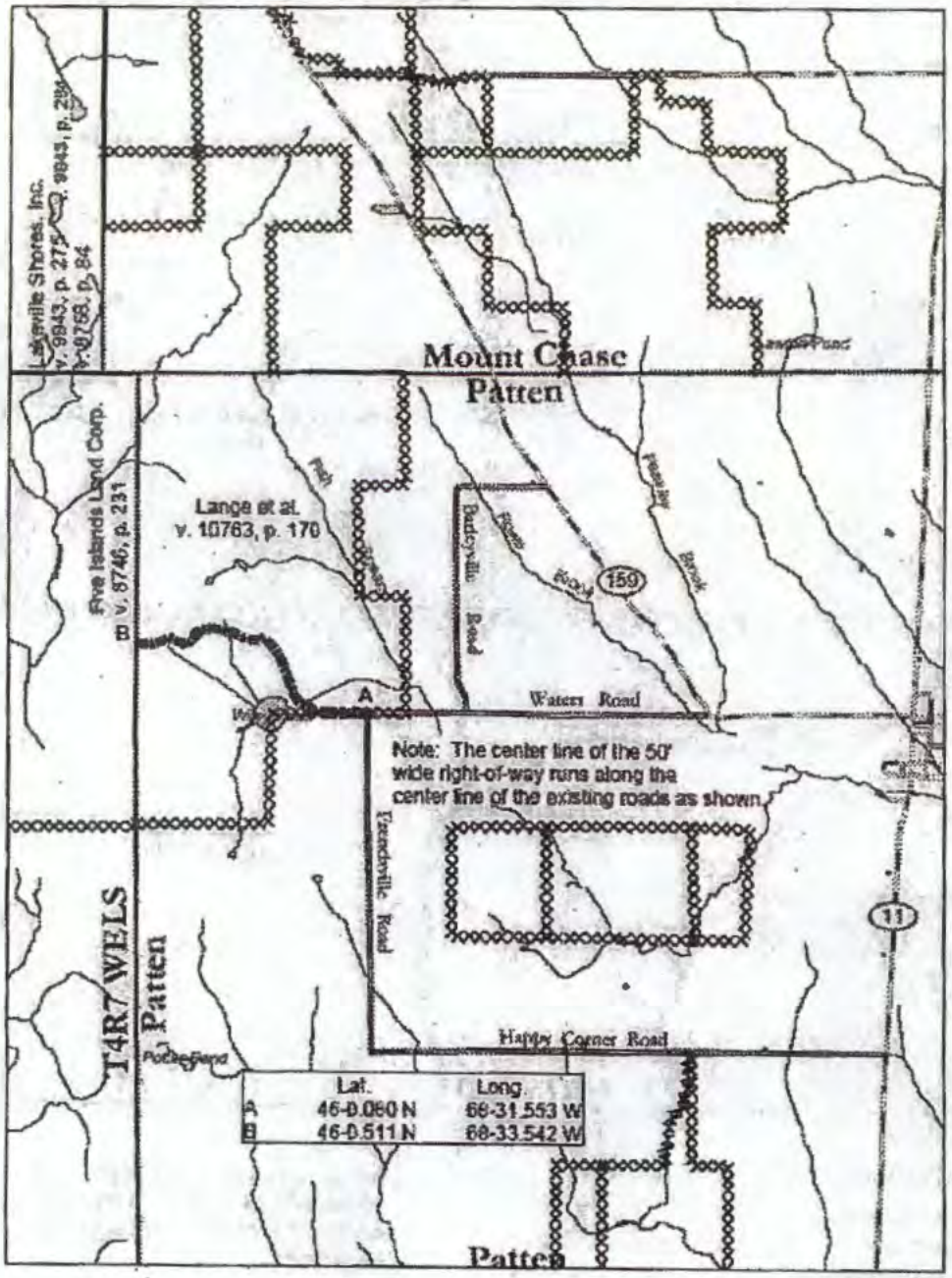
Exhibit A to Book 11250, Page 304



Drawn By: Bruce Stevens

Schedule C3

Exhibit A to Vol. 11031, Page 248



Maine Real Estate
Transfer Tax Paid

PENOBSCOT COUNTY, MAINE

Susan F. Bulay
Register of Deeds

Valley
Wassataquoik
Sandy Stream North &
South

(6)

Bk 9073 Pg276 #49520
11-07-2003 @ 10:06a

CROSSING RIGHTS AGREEMENT

This Crossing Rights Agreement is effective as of November 1, 2003 and is entered into by and between J.M. Huber Corporation, a New Jersey corporation, with a mailing address of 970 S. Main Street, P.O. Box 554, Old Town, Maine 04468 ("Huber") and Aroostook Timberlands, LLC, a Maine limited liability company with a mailing address of P. O. Box 170, Ashland, Maine, 04732 ("Aroostook"). By their acceptance of this Agreement, Huber and Aroostook each agree, for themselves, and their successors and assigns, that their entry on land of the other specified herein (the "Property"), and use of the Crossing Rights (as defined herein), shall be subject to the conditions set forth herein.

For purposes of this Agreement, except as may otherwise be hereinafter provided, the term Landowner or Landowners, Grantee or Grantees shall include Huber and Aroostook and their respective successors and assigns who may own all or any portion of the land burdened or benefited by the rights herein granted and reserved. As used herein, "Grantee" refers to the applicable holder of easements granted hereunder; and "Landowner" intends, as applicable to Huber or Aroostook, the owner of land burdened by the applicable easements hereby granted. It is the intention of the parties that the rights granted hereunder shall be perpetual appurtenant easements exercisable by the parties respective, as applicable, and their , officers, directors, managers, trustees, employees, agents, insurers, land managers, contractors, subcontractors, and independent contractors holding permits or contracts from the Grantee to haul and/or cut wood on the Grantee's Property.

Huber and Aroostook each grant to the other the following described easement and rights of way (the "Crossing Rights"):

1. Grant of Easement and Crossing Rights. Huber hereby grants the Crossing Rights to Aroostook on land of Huber in Township 1, Range 7; and Township 2, Range 7 from Dolby, Maine to the Whetstone Mountain area of Aroostook's land in Township 2, Range 8 (this access is over approximately 13 miles of Huber land). Aroostook hereby grants the Crossing Rights to Huber on land of Aroostook in Township 6, Range 6; Township 7, Range 6; Township 7, Range 5 (from Huber lands west of the towns and the southeast corner of Township 6, Range 6 to Route #11; this access is over approximately 15 miles of Aroostook land); Township 2, Range 8; and Township 3, Range 8 (to the 450 acre lot on Katahdin Lake in Township 3, Range 8) collectively hereinafter referred to as the "Property". The term "Crossing Rights" hereunder shall mean the non-exclusive right to cross and re-cross for all purposes of ingress and egress, with personnel and equipment, the major land management or arterial roads (the "Roads") as they are shown on Schedule B-1 for Huber and on Schedule B-2 for Aroostook upon the conditions set forth below.

2. Exercise. The exercise of the Crossing Rights shall be limited to the Roads on the Property as said Roads may exist now or in the future be constructed or relocated. The Crossing Rights are to be used in common with the Landowner and any other party to whom the Landowner has granted or may grant the right to use the Roads. The Landowner makes no warranty of title.

3. Limited Purposes, Use.

a. The Crossing Rights are limited to the sole purpose of commercial land management, timber harvesting, and transportation of forest and mineral products from the benefited lands. The grant of Crossing Rights is expressly limited to the purposes defined herein and will not be construed to grant any other rights of any kind. Without limiting the generality of the foregoing, the grant of Crossing Rights is expressly limited to the purposes defined herein and will not be construed to grant any other rights of any kind, including but not limited to, any rights of ingress or egress for access to seasonal, temporary, or permanent residences, recreational use, installation of utilities, or for the purpose of lessee or public access over the Property. Use of the defined roads for all other purposes must be addressed by other agreements or arrangements between the Landowners and their permitted successors and assigns. The Crossing Rights are limited to Landowners and their permitted successors and assigns. Except as provided herein the Crossing rights may not be assigned to any individual or entity not having ownership on the Benefited Lands identified in Schedule B-1 and B-2, and no Road may be dedicated for public use with the consent, in each instance of the Landowner.

b. The Crossing Rights shall be utilized in a manner which does not unreasonably interfere with the Landowner's or any other person's or entity's lawful use of the Property. Grantees' use of the Easement shall at all times be conducted so as not to materially interfere with the ordinary conduct of the operation, management, regeneration and harvesting of forestlands and other resources on lands of the Landowner.

c. Huber and Aroostook each agree that the exercise of their respective Crossing Rights shall be subject to the respective Landowner's then prevailing road usage rules and regulations, including without limitation, speed limits, weight limits, fire protection, road conditions such as mud season or other periods of bad weather, safety and use by other parties and limitations or prohibitions on certain types of vehicles such as ATV's or snowmobiles. Such rules and regulations may provide for seasonal and temporary road closures for construction and maintenance purposes. Each Landowner shall make reasonable efforts to provide notice of their rules and regulations to the Grantee. Grantees shall not be required to observe an amendment to a rule or regulation until ten (10) days after notice from the Landowner that a rule or regulation has been amended.

d. Nothing herein shall restrict the Landowner's right to improve or relocate the roads or portions thereof subject to the Crossing Rights, provided that the Crossing Rights shall apply to any and all roads or portions thereof as they may from time to time be relocated.

4. Easement.

a. The Crossing Rights are appurtenant to the following Benefited Land of the respective Grantees. 1) as to Aroostook: All lands in Township 2 Range 8 WELS; Township 3 Range 8 WELS; Township 4 Range 8 WELS and Township 5 Range 8 WELS, Penobscot County, Maine. 2) as to Huber: All lands in Township 3 Range 8 WELS; Township 7 Range 8 WELS; Township 6 Range 8 WELS; Township 8 Range 7 WELS; Township 7 Range 7 WELS; Township 6 Range 7 WELS; Township 5 Range 7 WELS; Township 6 Range 6 WELS; Penobscot County, Township 7 Range 10 WELS; Township 7 Range 9, Piscataquis County, and Webbertown Township in Aroostook County.

b. The Crossing Rights granted hereby shall be deemed to burden the Property and shall not terminate upon a sale or conveyance of the Property or a portion thereof to another person or entity. Any transfer of the Property, or portion thereof, shall be made expressly subject to the terms of this Crossing Rights Agreement, but the Property shall remain burdened by the Crossing Rights even in the absence of such express reference.

c. The Crossing Rights are not transferable except as specifically set forth herein.

5. Assignment/Sale of Property. The Crossing Rights may not be sold, set off, assigned, or otherwise conveyed except as follows:

a. To a third party purchaser of all or a portion of a Grantee's Benefitted land.

b. To a third party who acquires by purchase or exchange an in common and undivided interest in all or a portion of a Grantee's Benefitted land.

c. To a mortgagee of all or a portion of a Grantee's Benefitted land, or an in common and undivided interest in Grantee's Benefitted land.

6. Maintenance.

a. The Landowner and Grantee, and their successors and assigns, agree to share the costs of maintenance and repair proportional to their respective activity on the Roads. The responsibility for the maintenance and improvement of the Roads and bridges associated with the Roads is the responsibility of each respective Landowner or Grantee if mutually agreed, recognizing that the Landowner or Grantee as the case may be, may delegate that responsibility to a land management company, a road association or similar organization formed for that purpose.

b. Road use fees to recover maintenance costs, may be assessed by the party conducting road maintenance activities in accordance with the normal and customary practice in the timber harvesting industry in the State of Maine. Each Grantee is directly responsible to the Landowner charging user fees for the payment thereof in proportion to their actual use of the roads.

c. The terms "maintenance and improvement" shall mean, only normal repair, maintenance and improvement including, without limitation, grading, ditching, filling, surfacing or resurfacing (excluding paving), replacement or repairs to decking or deck surface, replacement of wheel treads and railings, plowing, sanding, ice removal, refuse and debris removal, and such other activities as the respective Landowner in the Landowner's sole judgment determines is necessary or desirable. The parties agree the roads shall be maintained in a condition providing satisfactory transportation in accordance with then current timber industry standards in Maine for the permitted uses and in compliance with all applicable laws and regulations so that they may be used and enjoyed by all parties entitled to use the roads. The Landowners undertake no obligation to expand, improve, or change the Roads and specifically undertake no liability with respect to the adequacy or usage of the Roads.

d. If the exercise of the Crossing Rights by a Grantee on the Roads, or any portion thereof, on a Landowner's Property results in damages thereto (except for normal wear and tear)

arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent long-term operator. The Grantee responsible for the damage shall be solely responsible for the costs of repairing such damage as it may cause.

7. A Grantee's exercise of the Crossing Rights shall be at the sole risk of such Grantee. Such Grantee agrees that the Landowner shall not be liable to Grantee for any claims arising from use of the Crossing Rights by the Grantee, including but not limited to claims for personal injury, death, damage to property or loss of business, except to the extent such damage is caused by gross negligence or the willful misconduct of the Landowner. Each Grantee agrees to hold harmless the respective Landowner from (a) any claims and costs and expenses (including reasonable attorneys' fees) arising from use of the Crossing Rights by the Grantee, except to the extent caused by the wanton and willful misconduct of the Landowner, and (b) any costs and expenses (including reasonable attorneys' fees) incurred by the Landowner in connection with curing any default of the Grantee hereunder or enforcing the Landowner's rights under this Agreement.

(b) (5)

8. The Landowner and Grantee shall indemnify and hold each other harmless from any and all claims, actions, injuries, losses, damages, costs, fines, penalties and settlements, including without limitation, attorneys' fees and the costs of investigation, response, and remediation (hereinafter "Claims"), arising from or in any manner related to the respective activities on the Road by each party.

9 Compliance. Huber and Aroostook each agree and covenant that they shall comply with all statutes, rules and regulations, including, but not limited to, fire laws and land use regulations, and shall obtain all required permits, licenses and approvals required by the governmental agencies of the federal government, State, county or township prior to the commencement of the exercise of any aspect of the Crossing Rights which require such permits, licenses, and approvals.

10. Binding. All of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of Huber and Aroostook and their respective successors and assigns.

11. Jurisdiction. This Agreement shall be construed in accordance with the laws of the State of Maine.

12. Counterparts. This Agreement may be executed in one or more counterparts, and each executed counterpart shall constitute an original instrument, but such counterparts, together, shall constitute one and the same instrument.

In witness whereof the parties hereto have signed and sealed this instrument as of the date beneath their respective signatures.

WITNESSETH:

J.M. HUBER CORPORATION

By: _____
Print Name: Peter Triandafilles
Its: VP Woodlands
Nov 3, 2003

AROOSTOOK TIMBERLANDS, LLC

By: _____
Print Name: James D. Irving
Its: President
Nov 6, 2003

By: _____
Print Name: W.D. Jamieson
Its: Secretary
Nov 6, 2003

STATE OF MAINE
COUNTY OF Penobscot

November 3, 2003

Then personally appeared the above-named Peter H. Triandafilles and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of said J.M. Huber Corporation.

Before me,

_____
Name:
Notary Public/~~Attorney at law~~

Bonnie S. Dotron, Notary Public
State of Maine
My Commission Expires 3/23/2009

SEAL

PROVINCE OF NEW BRUNSWICK
COUNTY OF SAINT JOHN, ss.

November 6, 2003

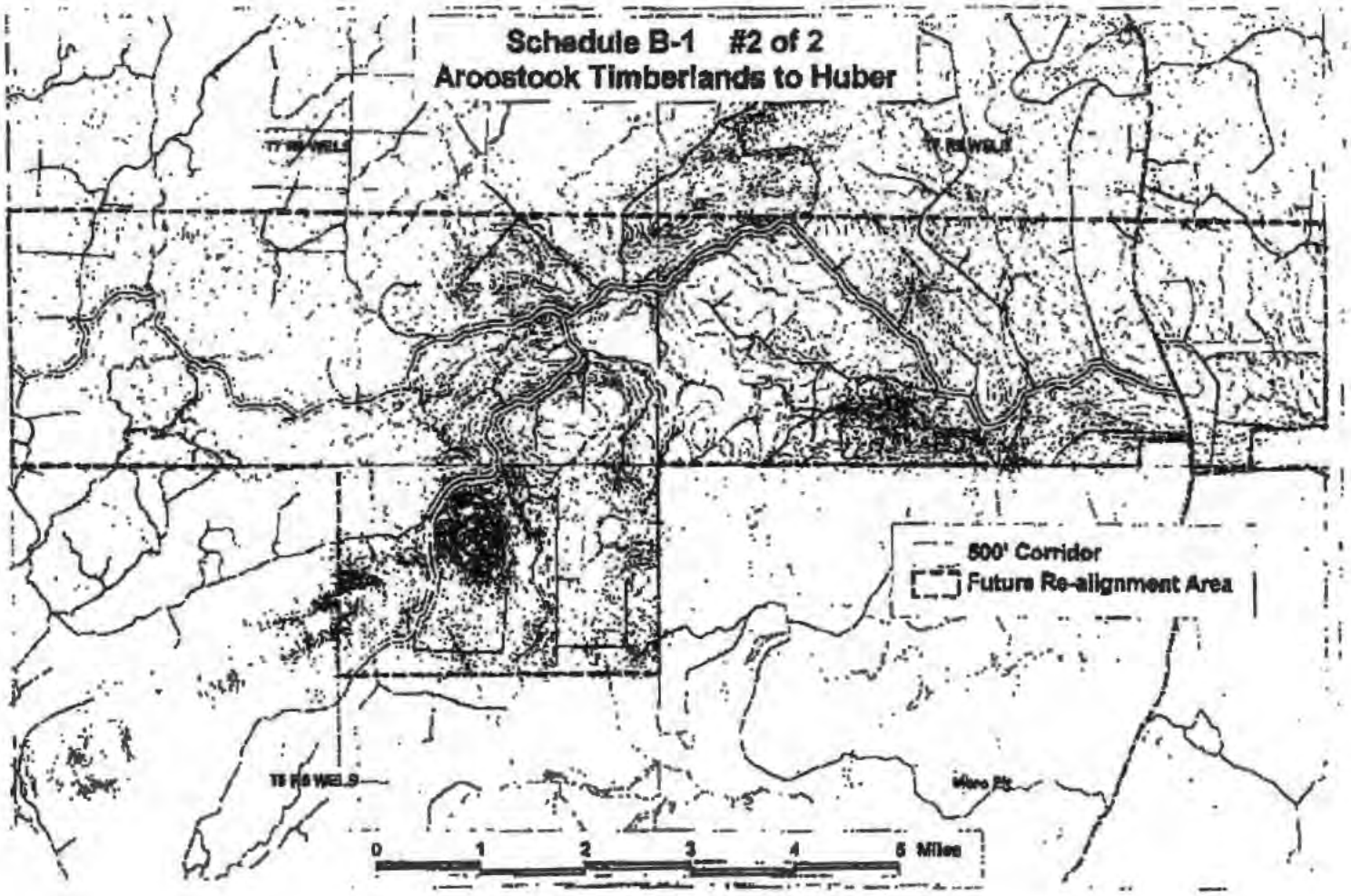
Then personally appeared the above-named James D. Irving and G. D. Tamplin and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of said Aroostook Timberlands, LLC.

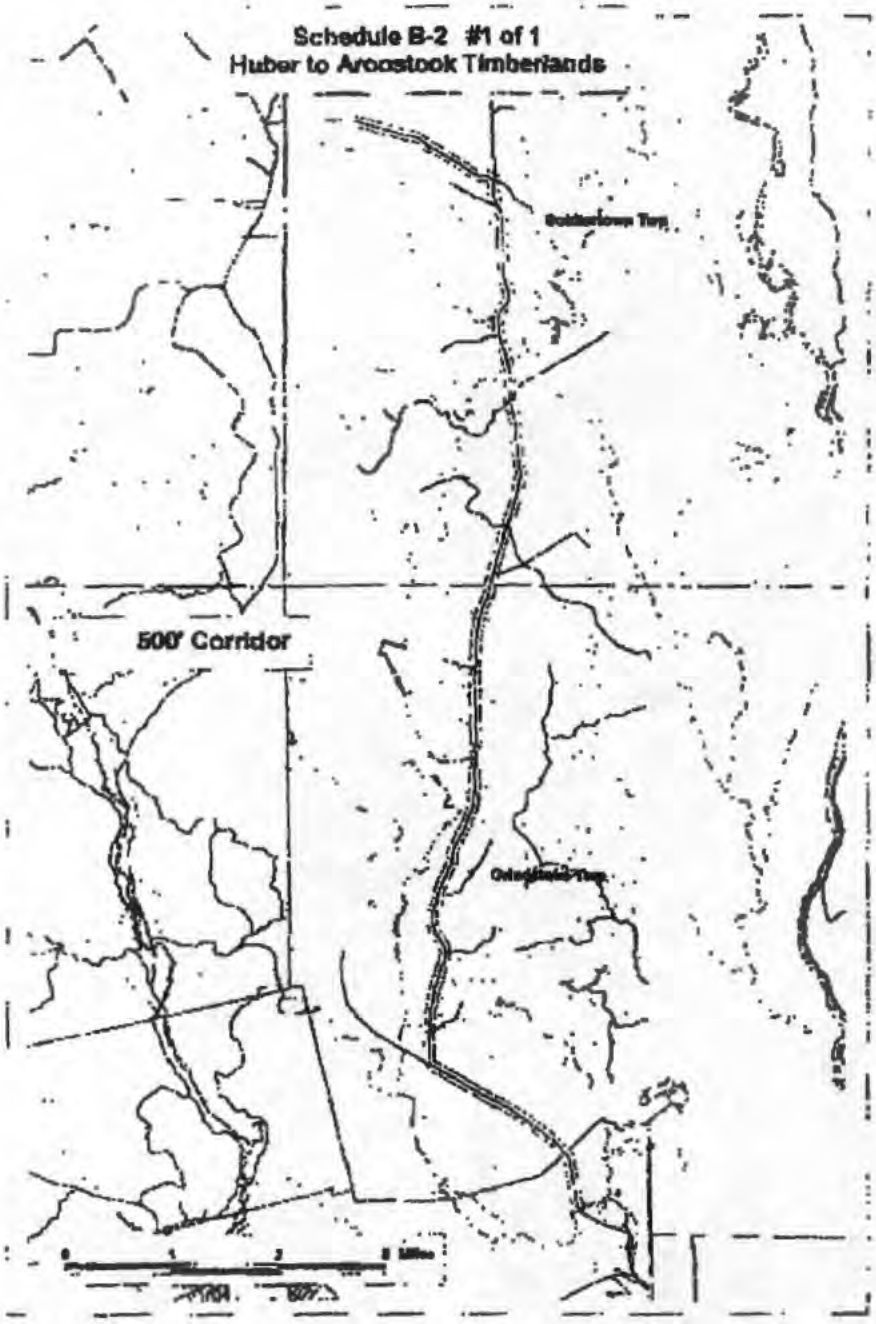
Before me,

Name: Christine Donald
Notary Public/Attorney-at-law

SEAL

Bk 4073 Pg282 649520





PENOBSCOT COUNTY, MAINE
Susan F. Bailey
Register of Deeds

Bk 9073 Ps284 #49521
11-07-2003 @ 10:06a

10.29.03

CROSSING RIGHTS AGREEMENT

This Crossing Rights Agreement is effective as of November 1st, 2003 and is entered into by and between **Aroostook Timberlands, LLC**, a limited liability company with a mailing address of P. O. Box 170, Ashland, Maine, 04732 ("Aroostook") and **Gardner Land Company, Inc.**, a Maine corporation with a mailing address of P. O. Box 189, Lincoln, Maine, 04451-0189 ("Gardner").

As used herein, "Grantee" refers to Gardner, its successor or assigns, as holder of easements granted hereunder; and "Landowner" applies Aroostook or its successor owners of the land burdened by the easement hereby granted. Upon sale or transfer of the burdened land, Aroostook shall have no continuing obligations hereunder, and the obligations of Landowner shall be assumed by and be binding upon the successor owner(s) of the burdened land.

Aroostook hereby grants Gardner the following described appurtenant easement and rights of way (the "Crossing Rights"):

1. **Grant of Easement and Crossing Rights.** Aroostook hereby grants the Crossing Rights to Gardner on land of Aroostook in Township 2, Range 8; and Township 3, Range 8 described in the Deed from Great Northern Paper, Inc. to GN Timberland, L.L.C. (Aroostook is the survivor following a merger with GN Timberland, L.L.C on August 13, 1999) dated February 23, 1999 and recorded March 10, 1999 in the Penobscot County Registry of Deeds in Book 6980, Page 329, collectively hereinafter referred to as the "Property". The term "Crossing Rights" hereunder shall mean the non-exclusive right to cross and re-cross for all purposes of ingress and egress, with personnel and equipment, the major land management or arterial roads (the "Roads") as they are shown on Schedule A-1 upon the conditions set forth below.

2. **Exercise.** The exercise of the Crossing Rights shall be limited to the Roads on the Property depicted on Schedule A-1 as said Roads may exist now or in the future be constructed or relocated. The Crossing Rights are to be used in common with the Landowner and any other party to whom the Landowner has granted or may grant the right to use the Roads. The Landowner makes no warranty of title.

3 **Limited Purposes, Use.**

a. The Crossing Rights are limited to Gardner and its successors and assigns, who may own all or any portion of the premises in Township 3, Range 8, WELS and Township 4, Range 8 WELS, Penobscot County, Maine conveyed by Aroostook to Gardner by deed dated November 1, 2003 to be recorded herewith ("the Benefited Lands). Except as provided herein the Crossing Rights may not be assigned to any individual or entity not having ownership on the Benefited Lands identified in Schedule A-1 and no Road may be dedicated for public use without the consent of the Landowner.

b. The Crossing Rights shall be utilized in a manner which does not unreasonably interfere with the Landowner's or any other person's or entity's lawful use of the Property. Grantee's use of the Crossing Rights shall at all times be conducted so as not to materially interfere with the ordinary conduct of the operation, management, regeneration and harvesting of forestlands and other resources on lands of the Landowner.

c. Grantee agrees that the exercise of the Crossing Rights shall be subject to the Landowner's then prevailing road usage rules and regulations, including without limitation, speed limits, weight limits, fire protection, road conditions such as mud season or other periods of bad weather, safety and use by other parties and limitations or prohibitions on certain types of vehicles such as ATV's or snowmobiles. Such rules and regulations may provide for seasonal and temporary road closures for construction and maintenance purposes. The Landowner shall make reasonable efforts to provide notice of its rules and regulations to the Grantee. Grantee shall not be required to observe an amendment to a rule or regulation until ten (10) days after notice from the Landowner that a rule or regulation has been amended.

d. Nothing herein shall restrict the Landowner's right to improve or relocate the roads or portions thereof subject to the Crossing Rights, provided that the Crossing Rights shall apply to any and all roads or portions thereof as they may from time to time be relocated.

4. **Easement Appurtenant.**

a. The Crossing Rights are appurtenant to the Benefited Land.

b. The Crossing Rights granted hereby shall be deemed to burden the Property and shall not terminate upon a sale or conveyance of the Property or a portion thereof to another person or entity. Any transfer of the Property, or portion thereof, shall be made expressly subject to the terms of this Crossing Rights Agreement, but the Property shall remain burdened by the Crossing Rights even in the absence of such express reference.

c. The Crossing Rights are not transferable except as specifically set forth herein.

5. **Assignment/Sale of Property.** The Crossing Rights may not be sold, set off, assigned, or otherwise conveyed except as follows:

a. To a third party purchaser of all or a portion of a Grantee's Benefited land.

b. To a third party who acquires by purchase or exchange an in common and undivided interest in all or a portion of a Grantee's Benefited land.

c. To a mortgagee of all or a portion of a Grantee's Benefited land, or an in common and undivided interest in a Grantee's Benefited land.

6. **Maintenance.**

a. The Landowner and Grantee, and their successors and assigns, agree to share the costs of maintenance and repair proportional to their respective activity on the Roads. The responsibility for the maintenance and improvement of the Roads and bridges associated with the Roads is the responsibility of the Landowner or Grantee if mutually agreed, recognizing that the Landowner or Grantee, as the case may be, may delegate that responsibility to a land management company, a road association or similar organization formed for that purpose.

b. Road use fees to recover maintenance costs may be assessed by the party conducting road maintenance activities in accordance with the normal and customary practice in the timber harvesting industry in the State of Maine. Each Grantee is directly responsible to the Landowner charging user fees for the payment thereof in proportion to their actual use of the Roads.

c. The terms "maintenance" and "improvement" shall mean only normal repair, maintenance and improvement including, without limitation, grading, ditching, filling, surfacing or resurfacing (excluding paving), replacement or repairs to decking or deck surface, replacement of wheel treads and railings, plowing, sanding, ice removal, refuse and debris removal, and such other activities as the Landowner, in the Landowner's sole judgment, determines is necessary or desirable. The parties agree the Roads shall be maintained in a condition providing satisfactory transportation in accordance with then current timber industry standards in Maine for the permitted uses and in compliance with all applicable laws and regulations so that they may be used and enjoyed by all parties entitled to use the Roads. The Landowner undertakes no obligation to expand, improve, or change the Roads and specifically undertake no liability with respect to the adequacy or usage of the Roads.

d. If the exercise of the Crossing Rights by a Grantee on the Roads, or any portion thereof, on a Landowner's Property results in damages thereto (except for normal wear and tear) arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent long-term operator, the Grantee responsible for the damage shall be solely responsible for the costs of repairing such damage as it may cause.

7. **Limitation of Liability.** A Grantee's exercise of the Crossing Rights shall be at the sole risk of such Grantee. Such Grantee agrees that the Landowner shall not be liable to Grantee for any claims arising from use of the Crossing Rights by the Grantee, including but not limited to claims for personal injury, death, damage to property or loss of business, except to the extent such damage is caused by gross negligence or the willful misconduct of the Landowner. Each Grantee agrees to hold harmless the respective Landowner from (a) any claims and costs and expenses (including reasonable attorneys' fees) arising from use of the Crossing Rights by the Grantee, except to the extent caused by the wanton and willful misconduct of the Landowner, and (b) any costs and expenses (including reasonable attorneys' fees) incurred by the Landowner in connection with curing any default of the Grantee hereunder or enforcing the Landowner's rights under this Agreement.

8. **Indemnification.** The Landowner and Grantee shall indemnify and hold each other harmless from any and all claims, actions, injuries, losses, damages, costs, fines, penalties and settlements, including without limitation, attorneys' fees and the costs of investigation, response, and remediation (hereinafter "Claims"), arising from or in any manner related to the respective activities on the Roads by each party.

9. **Compliance.** The parties each agree and covenant that they shall comply with all statutes, rules and regulations, including, but not limited to, fire laws and land use regulations, and shall obtain all required permits, licenses and approvals required by the governmental agencies of the State, county or township prior to the commencement of the exercise of any aspect of the Crossing Rights which require such permits, licenses, and approvals.

10. **Binding**. All of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

11. **Jurisdiction**. This Agreement shall be construed in accordance with the laws of the State of Maine.

12. **Counterparts**. This Agreement may be executed in one or more counterparts, and each executed counterpart shall constitute an original instrument, but such counterparts, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have signed and sealed this instrument as of the date beneath their respective signatures.

Witness

AROOSTOOK TIMBERLANDS, LLC

By:
Name: James D. Irving
Its President
Hereunto Duly Authorized
Nov. 6, 2003

Witness

By:
Name: W.D. Jamieson
Its Secretary
Hereunto Duly Authorized
Nov. 6, 2003

GARDNER LAND COMPANY, INC.

Witness

By:
William T. Gardner
Its President

PROVINCE OF NEW BRUNSWICK
SAINT JOHN, ss.

November 6, 2003

Then personally appeared the above-named James D. Irving and W.D. Jamieson who acknowledged the foregoing instrument to be their free act and deed in said capacities and the free act and deed of said corporation.

Before me,

Name: Chris MacDonald
Notary Public

SEAL

STATE OF MAINE
PENOBSCOT, SS

October 31, 2003

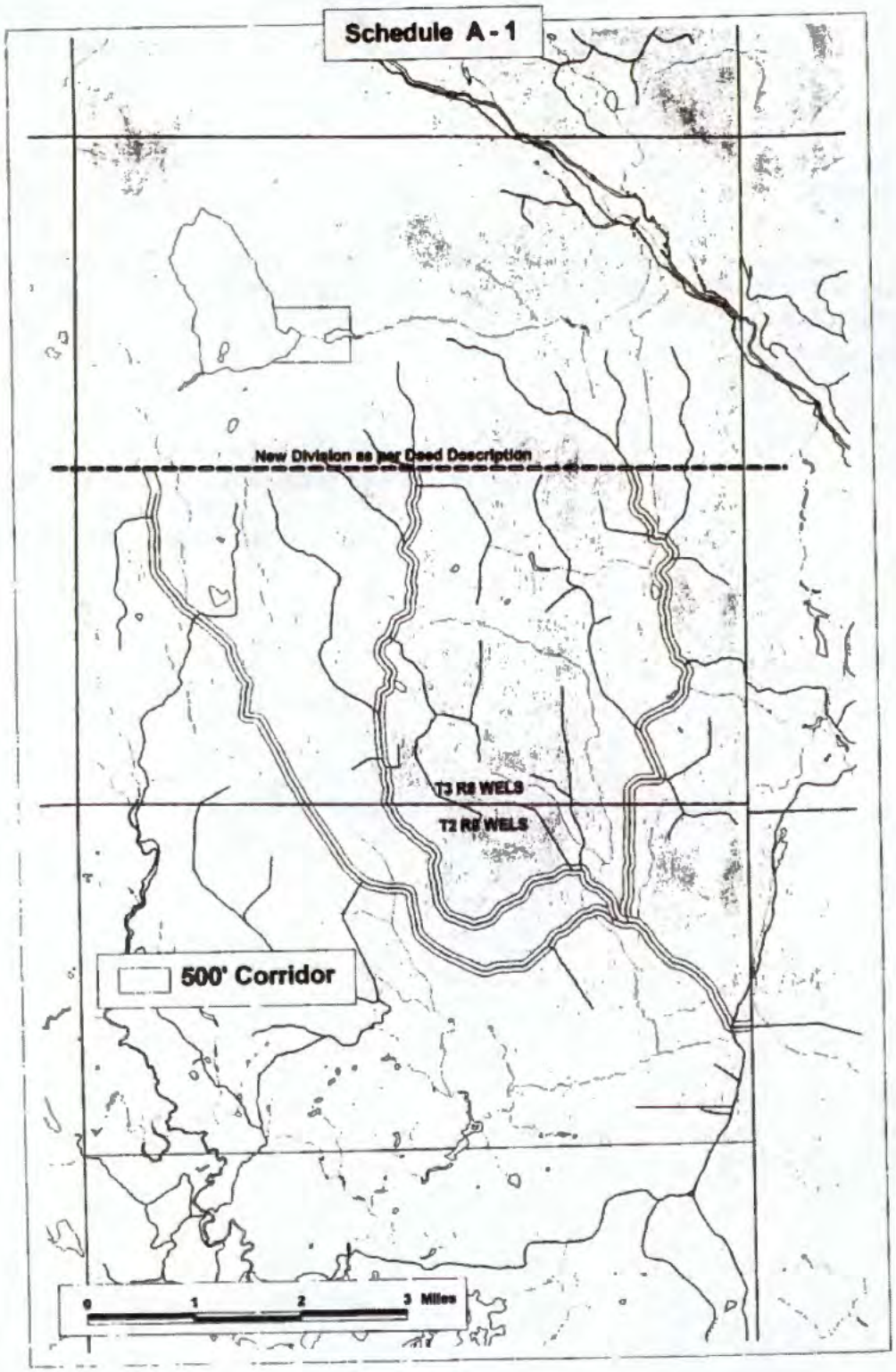
Then personally appeared before me the above-named William T. Gardner, in his capacity as President of Gardner Land Company, Inc. and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Gardner Land Company, Inc.

Before me,

Barbara S Crocker
Notary Public/Maine Attorney at Law
Printed Name: BARBARA Crocker

33736re

BARBARA S. CROCKER
Notary Public, Maine
My Commission Expires August 14, 2007



PENOBSCOT COUNTY, MAINE
Susan F. Bulay
Register of Deeds

Bk7488 Pg301 #31333
09-29-2000 @ 04:27p

Trustee's Deed

Edward D. Leonard III of Bangor, Penobscot County, Maine, not individually but only in his capacity as Trustee of Land Exchange Trust under Declaration of Trust dated November 1, 1991, (hereinafter "grantor"), for consideration paid, grants to **John M. Webber** of Bangor, Maine, (the "grantee"), the in common and undivided interest set forth in each of the tracts or parcels of land situate in **Penobscot County**, Maine, more particularly described in **Schedule A** attached hereto and made a part hereof.

The interests conveyed by this deed from Edward D. Leonard III, Trustee of Land Exchange Trust and by a companion deed by the grantee herein given to Edward D. Leonard III, Trustee of Land Exchange Trust, of substantially even date, are being conveyed through him as escrow agent for the purpose of partitioning certain interests and to restate and simplify the ownership interests of the named grantee. Reference may be had to the companion deed for a more complete explanation of this transaction.

The legal descriptions of the tracts of land set forth in Schedule A are believed to be accurate. It is the intent of the grantor to convey to the grantee and there is hereby conveyed all of grantor's right, title and interest in the parcels of land described in Schedule A whether or not said interest or said land is specifically described herein, including but not limited to any interest in abandoned or discontinued highways, roads or ways. Grantor's interests are believed to be as set forth in Schedule A attached hereto.

With respect to all the property herein described there are also hereby conveyed all easements, rights of way, harvesting or extraction permits, mineral rights, mineral leases or exploration permits, rights of reversion, buildings or structures, flowage rights, estates, tenements, hereditaments, appurtenances or other rights of any nature or type appurtenant to the above described property.

There is also conveyed hereby with the respect to the property described herein all leases, including but not limited to the leases as noted in **Schedule B** attached hereto

The grantee herein hereby specifically releases Edward D. Leonard III, Trustee of Land Exchange Trust, from any claim, liability, or expense with respect to any hazardous matter, hazardous substance, or hazardous waste that may now or hereafter exist on the property hereby conveyed and agrees that grantee will reimburse, defend, indemnify and hold said Trustee harmless from and against any and all liabilities, claims, damages, penalties, expenditures, losses or charges which may now or in the future be undertaken, suffered, paid, awarded, assessed or

otherwise incurred as a result of any contamination of the property by any hazardous matter, hazardous substance, or hazardous waste.

This conveyance is subject to, or there is excepted from this conveyance as appropriate, all real estate or rights therein, if any, including without limitation, flowage rights, rights of way, easements, licenses, leases, and permits conveyed of record by the grantor herein or grantor's predecessors in interest and all real estate or rights therein, if any, acquired by the exercise of the power of eminent domain by the State of Maine or any political subdivision thereof or any other quasi-municipal or public utility entity having the power of eminent domain, which may be of record but not specifically referred to herein.

Also excepting and reserving from this conveyance all great ponds, and the property underlying said great ponds, falling in whole or in part within the property herein conveyed. Hereby conveying, however, as appurtenant to the above-described property, any right, title or interest that the grantor may ever be determined to hold in or to said great ponds, or the property underlying said great ponds.

This conveyance is subject to the right to cross and recross the property hereby conveyed contained in the companion deeds from the grantee herein and others to the grantor herein of substantially even date. Provided, however, the exercise of the rights excepted and reserved in said companion deeds shall not impede or interfere with land management purposes nor future development of the property herein conveyed. Except for the crossing rights contained in the first sentence of this paragraph, by this deed the grantor releases and conveys to the grantee any other rights to cross and re-cross the property herein conveyed that may now exist in the grantor.

The grantor intends and considers that this instrument shall become immediately effective and delivered as to grantor's interest in the above-described property as of the date of grantor's execution of this instrument and shall be binding on such grantor's successors, heirs, and assigns.

In witness whereof the grantor herein has caused this instrument to be signed and sealed on the date indicated below.

Witness:

Kelley J. Foster

Trustee of Land Exchange Trust

By Edward D. Leonard III

Edward D. Leonard III, Trustee

Date: September 29, 2000

S:\P\Preston & Carlisle\Haynes Exchange 2000\Deeds Out\Penobscot\John M. Webber.wpd

STATE OF MAINE

Penobscot County Date 9/20/00

Personally appeared the above named Edward D. Leonard III, Trustee of Land Exchange Trust and acknowledged before me the foregoing to be his free act and deed in his said capacity.

Notary Public/~~Attorney at Law~~

Print or type name as signed

SHERRILL J. BARROWS
Notary Public • Maine
My commission expires November 26, 2006

SEAL

S:\F\Preston & Carlisle\Haynes Exchange 2000\Deeds Out\Penobscot\John M. Webber.wpd

Schedule A to Deed

PENOBSCOT COUNTY

Grantor: Edward D. Leonard III, Trustee of Land Exchange Trust under Declaration of Trust dated November 1, 1991

Grantee: John M. Webber

PARCEL ONE - ALTON (MILLIKEN TRACT)

A 1,320,002/10,000,000 in common and undivided interest in and to the following described property, situate in Alton, commonly known as the Milliken Tract, County of Penobscot, and State of Maine, being bounded and described as follows:

Parcel 1. All that part of the Town of Alton in said County of Penobscot which lies west of the Bennoch Road, so-called and north of the south line of the township of land granted by Massachusetts to Waterville College, which has not been sold or contracted to be sold after the same was granted as aforesaid and before January 22nd A.D. 1835.

Excepting and reserving from the foregoing all the lots fronting on said Bennoch Road.

Further excepting and reserving all the public lots assigned or to be assigned and set out, and excepting also the following lots sold by said College to Nath. E. Spratt, viz: Nos. 31, 45, 49, 50, 54 and 55, and fifty acres of the Easterly end of lots Nos. 42, 43 and 44.

Further excepting and reserving the following described parcels which have been previously sold and are not hereby conveyed, viz: 50 acres sold W. R. Leach by deed recorded in Volume 383, Page 295; 150 acres sold Valentine Estes by deed recorded in Volume 316, Page 466; 50 acres sold Elisabeth Cole by deed recorded in Volume 312, Page 516; 120 acres sold O. & N. Shevland by deed recorded in Volume 353, Page 11; 104 acres sold Mercy Davey by deed recorded in Volume 313, Page 135; Lot No. 95 sold George Averill by deed recorded in Volume 281, Page 413; Lots Nos. 76, 81, 86, 91 and 96 lying West of Dead Stream South of lot No. 71; Lot No. 28 sold W. C. & M. B. Spratt by deed recorded in Volume 277, Page 509; the whole premises now or formerly occupied by George Milliken as a farm, containing 103 acres more or less, one undivided ½ of which was deeded to him by deed recorded in Volume 400, Page 190; 19 acres sold Jas. Crawford by deed recorded in Volume 267, Page 135; house and lot sold Samuel G. Crawford by deed recorded in Volume 331, Page 536; house and lot on Hudson road owned by Edwd. Milliken bought of a Webber; lot and buildings adjoining last described lot owned by the Town of Alton and formerly owned by George Schwartz; house and lot sold Chas. Vague by deed recorded in Volume 293, Page 39; house and lot on Erin Street sold Jane Erskine by deed

recorded in Volume 337, Page 571; all of lot No. 71 South of land of Joseph Crawford and west of the road leading from Alton to Hudson, the premises sold R. W. Crawford by deed recorded in Volume 314, Page 508 and the premises sold James Pearson by deed recorded in Volume 213, Page 142.

Parcel 2. A certain parcel of land situate in Lot number 71, and west of Dead Stream commencing at a point on the north line of the 53 acre piece, so-called, now occupied by George Milliken lying between the Hudson Road and Dead Stream in the village of Alton commencing 5 rods on said north line west from a direct line from a parallel line with the west side of the tannery, northerly from said tannery; thence running on a line southerly parallel with the west side of the tannery to a point on Dead Stream.

Parcel 3. A certain parcel of land situate in the Town of Alton and being Lots numbered 45, 49, 50, 54 and 55, according to the plan and survey made by Caleb Leavitt of college lands west of Bennoch Road in said Alton; Lot number 31, south of the Bradford Road, Leavitt's plan and survey; 50 acres off the east side of Lots 42, 43 and 44.

Parcel 4. A certain tract or parcel of land situate in the Town of Alton and being 104 acres off of the west end of Lots numbered 68, 73, 78, 83, 88, 93 and 98, south of the Tannery Road, so-called, leading from Alton Tannery to Bennoch Road.

Parcel 5. A certain lot or parcel of land situate in the Town of Alton and being the south part of Lot number 32, Caleb Leavitt's survey in Town of Alton, Penobscot County, State of Maine, bounded as follows: commencing at southwest corner of said Lot number 32, thence east on north line numbered 33, 247 rods to Lot number 34; thence north 58 ½ rods on west line of Lots numbered 34 and 20; thence west to Dead Stream on line parallel with the south line; thence by said Stream to point of commencement reserving 2 acres in southwest corner of said lot.

Parcel 6. A certain lot or parcel of land, situate in the Town of Alton, being bounded on the north by the road leading by the dwelling house formerly occupied by William C. Spratt, being Lot number 30, according to plan of part of Waterville College Township, lying west of Bennoch Road, as surveyed by C. Leavitt.

Parcel 7. A certain lot or parcel of land with the buildings thereon, situate in said Alton and being bounded as follows: commencing at the southwest corner of land formerly owned or occupied by Withey & Reynolds, supposed to be owned by C. P. Webber; thence northerly to land formerly of Nathaniel Spratt, and now owned by said Webber; thence westerly on the south line of land of said Spratt, 60 rods, more or less, to a stake; thence southerly to the road leading from Alton Tannery to the Bennoch Road; thence easterly on the north line of said road to the first mentioned bounds.

The above-described property is conveyed together with:

1.An easement granted by Herbert C. Haynes, Inc. to Ralph B. Webber, Jr., et al, dated July 25, 1991, recorded in the Penobscot County Registry of Deeds in Vol. 4879, Page 60.

2.An easement granted by Herbert C. Haynes, Inc. to Ralph B. Webber, Jr., et al, dated July 25, 1991, in the Penobscot County Registry of Deeds in Vol. 4879, Page 65.

The above described property is subject to:

1.Right of way granted by Jean W. Lange, et al., to Diamond Occidental Forest, Inc. acknowledged October 24, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 57.

2.Easement given by G. Peirce Webber, Agent for Webber Timberlands to the State of Maine recorded in Book 2266, Page 249.

PARCEL TWO - BRADLEY (J.P.W. TRACT)

A 654,236/10,000,000 in common and undivided interest in and to the following described property, situate in Bradley, County of Penobscot, and State of Maine, being bounded and described as follows:

Lots numbered 16, 20, 21, 23, 29, 30, excepting that portion of Lot 30 lying north of Great Works Stream, 35 and 36.

The above described property is conveyed together with:

1.The right to use, maintain, improve and replace roads and bridges and the rights of way reserved and more particularly described in a deed from G. Peirce Webber, et al., to the State of Maine, dated July 31, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3761, Page 309.

2.The right of way granted by Diamond Occidental Forest, Inc. to J. W. Lange, et al. dated October 26, 1994, recorded in Book 5744, Page 26.

3.The easement granted by Penobscot Experimental Forest to G. Peirce Webber, et al, dated September 12, 1991, and recorded in Book 4911, Page 1.

The above described property is subject to:

1.Easement granted by Ralph B. Webber, Jr., et al, to New England Telephone & Telegraph Company recorded May 28, 1991 in the Penobscot County Registry of Deeds in Vol. 4842, Page 220.

2.Easement granted by Lila P. Webber, et al, to I. P. Timberlands Operating Company Ltd. recorded July 25, 1991, in the Penobscot County Registry of Deeds in Vol. 4878, Page 84.

3.Pole line easement given by G. Peirce Webber, et al., to Bangor Hydro-Electric Company dated April 8, 1990, and recorded in the Penobscot County Registry of Deeds in Book 5131, Page 234.

4.Right of way given by Jean W. Lange, et al., to Diamond Occidental Forest, Inc. acknowledged October 24, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 57.

5.Easement given by Charles P. Webber et al to American Telephone and Telegraph Company dated May 19, 1930 and recorded in the Penobscot County Registry of Deeds in Volume 1049, Page 481.

6.Easement given by Charles P. Webber, et al., to American Telephone and Telegraph Company dated November 1, 1934 and recorded in the Penobscot County Registry of Deeds in Volume 1093, Page 156.

7.Easement given by Frank M. Webber, et al., to Maritimes & Northeast Pipeline, Inc. dated March 15, 1999, recorded in the Penobscot County Registry of Deeds in Book 7162, Page 1.

PARCEL THREE - CLIFTON (J.P.W. TRACT)

A 625,219/10,000,000 in common and undivided interest in and to the following described property, situate in Clifton, County of Penobscot, and State of Maine, being bounded and described as follows:

Lots numbered 3, 4, all on the east side of the stream and pond, 13, all except what was sold to Jellison and Penney, 14, the west half, 16, about 20 acres bounded north by Jellison; east by Guar; south by Parkes and west by lot line, 20, all of east half that lies south of the road, 26, 29, 31, east half, 33, 34, 39, 41, 42, 43, 44, 45, all except 30 acres in the southeast corner sold to Mosher; 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58.

Excepting and reserving from the above-described property so much thereof as was taken by the State of Maine by Notice of Layout and Taking, dated February 3, 1954, and recorded in the Penobscot County Registry of Deeds in Volume 1418, Page 203.

Lot 29 is conveyed together with a right of way granted by H. C. Haynes, Inc. to G. Peirce Webber, et al., by instrument dated December 30, 1982, and recorded in the Penobscot County Registry of Deeds in Volume 3363, Page 104.

The above described property is conveyed together with:

1.The right of way given by James H. Mason to Grace Cushing, et al., recorded in Book 2113, Page 419.

2.An easement granted by Catherine P. Danforth to Ralph B. Webber, Jr., et al, dated July 3, 1990, and recorded in the Penobscot County Registry of Deeds in Vol. 4762, Page 72.

3.An easement given by Catherine P. Danforth to Ralph B. Webber, Jr., et al., dated May 2, 1994, and recorded in the Penobscot County Registry of Deeds in Book 6004, Page 236.

4.An easement given by Stanwood C. Tingley to Frank M. Webber, et al., dated November 4, 1997, recorded in Book 6532, Page 352.

5.An easement given by Janice E. Tingley to Frank M. Webber, et al., dated November 4, 1997, recorded in Book 6532, Page 360.

The above described property is subject to:

1.The above-described property is subject to an easement granted by Ralph B. Webber, Jr. et al to Catherine P. Danforth recorded June 29, 1990 in the Penobscot County Registry of Deeds in Vol. 4762, Page 41.

2.The above-described property is subject to an easement granted by Ralph B. Webber, Jr., et al, to New England Telephone & Telegraph Company recorded May 28, 1991 in the Penobscot County Registry of Deeds in Vol. 4842, Page 220.

3.Easement granted by Ralph B. Webber, Jr., et al., to Catherine P. Danforth dated May 20, 1994, recorded in Book 6004, Page 208.

PARCEL FOUR - EAST HOPKINS

A 760,492/10,000,000 of 1/6 in common and undivided interest in and to the following described property, situate in East Hopkins, County of Penobscot, and State of Maine, being bounded and described as follows:

The east ½ part of the Hopkins Academy Grant, excepting and reserving therefrom the public lot containing 200 acres, more or less.

Boundary line agreement between G. Peirce Webber, et al., and Great Northern Nekoosa Corporation, dated June 18, 1987, and recorded in the Penobscot County Registry of Deeds in Volume 4226, Page 15.

PARCEL FIVE - GREENFIELD

A 829,498/10,000,000 in common and undivided interest in and to following described property situate in Greenfield, County of Penobscot, and State of Maine, being bounded and described as follows:

Lots numbered 4, 5, 9, 11, 12, and west half of 6 in Range 1, excepting and reserving from said west half of 6, 25 acres sold to Elsie M. Madden by deed recorded in the Penobscot County Registry of Deeds in Volume 633, Page 459; Lots 3, 5, 6, 11, 12, and about 80 acres in the west part of 9, in Range 2; Lots 6, 7, 8, 9, 10, 11 and 12 in Range 3; Lots 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12 in Range 4; Lots 6, 9, 10, 11 and 12 in Range 5; Lots 8, 11, 12 and 60 acres in the south part of Lot 10, in Range 6; Lots 7, 8, 11, 12 and 40 acres in the southeast quarter of 9 and 30 acres in the southerly part of 10 in Range 7; Lots 11 and 12 in Range 8; Lots 10, 11 and 12 in Range 9; Lots 10, 11 and 12 and 28 acres in the northwest quarter of 4 in Range 10; ALSO Lot 4 in Range 2; Lot 5 in Range 3, 22 acres in the southwest part of Lot 4 in Range 5; 60 acres in the south part of Lot 3 in Range 6, 40 acres in east part of Lot 9 in Range 10, said lot designation being with reference to Herrick's Plan of said Town.

Lot numbered 42, and Lot numbered 43, according to survey and plan of Andrew Strong, also all of the Ministerial Lands in said Greenfield, excepting 50 acres from the east end sold to Arnold Thompson, and 100 acres from the west end sold to David Littlefield and Luther Jackson, also 25 acres sold to David Littlefield. Also the School Lot, so-called, in said Greenfield, known as the Ministerial and School Fund Lands.

Excepting and reserving from the above-described property a certain lot or parcel of land set in the northwest corner of Township 5, Range 3 in the Town of Greenfield, said County and State, to wit: Beginning at a post on the easterly side of the County Road in the northwesterly part of Township 5, Range 3 in the Town of Greenfield; thence in an easterly direction South 81° 30' East 40 ½ rods to a post; thence South 5° West parallel with the County Road 71 ½ rods to a post; thence westerly South 81° 30' West 40 ½ rods to a post on the east side of the road; thence northerly along the east side of the highway 71 ½ rods to the place of beginning. Being the same property conveyed by the deed of Charles J. Webber et al to Maude Cool, dated September 16, 1955 and recorded in the Penobscot County Registry of Deeds in Volume 1501, Page 205.

Excepting and reserving so much of the above-described property as was conveyed by G. Peirce Webber, et al., to the State of Maine by deed dated July 31, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3761, Page 330.

Excepting and reserving so much of the above described property as was conveyed by Frank M. Webber, et al. to Lincoln Land & Timber Co., Inc. by deed recorded on July 25, 2000, in the Penobscot County Registry of Deeds in Book 7424, Page 234.

The above described property is subject to:

1.Easement given by Charles P. Webber, et al to American Telephone and Telegraph Company dated May 19, 1930 and recorded in the Penobscot County Registry of Deeds in Volume 1049, Page 483.

2.Easement given by Charles P. Webber, et al to American Telephone and Telegraph Company dated November 1, 1934 and recorded in the Penobscot County Registry of Deeds in Volume 1093, Page 156.

3.Pole line easement given by G. Peirce Webber, et al., to Bangor Hydro-Electric Company dated April 8, 1990, and recorded in the Penobscot County Registry of Deeds in Book 5131, Page 234.

PARCEL SIX - HUDSON

A 1,329,266/10,000,000 in common and undivided interest in and to the following described property, situate in Hudson, County of Penobscot, and State of Maine, being bounded and described as follows:

Lots 49, 55, 61, 67, according to Pease's Survey of Hudson, excepting therefrom all the lots and parcels of land excepted and reserved by the Executors of the Will of Dennis L. Milliken, in their deed to John P. Webber dated June 10, 1881, and recorded in the Penobscot County Registry of Deeds in Volume 524, Page 59.

Further excepting and reserving from the above-described property a strip of land in Lots numbered 61 and 67, being 6 rods wide, which was conveyed by Charles P. Webber to Northern Maine Seaport Railroad Company by deed dated April 17, 1905, and recorded in the Penobscot County Registry of Deeds in Volume 1170, Page 13, to which reference may be had for a more particular description.

The above-described property is conveyed together with a right of way given by Diamond Occidental Forest, Inc. to Jean W. Lange, et al., dated October 26, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 26.

PARCEL SEVEN - KINGMAN

A 856,319/10,000,000 in common and undivided interest in and to following described property, situate in Kingman, County of Penobscot, and State of Maine, being bounded and described as follows:

Parcel 1. Prentiss Tract so-called, viz: Commencing at the southwest corner of Public Lot No. 2 in said town; thence about South 02° West on the east line of the Oxnard Tract, so-called, 800 rods, more or less, to the northerly line of the Duck Trap Grant, so-called; thence easterly on the northerly line of said Duck Trap Grant to the southwest corner of the Osgood Tract, so-called; thence about North 2° East on the west line of said Osgood Tract to the southeast corner of Public Lot No. 3 in said town, thence westerly on the southerly line of Public Lots Nos. 3 and 2, 67 chains and 50 links, more or less, to the place of commencement. Excepting from the above, however, so much of said lot as is included within the limits of Lots Numbered 15, 17, 19 and 21 as laid out by Samuel W. Coombs in his survey and plan of a subdivision of the Oxnard Tract made in 1872.

Parcel 2. Parts of Farm Lots Nos. 3 and 5, viz: Farm Lot No. 3 east of the Macwahoc Road in the town of Kingman, County of Penobscot, State of Maine, and Farm Lot No. 5, east of said Macwahoc Road, in said town as laid out by Samuel W. Coombs in 1872 in his survey and plan of a subdivision of the Oxnard Tract, so-called. Said Lots Nos. 3 and 5 being bounded on the north by Lot No. 2 on said plan, on the west by said Macwahoc Road, on the south by Lot No. 7 on said plan, and on the east by the westerly line of the Prentiss Tract, so-called. Excepting, however, that parcel of land conveyed by Charles P. Webber to Melville Johnson by deed dated July 10, 1895, and recorded in the Penobscot County Registry of Deeds in Volume 649, Page 4.

Parcel 3. Part of Farm Lot No. 4, viz: Farm Lot No. 4, west of the Macwahoc Road in the town of Kingman, County of Penobscot and State of Maine, as laid out by Samuel W. Coombs in 1872, in his survey and plan of a subdivision of the Oxnard Tract, so-called, said Lot No. 4 being bounded on the north by Lot No. 1, on said plan, on the west by the westerly line of said Oxnard Tract, on the south by Lot No. 6 on said plan, and on the east by the said Macwahoc Road. Excepting, however, from the above that parcel of land conveyed by Charles P. Webber to Margaret M. Lipsett by deed dated October 22, 1901, and recorded in the Penobscot County Registry of Deeds in Volume 708, Page 321.

Parcel 4. Duck Trap Grant, so-called, viz: Commencing at the southwest corner of said Town of Kingman; thence northerly on and by the westerly line of said Town of Kingman, crossing the Mattawamkeag River, 1,000 rods to the northwest corner of said Duck Trap Grant; thence easterly on a line parallel with the south line of said Town of Kingman 1,000 rods to the northeast corner of said Duck Trap Grant; thence southerly parallel with the west line of said Town of Kingman

1,000 rods to the south line of said town; thence westerly on and along the south line of said town; thence westerly on and along the south line of said town 1,000 rods to the point of commencement. Excepting therefrom, however, the Farm Lots south of Mattawamkeag River as surveyed in 1873 by Fred H. Coombs, said Fred H. Coombs' plan recorded in the Penobscot Registry of Deeds in Plan Book 4, Page 7. Also excepting Lots 30, 31, 32, 33, 34, 35, X, Y and Z as laid out and surveyed by Fred J. Fiske in May 1894. Also excepting a lot of 25 acres adjoining said Lot X on the west, conveyed by said Charles P. Webber to Minnie M. Richards in 1903, by deed recorded in said Registry, Volume 727, Page 380. Also excepting a lot of 25 acres adjoining said Lot Y on the west, conveyed by said Charles P. Webber to Harry W. Gibb in 1918 by deed recorded in said Registry, Volume 902, Page 230. Also excepting a lot of 6 1/4 acres adjoining Lot Z on the west conveyed by said Charles P. Webber to Anton Thulen in 1907 by deed recorded in said Registry, Volume 777, Page 259. Also excepting a lot of land containing 267 acres, more or less, in the southwesterly corner of said town of Kingman, said lot measuring 1 mile and 62 rods on the south line of said town and 112 rods on the westerly line of said town. Also excepting lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 as laid down on a plan of Samuel W. Coombs in 1872 of the Oxnard Tract. (Said plan embracing not only the Oxnard Tract, but also portions of said Duck Trap Grant and the Prentiss Tract so-called.) Also excepting the Village Lots, so-called, as surveyed and laid out in various plans and surveys made of the built up section of said town and also those lots adjoining and adjacent to the above heretofore sold by C. P. Webber. Also excepting that piece or parcel of land lying north of Lot No. 30 according to Fiske plan, bounded on the south by the north line of said Lot 30, on the east by continuation of the easterly line of said Lot 30 and on the north and west by the Mattawamkeag River. Also excepting a lot on the south side of the Mattawamkeag River, bounded and described as follows, viz: Beginning on the west line of the Old Ferry Road so-called at the corner of the O. Beatham Lot about 100 feet south from the River where the "Reservation Line" so-called strikes the road; thence westerly along and by said "Reservation Line", following said Beatham's north line in the direction thereof about 266 rods to the margin of the River; thence up the marginal line of the River to a point in the same opposite the point begun at; thence to the place of beginning.

Parcel 5. The North 2/3 Part of Farm Lot No. 29, as shown on plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7.

Parcel 6. The North 1/3 Part of Lot No. 28, as shown on plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7.

Parcel 7. Lot No. 26, as shown on Plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7.

Parcel 8. The West Part of Lots Nos. 23 and 25, as shown on Plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7; being all of the above lots except 50 acres off the easterly end thereof, conveyed by Charles P. Webber to Edson Maddocks by deed

recorded in Penobscot County Registry of Deeds in Volume 799, Page 168. Both of the above lots being adjoining and constituting one piece or parcel of land.

Parcel 9. The West part of Lot No. 21, as shown on plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7; being all of said Lot No. 21 except 25 acres off the easterly end thereof conveyed by Charles P. Webber to George A. Larrabee, by deed recorded in Penobscot County Registry of Deeds in Volume 688, Page 345.

Parcel 10. Lot No. 19 as shown on plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7.

Parcel 11. The South Half of Lot No. 4, as shown on plan of Fred H. Coombs, recorded in Penobscot County Registry of Deeds in Plan Book 4, Page 7.

Parcel 12. Osgood Tract, viz: Bounded on the north by the northerly line of said town of Kingman, on the west by the easterly line of Public Lot No. 3 in said town and the easterly line of the Prentiss Tract, so-called, on the south by the northerly line of the Duck Trap Grant, so-called, and the northerly line of the Richardson Tract, so-called, on the east by the westerly line of said Richardson Tract and the easterly line of said town of Kingman.

Parcel 13. Richardson Tract, viz: Bounded on the north by the southerly line of a portion of the Osgood Tract, so-called, on the west by the easterly line of said Osgood Tract and the easterly line of a portion of the Duck Trap Grant, so-called, on the south by the northerly line of the Garland Tract, so-called, and on the east by the easterly line of said town of Kingman.

Parcel 14. The 267-Acre Lot, viz: Commencing at the southwest corner of said Town of Kingman, thence easterly on and along the southerly line of said town of Kingman 1 mile and 62 rods to a point, thence northerly 112 rods to a point; thence westerly 1 mile and 62 rods to a point in the westerly line of said Town of Kingman; thence southerly on said westerly line of said Town of Kingman 112 rods to the place of beginning.

Excepting and reserving a certain lot or parcel of land situate in the Plantation of Kingman, County of Penobscot and State of Maine, being bounded and described as follows, to wit:

Parcel 4 as shown on a Right-of-Way Map, State Aid Highway No. 1, Kingman, dated May, 1965, on file in the office of the State Highway Commission (S.H.C. File No. S-10-208), dated April 6, 1966 and recorded in the Penobscot County Registry of Deeds in Volume 2045, Page 128.

Beginning at a point 33 feet westerly from and as measured along a line at right angles to the Base Line at P. T. Sta. 67+62.87; thence northerly along a curved line, 33 feet westerly from and

concentric with a 5° curve of the Base Line, about 347 feet to a point in the southerly line of land now or formerly of Matthew J. Coro and Dorothy A. Coro, said point being on a line normal to the Base Line at about Station 64+26; thence easterly along the southerly line of said Coro's about 2 feet to the westerly assumed old right-of-way line of State Aid Highway No. 1; thence southerly along the westerly assumed old right-of-way line of State Aid Highway No. 1 about 627 feet to the northeasterly corner of land now or formerly of Millage L. Jacobs and Lillian M. Jacobs; thence westerly along the northerly line of said Jacob's about 16 feet to a point 33 feet westerly from and as measured along a line at right angles to the Base Line at about Station 70+42; thence North 20° 29' West about 279 feet to the point of beginning.

Also excepting and reserving a Notice of Layout and Taking to G. Peirce Webber, Agent for Webber Heirs, from State of Maine dated October 17, 1977 and recorded in the Penobscot County Registry of Deeds in Volume 2803, Page 310.

Together with an easement granted by I. P. Timberlands Operating Company Ltd. to G. Peirce Webber, et al, recorded August 27, 1991, in the Penobscot County Registry of Deeds in Vol. 4899, Page 32.

The above described property is subject to:

1.Subject to a Notice of Layout and Taking to G. Peirce Webber, Agent for Webber Heirs, from State of Maine dated October 17, 1977 and recorded in the Penobscot County Registry of Deeds in Volume 2803, Page 310.

2.Easement granted by Lila P. Webber, et al, to I. P. Timberlands Operating Company Ltd. recorded July 25, 1991, in the Penobscot County Registry of Deeds in Vol. 4878, Page 84.

3.Right of way given by Jean W. Lange, et al., to Diamond Occidental Forest, Inc. acknowledged October 24, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 57.

PARCEL EIGHT - LAGRANGE (BUZZELL AND JELLISON TRACT)

A 740,724/10,000,000 in common and undivided interest in and following described property, situate in LaGrange, commonly known as the Buzzell and Jellison Tract, County of Penobscot, and State of Maine, being bounded and described as follows:

Commencing at a cedar stake marked on the west H. & M. in the east line of said Town of LaGrange about 1 mile north of the southeast corner of said Town of LaGrange, being the northeast corner of Holyoke and Maling's land in the "Mile Strip", so-called, in said LaGrange; thence northerly on the east line of said Town of La-Grange about 4 ½ miles to the southeast

corner of lot number 4 in said "Mile Strip", so-called, thence westerly on the south line of said Lot number 4 and Lot number 1 in said "Mile Strip", so-called, about 1 1/4 miles to the southwest corner of said Lot number 1; thence southerly along the west line of the "Mile Strip", so-called, about 4 1/4 miles to a fir tree on the west line of said "Mile Strip", so-called, and on the easterly side of the east branch of Birch Stream marked on the easterly and westerly sides "I-", on the northerly side "S. F." and on the southerly side "A. H."; thence East 30° South to the easterly line of said "Mile Strip", so-called, and point begun at.

The above-described property is conveyed together with a right of way given by Diamond Occidental Forest, Inc. to Jean W. Lange, et al., dated October 26, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 26.

The above-described property is conveyed subject to the right of way granted by J. W. Lange, et al., to Diamond Occidental Forest, Inc. dated October 26, 1994, recorded in Book 5744, Page 57.

PARCEL NINE - LAGRANGE (HOLYOKE - MALING TRACT)

A 697,481/10,000,000 in common and undivided interest in and to the following described property, situate in LaGrange, commonly known as the Holyoke - Maling Tract, County of Penobscot, and State of Maine, being bounded and described as follows:

Parcel 1. Lots number 120 and 122 as surveyed by Isaac Libbey.

Parcel 2. The southerly part of "Mile Strip", so-called, bounded on the south by the south line of the town; on the east by the east line of the town; on the west by the west line of said "Mile Strip"; and on the north by a line drawn from the point where said west line crosses the East Branch of Birch Stream; thence down the Stream to a fir tree on its east side marked on east and west side #; on the north side SF and on the south side AH; thence East 30° South to the east line of the town.

Parcel 3. The lot of land adjoining said "Mile Strip" on the west and bounded on the east thereby as follows, viz: Beginning in said west line at a cedar stake marked "6128 IXI"; thence southerly by said west line of said Mile Strip 680 rods to the south line of the town; thence westerly by the town line 293 ½ rods to the corner of said Lot number 122; thence northerly by said Lot and the "Whitman Tract" to the northeast corner of said tract; thence westerly by said tract 218 rods to lot number 119; thence northerly by said lot 86 rods and 20 links to cedar stake marked "IXI"; thence easterly to the point begun at 521 rods, more or less. Excepting about 100 acres north of "Whitman Tract" conveyed by Stephen, Ernest M. and Harry M. Foster to Obed Foss et al by deed recorded in the Penobscot County Registry of Deeds in Volume 528, Page 167.

The above-described property is conveyed together with a right of way given by Diamond Occidental Forest, Inc. to Jean W. Lange, et al., dated October 26, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 26.

The above-described property is conveyed subject to the right of way granted by J. W. Lange, et al., to Diamond Occidental Forest, Inc. dated October 26, 1994, recorded in Book 5744, Page 57.

PARCEL TEN - LINCOLN (FOXCROFT HALF TOWNSHIP)

A 1,629,933/10,000,000 in common and undivided interest in and to following described property, situate in Lincoln, commonly known as Foxcroft Half Township, County of Penobscot, and State of Maine, being bounded and described as follows:

All that portion of the Foxcroft Half Township lying westerly and southerly of the Town Road running from Lee Road to the Coffin neighborhood that was conveyed by Timothy Fuller to Matthew Lincoln et al by instrument recorded January 30, 1867, in the Penobscot County Registry of Deeds in Volume 364, Page 544, excepting 60 acres off the easterly side of the Brock Lot, so-called, bargained by Timothy Fuller to S. Kneeland.

ALSO on the easterly side of said Road Gore Lot 22 60 acres in the south end of Lot 15, Lot 6 lying south of and joining the Lee Road, Lot 5 joining Lee, and that portion of the Brock Lot lying north of said Town Road and not included in the 60 acres reserved.

ALSO 50 acres of the westerly half of Lot 18 in the half township of the Town of Lincoln described as follows: Commencing at the spring on the easterly side of the Half Township Road, said spring being near said Road, and about 120 rods from the mouth thereof and running easterly across said lot such a course as that portion of the lot hereby conveyed shall contain 50 acres.

Excepting and reserving from the above-described premises the following parcels of land:

1.Deed given by Charles J. Webber, et al to State of Maine dated March 29, 1950, recorded in the Penobscot County Registry of Deeds in Volume 1316, Page 464.

2.Deed given by Charles J. Webber, et al to State of Maine dated March 29, 1950, recorded in the Penobscot County Registry of Deeds in Volume 1316, Page 466.

3.Notice of Layout and Taking given by Charles P. Webber Heirs, et al to State of Maine dated July 30, 1958, recorded in the Penobscot County Registry of Deeds in Volume 1636, Page 343.

4.Property or interest therein given by Charles J. Webber, et al to State of Maine dated April 22, 1959, recorded in the Penobscot County Registry of Deeds in Volume 1671, Page 235.

5.Deed given by Webber Timberlands, G. Peirce Webber, et al to Joseph Kovarovics dated October 2, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2498, Page 237.

6.Deed given by Webber Timberlands, G. Peirce Webber, et al to Lester L. Hobbs and Lois C. Hobbs dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2506, Page 118.

7.Deed given by Webber Timberlands, G. Peirce Webber, et al to George Buraby and Bernie Buraby dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2506, Page 122.

8.Deed given by Webber Timberlands, G. Peirce Webber, et al to Richard H. Broderick and Fay L. Broderick dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2506, Page 153.

9.Deed given by Webber Timberlands, G. Peirce Webber, et al to Richard H. Broderick and Fay L. Broderick dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2506, Page 157.

10.Deed given by Webber Timberlands, G. Peirce Webber, et al to Taylor Bradstreet and Minnie Bradstreet dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2507, Page 21.

11.Deed given by Webber Timberlands, G. Peirce Webber, et al to Carl Fickett and Dorothy Fickett dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2507, Page 26.

12.Deed given by Webber Timberlands, G. Peirce Webber, et al to Henry A. Olsen and Joyce M. Olsen dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2507, Page 254.

13.Deed given by Webber Timberlands, G. Peirce Webber, et al to Edna Cousins dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2508, Page 209.

14.Deed given by Webber Timberlands, G. Peirce Webber, et al to Durwood Wilson and Judith Wilson dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2509, Page 141.

15.Deed given by Webber Timberlands, G. Peirce Webber, et al to Robert Buell and Madolyn L. Buell dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2509, Page 148.

16.Deed given by Webber Timberlands, G. Peirce Webber, et al to Lloyd J. Dill and Barbara E. Dill dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2509, Page 162.

17.Deed given by Webber Timberlands, G. Peirce Webber, et al to Blake Grant dated October 2, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2511, Page 66.

18.Deed given by Webber Timberlands, G. Peirce Webber, et al to Everett Bryer and Margaret Bryer dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2511, Page 80.

19.Deed given by Webber Timberlands, G. Peirce Webber, et al to Phillip Farrington and Jane Farrington dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2511, Page 84.

20.Deed given by Webber Timberlands, G. Peirce Webber, et al to Carl LaForge and Bessie LaForge dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2512, Page 209.

21.Deed given by Webber Timberlands, G. Peirce Webber, et al to Louis Ruggiero dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2514, Page 235.

22.Deed given by Webber Timberlands, G. Peirce Webber, et al to Laurence Smart, Jr. and Shirley Smart dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2514, Page 242.

23.Deed given by Webber Timberlands, G. Peirce Webber et al to Ivan Hook and Margaret Hook dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2515, Page 298.

24.Deed given by Webber Timberlands, G. Peirce Webber, et al to George D. Aiken and Rita Aiken dated November 7, 1974, recorded in the Penobscot County Registry of Deeds in Volume 2523, Page 16.

25.The land described in the deed from Edward D. Leonard, III,.Trustee of Land Exchange Trust to Herbert C. Haynes, Inc., dated May 29, 1998, and recorded in said Registry in Book 6693, Page 272.

The above-described property is conveyed together with the following rights of way granted by:

1.The Inhabitants of the Town of Lincoln to G. Peirce Webber, et al., dated June 13, 1983, recorded in the Penobscot County Registry of Deeds in Book 3479, Page 98.

2.International Paper Company to G. Peirce Webber, et al., dated March 13, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3692, Page 321.

3.John Edwards, et al., to G. Peirce Webber, et al., dated December 17, 1987, and recorded in the Penobscot County Registry of Deeds in Volume 4195, Page 13.

4.James T. and Deirdra D. Trask to G. Peirce Webber, et al., dated February 2, 1994, and recorded in Book 5560, Page 49.

5.Diamond Occidental Forest, Inc. to Jean W. Lange, et al., dated October 26, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 26.

The above described property is subject to:

1.Easement given by Charles P. Webber, et al to Lincoln Water Company dated July 9, 1915, recorded in the Penobscot County Registry of Deeds in Volume 1330, Page 14.

2.Lease and Option to Purchase given by C. J. Webber to the State of Maine (Forestry Dept.) for a fire tower on Rollins Mountain recorded in said Registry in Book 1715, Page 175.

3.Easement given by Webber Timberlands, G. Peirce Webber, Agent, to New England Telephone and Telegraph Company dated August 25, 1966 and recorded in the Penobscot County Registry of Deeds in Volume 2073, Page 235.

4.Easement given by Charles P. Webber, et al to Bangor Hydro-Electric Company dated November 18, 1970, recorded in the Penobscot County Registry of Deeds in Volume 2202, Page 329.

5.Easement given by Charles P. Webber, et al to Bangor Hydro-Electric Company dated November 18, 1970, recorded in the Penobscot County Registry of Deeds in Volume 2202, Page 331.

6.Easement given by Webber Timberlands, G. Peirce Webber, Agent, to New England Telephone and Telegraph Company dated August 7, 1974, and recorded in the Penobscot County Registry of Deeds in Volume 2481, Page 238.

7.Rights of way granted in the deeds number 5 through 24 above.

8.Right-of-way given by Webber Timberlands, G. Peirce Webber, Agent, to Hartwell Phinney dated December 15, 1976, recorded in the Penobscot County Registry of Deeds in Volume 2714, Page 27.

9.Lease between Webber Timberland, G. Peirce Webber, Agent, and Inhabitants of the Town of Lincoln dated May 1, 1978 recorded in Penobscot County Registry of Deeds in Volume 2890, Page 207.

10.Campsite Lease and Right-of-way and Option to Purchase given by G. Peirce Webber, et al., to Fred Pagel and Shirley Pagel, dated July 18, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 4061, Page 97.

11.Right-of-way granted by G. Peirce Webber, et al., to John S. Edwards, et al., recorded September 16, 1987 in the Penobscot County Registry of Deeds in Volume 4102, Page 261.

12.Easement granted by Ralph B. Webber, Jr., et al, to New England Telephone & Telegraph Company recorded April 17, 1991 in the Penobscot County Registry of Deeds in Vol. 4817, Page 152.

13.The rights of way described in the deed from Edward D. Leonard, III, Trustee of Land Exchange Trust to Herbert C. Haynes, Inn. dated May 29, 1998, recorded in said Registry in Book 6693, Page 272.

14.The subdivision restriction described in the deed from Edward D. Leonard, III, Trustee of Land Exchange Trust to Charles P. Webber and Eleanor H. Webber, Trustees, dated May 29, 1998, recorded in said Registry in Book 6695, Page 41.

PARCEL ELEVEN - LINCOLN (FAY OR PINKHAM TRACT)

A 2,430,541/10,000,000 of 2/3 in common and undivided interest in and to the following described property, situate in Lincoln, commonly known as the Fay or Pinkham Tract, County of Penobscot, and State of Maine, being bounded and described as follows:

Parcel 1. Lot Numbered 48 in Township No. 2 on the east side of the Penobscot River, being part of Miles Squares Number 2 and 3 in the 3rd Range of said lots, according to a survey and plan made and returned to the Land Office by John Webber, Surveyor.

Parcel 2. Miles Squares Number 3 and 4 in Lot No. 5 in the lst Range in River Township No. 2 in Lincoln. Excepting Lot Number 43 in Miles Square Number 3 and excepting one lot in Miles Square Number 4 deeded to Henry F. Allen. Each of which excepted lots contains 100 acres,

according to a survey and plan thereof made and returned to the Land Office by Timothy Cobb, Esquire.

Parcel 3. Lot No. 5 in the lst Range in River Township No. 2 in Lincoln.

Parcel 4. A certain lot or parcel of land situate in the Town of Lincoln, County of Penobscot and State of Maine, on the southwesterly side of the Burlington Road, so-called, lying near Rocky Brook, so-called, bounded and described as follows:

Commencing at a stake, 200 feet from the northeast corner of lot now or formerly owned by Douglas Pinkham and being the northeasterly corner of a lot of land owned by Hartwell A. Phinney, Jr., as described in a deed recorded in the Penobscot County Registry of Deeds in Volume 2347, Page 349; thence northerly towards the Town of Lincoln 50 feet along the westerly side of the Transalpine Road, so-called; thence southwesterly to the line of Webber and Edwards known as the 410 A part of the Fay Tract so-called; thence southeasterly along the line of Fay Tract so-called; 50 feet to the southwest corner of said lot now or formerly owned by Hartwell A. Phinney, Jr.; thence along said Phinney's northwesterly line to the point of commencement on the edge of the road.

Excepting and reserving from the above-described three lots, the following described lots or parcels of land:

1.Deed given by Amos M. Roberts and Asa Bither to Rufus Pinkham dated January 5, 1854, and recorded in the Penobscot County Registry of Deeds in Volume 242, Page 518.

2.Deed given by Levi B. Patten, et al to Frederick A. Edwards dated August 26, 1872, and recorded in the Penobscot County Registry of Deeds in Volume 424, Page 469.

3.Deed given by Levi B. Patten, et al to William B. Pinkham dated August 26, 1872, and recorded in the Penobscot County Registry of Deeds in Volume 485, Page 59.

The above described above is conveyed together with:

1.A right of way granted by the Town of Lincoln to G. Peirce Webber, et al., by instrument dated June 13, 1983, and recorded in the Penobscot County Registry of Deeds in Volume 3479, Page 98.

2.A right of way given by Diamond Occidental Forest, Inc. to Jean W. Lange, et al., dated October 26, 1994, and recorded in the Penobscot County Registry of Deeds in Book 5744, Page 26.

3.A right-of-way given by Hartwell Phinney to Webber Timberlands, G. Peirce Webber, Agent, dated December 7, 1976, and recorded in the Penobscot County Registry of Deeds in Volume 2714, Page 25.

4.A right-of-way given by Richard M. Moore, et al to G. Peirce Webber, et al dated October 31, 1978 and recorded in the Penobscot County Registry of Deeds in Volume 2926, Page 359.

5.A right-of-way given by International Paper Company to Lila P. Webber, et al., dated March 13, 1985 and recorded in Book 3692, Page 321.

The above described property is subject to:

1.Easement given by Charles P. Webber to Lincoln Water Company dated July 9, 1915, and recorded in the Penobscot County Registry of Deeds in Volume 1330, Page 15.

2.Slope easement given by Jerold P.Jipson and Goldie P. Jipson to the State of Maine dated September 22, 1965, recorded in said Registry in Book 2035, Page 270.

3.Easement given by Webber Timberlands, G. Peirce Webber, Agent to New England Telephone and Telegraph Company dated August 25, 1966 and recorded in the Penobscot County Registry of Deeds in Volume 2073, Page 235.

4.Lease of Easement between Webber Timberland, G. Peirce Webber, Agent, et al to Inhabitants of the Town of Lincoln dated May 1, 1978 and recorded in the Penobscot County Registry of Deeds in Volume 2890, Page 204.

5.Right-of-way given by Webber Timberlands, G. Peirce Webber, Agent, to Hartwell Phinney dated December 15, 1976, and recorded in the Penobscot County Registry of Deeds in Volume 2714, Page 27.

6.Right-of-way given by G. Peirce Webber, et al., to International Paper Company dated March 13, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3693, Page 49.

7.Easement granted by Ralph B. Webber, Jr., et al, to New England Telephone & Telegraph Company recorded April 17, 1991 in the Penobscot County Registry of Deeds in Vol. 4817, Page 152.

8.Easement granted by Frank M. Webber, et al. to Lakeville Shores, Inc. recorded March 11, 1999, in the Penobscot County Registry of Deeds in Book 6982, Page 87.

PARCEL TWELVE - LINCOLN (HOUSTON TRACT)

A 1,301,970/10,000,000 in common and undivided interest in and to the following parcels of land situate in Lincoln, Penobscot County, Maine.

Lot One:

All that part of the lot of land hereinafter described (being a part of the Houston Tract, so-called) lying southwesterly, westerly and northwesterly of the following described division line (hereinafter the Division Line), said Division Line and said land lying northeasterly, easterly, and southeasterly of said Division Line also being shown on Exhibit C.

Division Line: Beginning at the westerly corner of Lot No. 14 Range 4; thence southeasterly thirty-seven and one-half (37 ½) chains, more or less, to the southerly corner of said Lot No. 14 Range 4; being also the westerly corner of Lot No. 14 Range 5; thence northeasterly by and along the northwesterly line of Lot No. 14 Range 5 to its point of intersection with the thread of Long Pond; thence generally southeasterly, southerly and southwesterly by and along the thread of said Long Pond and the thread of Caribou Pond to the point of intersection with the lot line between Lots 10 and 11 Range 7 extended in said Pond; thence northwesterly along said lot line to a point marking its intersection with a line extended northeasterly three (3) chains, more or less from a post and stones on the shore of Caribou Pond; thence southwesterly three (3) chains, more or less, to said post and stones on the shore of Caribou Pond; thence continuing southwesterly by and along a spotted line to a post and stones on the southwesterly line of Lot No. 9 Range7; said post and stones lying twenty-five (25) chains, more or less from the post and stones at the westerly corner of Lot No. 9 Range 7.

Land: Beginning at a post and stones on the easterly side of the Lee Back Road at the southwesterly corner of Lot No. 18 in Lincoln Half Township; thence southeasterly by and along the generally southerly line of said Lot No. 18 four and one-half (4 ½) chains, more or less, to a post and stones at the southeasterly corner of said Lot No. 18; thence northeasterly by and along the southeasterly line of said Lot No. 18 fifty (50) chains, more or less, to a post and stones at the Lee-Springfield Road; thence southeasterly by and along the said Lee-Springfield Road fifty-two (52) chains, more or less, to a point on the northeasterly side of said road; thence easterly two and one-half (2 ½) chains, more or less, to an angle in the line being followed; thence northeasterly fifty-two (52) chains, more or less, by and along the westerly line of Lot No. 9 to a post and stones at the northwesterly corner thereof; thence easterly by and along the northerly line of Lots No. 9 and No. 8 in the 2nd Range thirty-one (31) chains, more or less, to a post and stones on the northerly line of said Lot No. 8; thence northerly thirty-four (34) chains,

more or less, by and along a spotted line to a post and stones; thence easterly by and along a spotted line fifteen and one-half (15 ½) chains, more or less, to a post and stones, thence southerly by and along a spotted line thirty-four (34) chains, more or less, to a post and stones in the northerly line of Lot No. 9 in the 1st Range; thence easterly by and along the northerly lines of Lots No. 9 and No. 8 in the said 1st Range forty (40) chains, more or less to the easterly town line of the said Half Township and a post and stones; thence northerly by and along the easterly town line of said Half Township one hundred sixty (160) chains, more or less, to the northerly corner thereof and the easterly corner of Lincoln Township proper; thence northwesterly by and along the northeasterly line of Lincoln one hundred thirty-three (133) chains, more or less, to a post and stones at the northerly corner of Lot No. 17 Range 6; thence southwesterly by and along the northwesterly line of said Lot 17 Range 6 thirty (30) chains, more or less, to the westerly corner thereof; thence northwesterly by and along the northeasterly line of Lot No. 16, Range 5 thirty-seven and one-half (37 ½) chains, more or less, to the northerly corner thereof; thence southwesterly by and along the northwesterly line of Lot No. 16 Range 5 twenty-six (26) chains, more or less, to the westerly corner thereof; thence northwesterly by and along the northeasterly line of Lot No. 15 Range 4 thirty-seven and one-half (37 ½) chains, more or less, to the northerly corner thereof; thence southwesterly by and along the northwesterly lines of Lots No. 15 and No. 14 Range 4 forty-five (45) chains, more or less, to the northeasterly shore of Long Pond; thence continuing on the last mentioned course southwesterly seven (7) chains, more or less, to the westerly corner of said Lot No. 14 Range 4; thence southeasterly thirty-seven and one-half (37 ½) chains, more or less, to the northerly corner of Lot No 13 Range 5; thence southwesterly by and along the northwesterly line of Lots No. 13 and No. 12 Range 4 fifty-two (52) chains, more or less, to a post and stones at the westerly corner of Lot No. 12 Range 5; thence southeasterly by and along the northeasterly lines of Lots No. 11 Range 5 and Lot No. 11 Range 6 eighty-four (84) chains, more or less, to the easterly corner of Lot No. 11 Range 6 and a post and stones; thence southwesterly by and along the southeasterly line of Lot No. 11 Range 6 twenty-nine (29) chains, more or less, to the southerly corner thereof and a post and stones; thence northwesterly by and along the northeasterly line of Lot No. 10 Range 6 twenty-seven (27) chains, more or less, to a post and stones; thence southwesterly by a spotted line twenty-six and one-half (26 ½) chains, more or less, to a post and stones in the northeasterly line of Lot No. 9 Range 6; thence, southeasterly by and along the northeasterly line of Lot No. 9 Range 6 twenty-seven (27) chains, more or less, to the easterly corner thereof and a post and stones; thence southwesterly by and along the northwesterly line of Lot No. 9 Range 7 twenty-seven (27) chains, more or less, to the westerly corner thereof and a post and stones; thence southeasterly by and along the southwesterly line of Lot No. 9 Range 7 twenty-five (25) chains, more or less, to a post and stones; thence northeasterly by a spotted line forty-nine (49) chains, more or less, to a post and stones on the shore of Caribou Pond, so-called; thence continuing on the last mentioned course three (3) chains,

more or less, to the lot line between Lots No. 10 and No. 11 Range 7 extended into the said pond; thence southeasterly by and along said extended lot line thirty-two (32) chains, more or less, to a point in said line and said Pond; thence southwesterly and at practically right angles to the last mentioned course nine (9) chains, more or less, to the shore of Caribou Pond and a spotted tree; thence continuing on the same course southwesterly forty-four (44) chains, more or less to the generally southerly line of Lot No. 9 Range 8 and a post and stones; thence southeasterly by and along the said line of Lot No. 9 Range 8 thirty-two (32) chains, more or less, to a post and stones in the northwesterly line of said Lincoln Half Township at the southerly corner of said Lot No. 9 Range 8; thence northeasterly by and along the generally southeasterly line of said Lot No. 9 Range 8 and said northwesterly line of Lincoln Half Township to the point of intersection with the generally easterly side of the Lee Back Road at the westerly corner of Lot 18 in said Half Township; thence southeasterly by and along the easterly line of said Lee Back Road and the westerly line of said Lot No. 18 to the point of beginning.

The above described property is conveyed together with a 50 foot right of way across a parcel of land now or formerly owned by Harold and Joan Hinkleman of Lincoln, County of Penobscot, State of Maine, conveyed by said Harold Hinkleman and Joan Hinkleman to G. P. Webber (Timberland), by instrument dated January 8, 1970, and recorded in the Penobscot County Registry of Deeds in Volume 2180, Page 479.

Excepting and reserving from the above described property:

9.Deed given by Charles J. Webber, et al, Trustees u/w of Charles P. Webber to State of Maine dated March 29, 1950, in the Penobscot County Registry of Deeds in Volume 1316, Page 464.

10.Deed given by Charles J. Webber, et al to State of Maine dated March 29, 1950, and recorded in the Penobscot County Registry of Deeds in Volume 1316, Page 466.

11.Notice of Layout and Taking given by Charles P. Webber Heirs to State of Maine dated July 30, 1958, and recorded in the Penobscot County Registry of Deeds in Volume 1636, Page 343.

12.Receipt and Confirmation of Taking given by Charles J. Webber, et al, Trustees u/w of Charles P. Webber to State of Maine dated November 25, 1958, and recorded in the Penobscot County Registry of Deeds in Volume 1652, Page 328.

13.Receipt and Confirmation of Taking given by Charles J. Webber, Agent to State of Maine dated April 22, 1959, and recorded in the Penobscot County Registry of Deeds in Volume 1671, Page 235.

The above described property is subject to:

1. Right of way up and down said Mill Stream below the mill for purposes of clearing same, as reserved in deed to Ruth Ann Witham dated June 23, 1852, and recorded in the Penobscot County Registry of Deeds in Book 228, Page 40, and the deed to Benj. Bither, Jr. dated June 23, 1852, recorded in said Registry in Book 225, Page 97 to be referred to.

2. Right of way and flowage granted by C. P. Webber to John Reed by instrument dated March 27, 1901, recorded in said Registry in Book 707, Page 202.

3. Notice of Layout and Taking given by Charles P. Webber Heirs to State of Maine dated July 30, 1958, and recorded in the Penobscot County Registry of Deeds in Volume 1636, Page 343.

4. Receipt and Confirmation of Taking given by Charles J. Webber, et al, Trustees u/w of Charles P. Webber to State of Maine dated November 25, 1958, and recorded in the Penobscot County Registry of Deeds in Volume 1652, Page 328.

5. Receipt and Confirmation of Taking given by Charles J. Webber, Agent to State of Maine dated April 22, 1959, and recorded in the Penobscot County Registry of Deeds in Volume 1671, Page 235.

6. Easement given by Webber Timberlands, G. Peirce Webber, Agent, to New England Telephone and Telegraph Company dated July 11, 1972, and recorded in the Penobscot County Registry of Deeds in Volume 2294, Page 165.

7. Easement granted by Ralph B. Webber, Jr., et al, to New England Telephone & Telegraph Company recorded April 17, 1991 in the Penobscot County Registry of Deeds in Vol. 4817, Page 152.

8. Easement granted by Lila P. Webber, et al, to Bangor Hydro-Electric Company recorded April 23, 1991 in the Penobscot County Registry of Deeds in Vol. 4820, Page 66.

9. The rights of way described in the deed from Edward D. Leonard, III, Trustee of Land Exchange Trust to Herbert C. Haynes, Inc. dated May 29, 1998, and recorded in said Registry in Book 6693, Page 272.

<u>Lot Two</u>

A certain lot or parcel of land in the easterly portion of Lot 9, Range 5, containing approximately 71 acres and bounded and described as follows:

A certain lot or parcel of land in the easterly portion of Lot 9, Range 5, containing approximately 71.97 acres; said lot being shown on the Town of Lincoln Tax Map 16, as Lot 41 and bounded as follows:

On the northwesterly side by land now or formerly owned or occupied by Charles C. Campbell described in the deed recorded in the Penobscot County Registry of Deeds in Book 5017, Page 257; said Campbell land being shown on said Tax Map 16 as Lot 42;

On the northeasterly side by land now or formerly owned or occupied by George Demaertelaere and Maria Demaertelaere described in Book 5091, Page 9 of said Registry; said Demaertelaere land being shown on said Tax Map 16 as Lot 40;

On the southeasterly side by said land of said Demaertelaere (Tax Map 16, Lot 40) and by land now or formerly owned or occupied by Rodney Worster and Estella Worster described in Book 2785, Page 176 of said Registry; said Worster land being shown on said Tax Map 16 as Lot 40-1;

On the southwesterly side by land now or formerly owned or occupied by Charles Campbell described in Book 2173, Page 8 of said Registry and shown on the Town of Lincoln Tax Map 17 as Lot17.

Lot Three

A certain lot or parcel of land situate in Lincoln, Penobscot County, Maine, being a portion of the Mill Lot, so-called, bounded and described as follows:

Beginning at an iron pipe on the easterly side of the Sweet Road, so-called, at the northwesterly corner of land now or formerly owned or occupied by Gardner Nichols and the southwesterly corner of the parcel herein described; thence south seventy-five degrees east (S 75° E) one thousand one hundred thirty-seven (1,137) feet, more or less, by and along the northerly line of said Nichols to an iron pipe on the shore of Long Pond; thence generally northerly, easterly, and northerly by and along the shore of Long Pond to an iron pipe marking the generally northeasterly corner of the lot herein described and the generally southeasterly corner of land now or formerly owned or occupied by Hinkelman; thence north sixty-two degrees west (N 62° W) one thousand forty-eight and two tenths (1,048.2) feet to an iron pipe; thence south eighty-two degrees west (S 82° W) one hundred fourteen (114) feet to an iron pipe marking the generally northwesterly corner of the parcel herein described and the generally northeasterly corner of land now or formerly owned or occupied by Robert Sweet; thence due south by and along the generally easterly line of said Sweet five hundred eighty-seven and seven tenths (587.7) feet to a point on the shore of Combolasse Stream; thence continuing on the same course to the thread of said Combolasse Stream; thence generally southwesterly, westerly, and northwesterly by and along the thread of said Stream to its point of intersection with the easterly sideline of said Sweet Road; thence

generally southwesterly by and along said sideline of said Sweet Road two hundred seventy feet, more or less, to the iron pipe at the point of beginning.

The foregoing description is derived from a plan entitled, "Plan of Mill Lot for Webber Timberlands, Lincoln, Penobscot County, by Philip R. Andrews, RLS, dated November 4, 1968 and revised January 31, 1977.

The above described property is conveyed together with all right, title and interest, if any, in and to any land, flowed land, filled land, submerged land, shore or flats that are or may be adjacent or appurtenant to the above-described property.

Excepting and reserving from the above described parcels so much thereof as may lie within any state or local public roads lying within the said parcels.

PARCEL THIRTEEN - MAXFIELD

A 486,235/10,000,000 in common and undivided interest in and to the following described property in Maxfield, County of Penobscot, State of Maine, bounded and described as follows, to wit:

Lots numbered 1 in Ranges 1 to 16, both inclusive; lots numbered 2 in Ranges 1 to 7, both inclusive; and in Ranges 9 to 15, both inclusive; lots numbered 3 in Ranges 1 to 6, both inclusive; and in Ranges 11 to 14, both inclusive; lots numbered 4 in Ranges 1 to 6, both inclusive; and in Ranges 10 to 13, both inclusive; and also the south half of lot numbered 4 in Range 7; lots numbered 5 in Ranges 1 to 8, both inclusive; and in Ranges 10 to 12, both inclusive; lots numbered 6 in Ranges 1 to 4, both inclusive; and in Ranges numbered 9 to 11, both inclusive; and also the north half of lot numbered 6 in Range 7; also river lots numbered 1, 2, 6 and 7 and also the east half of river lot numbered 5. Also lot 6 Range 8 in said Town of Maxfield.

The above-described property is subject to the following:

1. Easement given by C. J. Webber to State of Maine dated March 31, 1959 and recorded in the Penobscot County Registry of Deeds in Volume 1668, Page 112.

2. Easement given by C. J. Webber to State of Maine dated March 31, 1959 and recorded in the Penobscot County Registry of Deeds in Volume 1668, Page 115.

3. Easement given by C. J. Webber to State of Maine dated August 19, 1960 and recorded in the Penobscot County Registry of Deeds in Volume 1742, Page 70.

PARCEL FOURTEEN - PATTEN

A 654,237/10,000,000 in common and undivided interest in and to the following described property situate in Patten, County of Penobscot, State of Maine, being bounded and described as follows, to wit:

Lots numbered 111, 112, 113, 122, 123, 124, 125, 126, 127, 137, 138, 139, 140, 141, 150, 151, 152, 153, 154, and 155.

Excepting and reserving from the above-described the property conveyed in a quit-claim deed from John P. Webber to William R. Gifford dated October 2, 1884 and recorded in the Penobscot County Registry of Deeds in Volume 552, Page 341.

PARCEL FIFTEEN - PRENTISS (BROCKWAY TRACT)

A 740,724/10,000,000 in common and undivided interest in and to that certain lot or parcel of land situate in Prentiss, Penobscot County, Maine, commonly known as the Brockway Tract, bounded and described as follows:

Beginning at the northeast corner of the "Brockway Tract" so-called being the northwest corner of Rice Tract in the original north line of the town; thence westerly by said line to the northwest corner of the town; thence southerly by the town line to P. C. Jones land; thence easterly to the dividing line between said tracts; thence by said dividing line to the point begun at. Being all of the Brockway Tract except the lots owned by Isaac Butterfield, Thos. N. Butterfield, Mercy S. Tobey, Elias W. Boyington, Wm. C. Butterfield and Charles A. Wiley, also the Joseph Worster lot and the Hatch Hall farm so-called.

Also a strip 12 ½ rods wide in said town north of the original town line being the addition bounded east by the road and extending west to the west line of the "Birch Point lot".

Excepting and reserving the following outconveyances in the Brockway Tract:

1. Deed given by Charles P. Webber to Pearl Worster dated October 26, 1921 and recorded in the Penobscot County Registry of Deeds in Volume 955, Page 71.

2. Deed given by Charles P. Webber to Samuel Tucker dated October 24, 1921 and recorded in the Penobscot County Registry of Deeds in Volume 995, Page 96.

PARCEL SIXTEEN - STACYVILLE PLANTATION (TOWNSHIP 3, RANGE 6 W.E.L.S.)

A 785,991/10,000,000 in common and undivided interest in and the following described property situate in Stacyville Plantation, County of Penobscot, and State of Maine, and being bounded and described as follows, to wit:

The north half of the Plantation of Stacyville Town Number 3, Range 6 W.E.L.S. in the County of Penobscot, and State of Maine, excepting lots numbered 9, 10, 11, 12, 21, 22, 71 and 72. Excepting and reserving from the above-described property the public lots located in the north half of Stacyville Plantation.

Also excepting and reserving from the above-described property so much thereof as was conveyed by Charles J. Webber et al to Sherman Lumber Company by deed dated January 14, 1944, and recorded in the Penobscot County Registry of Deeds in Volume 1205, Page 181, said reserved property being therein described as follows, to wit: Beginning at the northwest corner of a lot of land conveyed to said Sherman Lumber Company by deed dated February 26, 1936, and recorded in the Penobscot County Registry of Deeds in Volume 1115, Page 142; thence westerly 96 rods to the southeast corner of a lot of land conveyed to R. L. Davis by deed dated April 30, 1910, and recorded in the Penobscot County Registry of Deeds in Volume 827, Page 288, and by the south line of said Davis lot to the east side of the County Road; thence southerly by the east side of the County Road 266 rods to the north line of lot 71; thence on the north line of lot 71 easterly 145 rods to the east line of said Stacyville Plantation; thence northerly by said east line to the southeast corner of said lot conveyed to the Sherman Lumber Company; thence westerly by the south line of said lot 66 rods; thence northerly by the west line of said lot 135 rods to the point of beginning. Excepting and reserving a lot of land in lots 59 and 60 described as follows: Beginning at a point on the north line of lot 59 on the east side of the County Road; thence easterly by the north line of said lot 24 rods; thence southerly at right angles to the north line of lot 71; thence westerly by the north line of lot 71 to the east side of the County Road; thence northerly by the east side of said County Road to the point of beginning, known as the London Pasture. Also excepting and reserving a lot of cleared land in the southeasterly part of lot 60 on the south line, which is 30 rods wide east and west and 56 rods long north and south and known as the London Field. Said lot hereby conveyed contains 167 1/5 acres.

Excepting and reserving from the above-described property, the following:

1. Deed given by Charles P. Webber, et al to John R. Robinson dated March 18, 1897 and recorded in the Penobscot County Registry of Deeds in Volume 673, Page 71.

2. Deed given by Charles P. Webber, et al to Fenton J. McEvoy dated September 30, 1901 and recorded in the Penobscot County Registry of Deeds in Volume 708, Page 359.

3. Deed given by Charles P. Webber to Llewellyn B. Trask dated August 14, 1906 and recorded in the Penobscot County Registry of Deeds in Volume 777, Page 306.

4. Deed given by Franklin R. Webber, et al to R. L. Davis dated April 13, 1910 and recorded in the Penobscot Registry of Deeds in Volume 827, Page 288.

5. Deed given by Charles P. Webber, et al to Joseph Burke dated October 23, 1936 and recorded in the Penobscot County Registry of Deeds in Volume 1115, Page 131.

6. Deed given by Charles P. Webber, et al to Sherman Lumber Company dated October 23, 1936 and recorded in the Penobscot Registry of Deeds in Volume 1115, Page 142.

7. Deed given by Charles P. Webber, et al to Chester Birmingham dated June 28, 1939 and recorded in the Penobscot County Registry of Deeds in Volume 1136, Page 64.

8. Deed given by Charles P. Webber, et al to Joel Terrio dated October 6, 1936 and recorded in the Penobscot County Registry of Deeds in Volume 1136, Page 352.

9. Deed given by Charles P. Webber, et al to Sherman Lumber Company dated February 26, 1936 and recorded in the Penobscot County Registry of Deeds in Volume 1136, Page 377.

10. Deed given by Charles P. Webber, et al to John T. Robinson dated September 21, 1939 and recorded in the Penobscot County Registry of Deeds in Volume 1161, Page 190.

11. Deed given by Charles J. Webber, et al to Sherman Lumber Company dated April 12, 1944 and recorded in the Penobscot County Registry of Deeds in Volume 1205, Page 180.

12. Notice of Layout and Taking given by Charles J. Webber to the State of Maine dated June 7, 1950 and recorded in the Penobscot County Registry of Deeds in Volume 1316, Page 469.

13. Deed given by Charles J. Webber, et al to Virginia Terrio Hilton dated December 30, 1952 and recorded in the Penobscot County Registry of Deeds in Volume 1483, Page 304.

14. Deed given by Charles J. Webber, et al to Lillian Horsman dated May 19, 1955 and recorded in the Penobscot County Registry of Deeds in Volume 1490, Page 51.

15. Deed given by F. Roscoe Webber, III, et al to Sherman Lumber Company dated September 29, 1964 and recorded in the Penobscot Registry of Deeds in Volume 1973, Page 48.

16. Deed from Anne W. Chase to SAD #25 dated September 24, 1975, recorded in the Penobscot County Registry of Deeds in Book 2603, Page 265.

The above-described property is conveyed together with:

1. An easement granted by Wheelabrator-Sherman Energy Company to Ralph B. Webber, Jr., et al, dated April 29, 1991, recorded in the Penobscot County Registry of Deeds in Vol. 4830, Page 331.

2. An easement from John Godsoe to Ralph B. Webber, et all dated June 29, 1989, recorded in said Registry in Book 4479, Page 282.

The above described property is subject to:

1. Easement given by Charles J. Webber, et al to New England Telephone and Telegraph Company dated December 4, 1956 and recorded in the Penobscot Registry of Deeds in Volume 1566, Page 40.

2. Easement given by G. Peirce Webber, et al., to Maine Public Service Co., dated September 25, 1986, and recorded in the Penobscot County Registry of Deeds in Volume 4104, Page 185.

3. Easement given by G. Peirce Webber, et al., to John Godsoe, et al., dated June 19, 1989, and recorded in the Penobscot County Registry of Deeds in Volume 4479, Page 288.

PARCEL SEVENTEEN - TOWNSHIP 4, RANGE 7 W.E.L.S. (S2)

A 1,196,466/10,000,000 in common and undivided interest in and to the following described property situate in Township 4, Range 7, W.E.L.S., County of Penobscot, State of Maine, being bounded and described as follows, to wit:

The South half of Township numbered 4 in the 7th Range west from the east line of the State, excepting the public lots in said half township as reserved by the State.

The above-described property is conveyed together with the easement rights granted by John Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, to G. Peirce Webber, et al., by instrument dated June 29, 1989, and recorded in the Penobscot County Registry of Deeds in Volume 4479, Page 282.

PARCEL EIGHTEEN - TOWNSHIP 4, RANGE 7 W.E.L.S. (S2PL)

A 807,088/10,000,000 in common and undivided interest in and to the 500 acre public lot in said South ½ of Township 4, Range 7, W.E.L.S., conveyed by the State of Maine to G. Peirce

Webber, et al., by deed dated July 31, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3762, Page 184.

The above-described property is conveyed together with the easement rights granted by John Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, to G. Peirce Webber, et al., by instrument dated June 29, 1989, and recorded in the Penobscot County Registry of Deeds in Volume 4479, Page 282.

PARCEL NINETEEN - TOWNSHIP 4, RANGE 8 W.E.L.S. (BLUE LOTS - N 3RD)

A 697,483/10,000,000 of 4,516/21,504 in common and undivided interest in and to the following described property situate in Township 4, Range 8 W.E.L.S., County of Penobscot, State of Maine, being bounded and described as follows, to wit:

Sections numbered 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

PARCEL TWENTY - TOWNSHIP 4, RANGE 8 W.E.L.S. (BLUE LOTS - SW 1/4)

A 697,483/10,000,000 of 4,516/21,504 in common and undivided interest in and to the following described property situate in said Township 4, Range 8, W.E.L.S., County of Penobscot, State of Maine, being bounded as described as follows, to wit:

Sections numbered 4, 5, 6, 7, 8, 9, 16, 17, 18.

PARCEL TWENTY-ONE - TOWNSHIP 4, RANGE 8 W.E.L.S. (GREEN LOTS)

A 697,478/10,000,000 of 44/288 in common and undivided interest in and to the following described property situate in Township 4, Range 8 W.E.L.S., County of Penobscot, State of Maine, being bounded and described as follows, to wit:

Sections numbered 1, 2, 3, 10, 11, 12, 13, 14, 15, 19, 20, 21, the east part of 23 not set off as a public lot, and 24.

PARCEL TWENTY-TWO - TOWNSHIP 5, RANGE 7 W.E.L.S. (NE 1/4 PL)

A 706,802/10,000,000 in common and undivided interest in and to the former public lot conveyed by the State of Maine to G. Peirce Webber, et al., by deed dated July 31, 1985, and recorded in the Penobscot County Registry of Deeds in Volume 3762, Page 190, consisting of two hundred and fifty (250) acres, more or less, in the northeast one-quarter of Township 5, Range 7 W.E.L.S., in Penobscot County, Maine, being all of the former public lot in the northeast one-quarter of said township, bounded and described as follows:

Commencing at a cedar post standing on Center Line of Town running East and West 146 rods from West shore of Shin Pond, marked PL. No. 3, PL. No. 4 1926. Witness trees marked 1926. Thence North 19 East 200 rods to a birch tree marked PL. No. 3 1926. Witness trees the same. Thence North 71 West 200 rods to a spruce tree marked PL. No. 3 1926. Witness trees marked same. Thence South 19 West 200 rods to a cedar post marked PL. No. 3, PL. No. 4 standing on Center line. Witness trees marked 1926. Thence on Center line 200 rods to place begun at. Containing 250 acres. Reference is made to Maine Land Office, Volume 8, Page 16.

Subject to the rights of the State of Maine reserved in instrument dated July 31, 1985, recorded in Book 5583, Page 213.

PARCEL TWENTY-THREE - TOWNSHIP LETTERED A, RANGE 7

A 1,311,303/10,000,000 in common and undivided interest in and to the following described parcel of land situate in Township A, Range 7, W.E.L.S., County of Penobscot, State of Maine:

Beginning on the north line of Township A, Range 7, W.E.L.S., at a cedar post marked S ½ AR7 E ½ AR7 1900, which cedar post is located 2 miles 195 rods westerly from the northeast corner of said Township A, Range 7; thence southerly by and along the East/West center dividing line of TAR7 to a post located N 19° E 25.71 chains from the centerline of a gravel access road leading from Medway to East Hopkins Academy Grant; thence N 72° W by and along a division line establishing the Webber-Dyer partition 66.61 chains to a post on the line between TAR7 and East Hopkins Academy Grant, said post being N 20° E 25.73 chains from the centerline of the said gravel access road; thence northerly by and along the line between TAR7 and East Hopkins Academy Grant to the northeasterly corner of said East Hopkins Academy Grant; thence westerly by and along the northerly line of East Hopkins Academy Grant to the southeast corner of Millinocket thence northerly on the line between Millinocket and TAR7 to the thread of the West Branch of the Penobscot River of that channel on the southerly side of a small island established by the Webber-Cassidy partition confirmed by the April Term 1925 of the Supreme Judicial Court and recorded in the Penobscot County Registry of Deeds in Volume 982, Page 492; thence following the line of division of the Webber-Cassidy partition down said West Branch and curving to the north through Dolby Flowage as indicated on a plan made by C. S. Humphreys and Sons, Engineers, Madison, Maine, to the north line of said Township A, Range 7; thence easterly by and along said north line to the point of beginning.

Excepting and reserving so much of the above-described parcel as was conveyed by the following:

1. Quitclaim Deed from Charles J. Webber, et al., to the State of Maine (State Highway Commission), dated July 5, 1955, recorded in the Penobscot County Registry of Deeds in Volume 1498, Page 30.

2. Release Deed from Charles P. Webber, et al., to Oneil D. Cyr dated June 5, 1956, recorded in the Penobscot County Registry of Deeds in Volume 1540, Page 4.

The above described property is conveyed together with:

1. A right of way four (4) rods in width the centerline of one being described as follows: Beginning at the centerline of the existing gravel road leading from Medway to East Hopkins Academy Grant on the East/West center dividing line of TAR7, and being S 19° W 25.71 chains from a post at the northeast corner of the Webber to Dyer partition; thence by and along the centerline of the existing gravel road; N 69° 47' W 5.35 chains, N 73° 15' W 20.26 chains, N 70° 44' W 7.27 chains, N 73° 27' W 7.30 chains, N 71° 37' W 20.38 chains, and N 70° 59' W 6.61 chains to a point in the centerline of said existing gravel road, which point is the intersection of the East line of East Hopkins Academy Grant with said centerline.

2. A right of way four (4) rods in width described as follows: Beginning at a point in the centerline of the existing gravel road leading from Medway to East Hopkins Academy Grant 40.18 chains, more or less, westerly as measured along the centerline of said gravel road from the East/West center dividing line of TAR7 W.E.L.S.; thence N 8° 00' E 26 chains, more or less, to the intersection of the north line of the Webber to Dyer partition boundary. Meaning and intending to reserve a right-of-way four (4) rods in width from the said existing gravel road to the south line of the Webber setoff block.

The above described property is subject to:

1. 40-Year Pipeline Lease from Grace Webber Cushing, et al., to Great Northern Paper Company, dated June 1, 1961, recorded in the Penobscot County Registry of Deeds in Volume 1793, Page 139.

2. Pole line easements from Charles P. Webber, et al., to Bangor Hydro-Electric Co., dated April 30, 1969, recorded in the Penobscot County Registry of Deeds in Volume 2161, page 364.

3. Transmission line lease from Charles P. Webber, et al., to Great Northern Paper Co., dated June 15, 1967, recorded in the Penobscot County Registry of Deeds in Volume 2163, Page 772.

4. Six (6) rod right-of-way conveyed by John Cassidy and Charles P. Webber and Franklin R. Webber to Schoodic Stream Railroad Co., by deed dated July 12, 1906, recorded in the Penobscot County Registry of Deeds in Volume 764, Page 158.

5. Water power and rights conveyed by Charles P. Webber, et al., to Garret Schenk by instrument dated October 24, 1906, and recorded in the Penobscot County Registry of Deeds in Volume 768, Page 94.

6. Right to cross and recross reserved by F. Randall Smith, Trustee of the Edith Lois Dyer 1983 Trust in a deed to G. Peirce Webber, et al., dated April 8, 1986, and recorded in the Penobscot County Registry of Deeds in Volume 3849, Page 206.

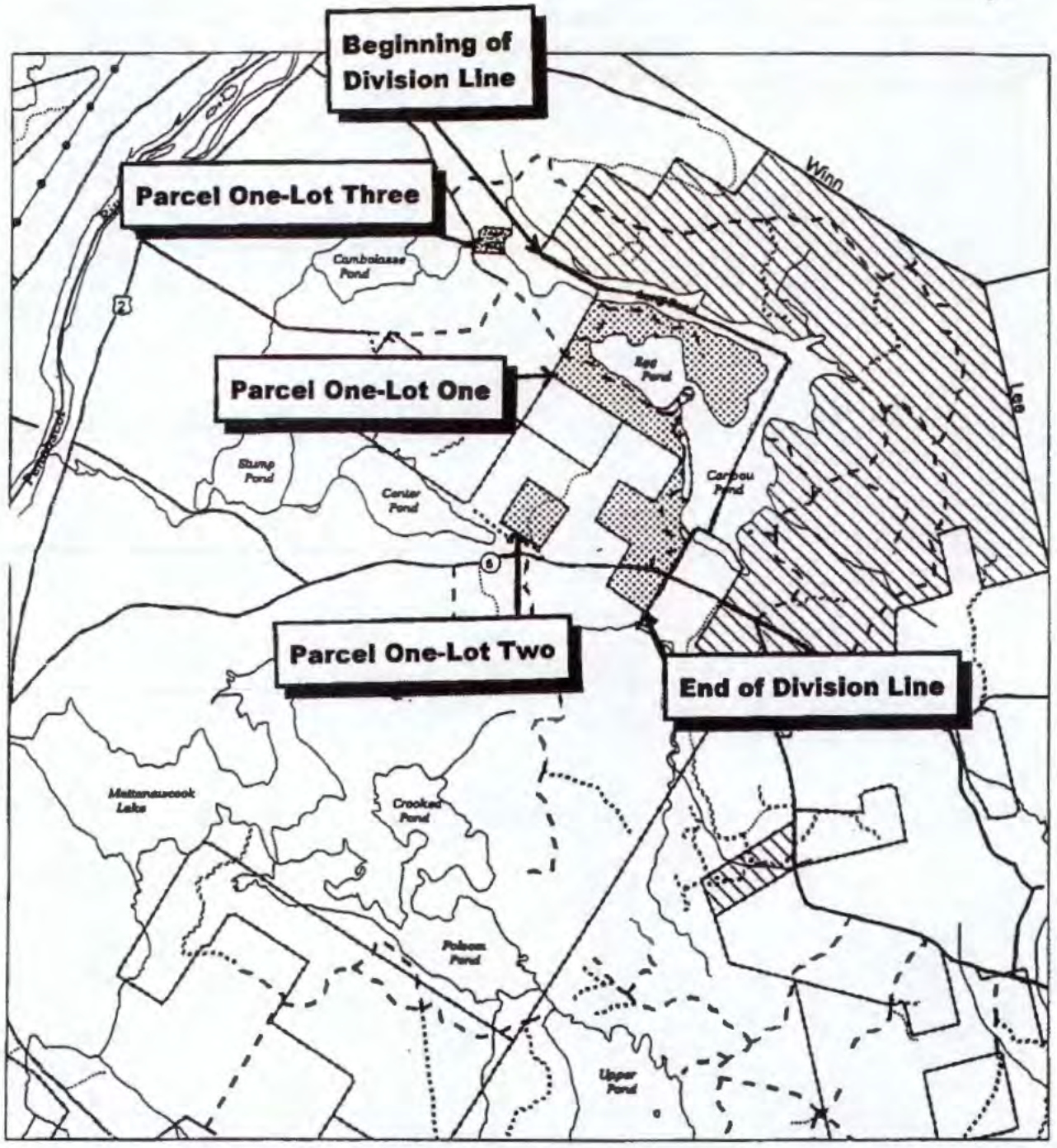
Schedule B to Deed

This deed assigns all the leases located within the descriptions set forth in Schedule A, which leases are more particularly described in a Schedule of Leases prepared by and on file with Prentiss & Carlisle Management Company, Inc. of substantially even date; the information in said Schedule being incorporated herein by reference.

Exhibit C

HOUSTON TRACT

Lincoln, ME.



Houston Tract

Conveyed to Trustees, RBW Trust

Retained

No Transfer Tax Paid

0.5 0 0.5 1 1.5 Miles

PENOBSCOT COUNTY, MAINE

Susan F. Bulay

Register of Deeds

July 6, 2000. Pinkham & Curtis Management Co., Inc. P.O. Box 937 Bangor, ME 04402

Bk 9506 Pg230 #32699
08-25-2004 @ 03:23p

GRANT OF CROSSING RIGHTS

The grantors herein, being all of the parties set forth on **Schedule A** attached hereto and made a part hereof, (the Landowners), for consideration paid, each grant to each other as Grantees, the following described easements and rights of way (the Crossing Rights). By their acceptance of this agreement, Grantees agree, for themselves, and their heirs, successors and assigns, that their entry on land of the Landowners, and use of the Crossing Rights, shall be subject to the following conditions.

For purposes of this agreement, the terms Landowner or Landowners, Grantee or Grantees shall include heirs, successors and assigns of the fee owners and, in so far as it relates to the use of the crossing rights granted herein, the terms shall include officers, directors, managers, trustees, employees, agents, insurers, land managers, contractors, subcontractors, and independent contractors holding permits or contracts from the Landowner to haul and/or cut wood on the Landowner's or Grantee's property as the case may be.

1. Grant of Easement and Crossing Rights. The non-exclusive right to cross and re-cross for all purposes of ingress and egress, with men and equipment, the major land management or arterial roads (the Roads) as they are shown on **Schedule B** and being only those roads within the area likewise shown on Schedule B (the Geographic Area) for the purposes and upon the conditions set forth below.

2. Exercise. The exercise of the Crossing Rights shall be limited to the Roads on the property of the Landowners (the Property) as said Roads may exist now or in the future be constructed or relocated. The Crossing Rights are to be used in common with each of the Landowners and any other party to whom the Landowner owning the burdened land has granted or may grant the right to use the Roads. The Landowner makes no warranty of title and hereby grants only such rights as the Landowner has.

For purposes of this agreement, the Roads subject to the Crossing Rights shall be defined as a one hundred (100) foot wide corridor centered on the road, as it may now or in the future exist or be relocated.

3. Limited Purposes, Use.

a) The Crossing Rights are limited to the sole purpose of commercial land management, timber harvesting, and transportation of forest products. Without limiting the generality of the foregoing, the grant of Crossing Rights is expressly limited to the purposes defined herein and will not be construed to grant any other rights of any kind, including but not limited to, any rights of ingress or egress for access to seasonal, temporary, or permanent residences, recreational use, mineral extraction, installation of utilities, or for the purpose of lessee or public access over the Property.

b) The Crossing Rights shall be utilized in a manner which does not unreasonably

interfere with the Landowner's or any other person's or entity's lawful use of the Property.

c) The Grantees herein agree that the exercise of such right shall be subject to the Rules of the Road adopted by the Industrial Road Safety Committee (hereinafter "Rules of the Road"), as they may be amended, and to the individual Landowner(s) then prevailing road use rules and regulations, including without limitation, speed limits, weight limits, fire protection, road conditions and/or seasonal and temporary road closures resulting from mud season, periods of other bad weather or other circumstances not in landowner's control, safety and use by other parties and limitations or prohibitions on certain types of vehicles such as ATV's or snowmobiles, to the extent that such Landowner(s) rules and regulations may be more limiting than the "Rules of the Road". The Landowner(s) shall make reasonable efforts to provide notice to Grantees of their rules and regulations, to the extent they are different from and/or more limiting than the "Rules of the Road" and of any seasonal or temporary road closures. Except for seasonal or temporary road closures, Grantees shall not be required to observe an amendment to a rule or regulation until ten (10) days after notice from the Landowner(s) that the rules or regulations have been amended.

Should a Grantee violate the "Rules of the Road" and/or the Landowner's road use rules or regulations, the Landowner may give Grantee written notice of such violation, specifying therein the nature and circumstances of such violation. Thereafter, should the Grantee continue or repeat the noticed violation, the Landowner may impose a fine or suspend the Grantees right to cross the Landowner's roads until such time as Grantee has taken such actions as are necessary, in the sole judgment of the Landowner to insure that the conduct violating the Rules of the Road and/or the Landowner's road use rules and regulations has been adequately corrected

d) Nothing herein shall restrict the Landowner's right to improve or relocate the roads or portions thereof subject to the Crossing Rights, provided that the Crossing Rights shall apply to any and all roads or portions thereof as they may from time to time be relocated.

e) In the event that a Landowner's Property shall at some future date be used for purposes incompatible with the use of the Roads as commercial land management, logging, and harvesting roads, then, at the discretion of the Landowner, future use of said roads by the other Landowners for such purposes shall be terminated, provided, however, that no such access shall be terminated unless a reasonably convenient alternate access road for such purposes is made available prior to such termination.

4. Easement in Gross.

a) The Crossing Rights are personal to each Landowner as an easement in gross and are not appurtenant to any particular Property of the Landowner.

b) The Crossing Rights granted hereby shall be deemed to burden the Property and shall not terminate upon a sale or conveyance of the Property or a portion thereof to

another person or entity. Any transfer of the Property, or portion thereof, shall be made expressly subject to the terms of this Crossing Rights Agreement, but the Property shall remain burdened by the Crossing Rights even in the absence of such express reference.

c) The Crossing Rights are not transferable except as specifically set forth herein.

5. Assignment/Sale of Property. The Crossing Rights may not be sold, set off, assigned, or otherwise conveyed except as follows:

a) To a third party purchaser of all or a portion of a Landowner's Property, and in the case of a sale of a portion of the Landowner's Property an interest in the Crossing Rights may be assigned to the purchaser.

b. To a third party who acquires by purchase or exchange an in common and undivided interest in all or a portion of a Landowner's Property.

c. To a mortgagee of all or a portion of a Landowner's Property, or an in common and undivided interest in Landowners Property.

In the event of a conveyance by deed, mortgage and subsequent foreclosure or deed in lieu of foreclosure, as provided in paragraph 5 a. b. and c. above, the Crossing Rights shall only be deemed appurtenant to the Landowner's Property so conveyed and shall not be deemed to benefit other property of the acquiring Landowner to the extent such acquiring Landowner is not one of the parties set forth in Schedule A attached hereto.

Upon the sale of all of a Landowner's Property, the benefits of this Crossing Rights Agreement shall terminate with respect to the selling Landowner, but the Property shall remain burdened

6. Maintenance.

a. The responsibility for the maintenance and improvement of the Roads and bridges associated with the Roads is the responsibility of each Landowner, recognizing that the Landowner may delegate that responsibility to a land management company, a road association or similar organization formed for that purpose. The Crossing Rights are subject to any Landowner's right to charge reasonable road user fees assessed in accordance with the normal and customary practice in the timber harvesting industry in the State of Maine.

b. The Grantees are directly responsible to the Landowner charging user fees for the payment thereof in proportion to their actual use of the roads in accordance with the normal and customary practice in the timber harvesting industry in Maine.

c. The terms "maintenance and improvement" shall mean, only normal repair, maintenance and improvement including, without limitation, grading, ditching, filling, surfacing or resurfacing (including repairs in the nature of non-capital maintenance of paved roads existing on the date of this agreement, but excluding paving of existing roads that would be considered a capital expense or the paving of any roads that are not paved on the date of this agreement), replacement or repairs to decking or deck surface, replacement of wheel treads and railings, plowing, sanding, ice removal, refuse and debris removal, and such other activities as the Landowner in the Landowner's sole judgment determines are necessary or desirable. The parties agree the Roads shall be maintained in a condition providing satisfactory transportation in accordance with then current timber industry standards in Maine for the permitted uses and in compliance with all applicable laws and regulations so that they may be used and enjoyed by all parties entitled to use the Roads. The Landowners undertake no obligation to expand, improve, or change the Roads and specifically undertake no liability with respect to the adequacy or usage of the Roads.

d. If the exercise of the Crossing Rights by any of the Landowners on the Roads, or any portion thereof, on another Landowner's Property results in damages thereto (except for normal wear and tear) arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent long-term operator, the party responsible for the damage shall be solely responsible for the costs of repairing such damage as they may cause.

7. Limitation of Liability. Grantees' exercise of the Crossing Rights shall be at the sole risk of Grantees. Grantees agree that the Landowners shall not be liable to Grantees for any claims arising from use of the Crossing Rights by Grantees, including but not limited to claims for personal injury, death, damage to property or loss of business, except to the extent such damage is caused by gross negligence or the willful misconduct of the Landowners. Grantees agree to hold harmless the Landowners from (a) any claims and costs and expenses (including reasonable attorneys' fees) arising from use of the Crossing Rights by Grantees, except to the extent caused by the gross negligence or willful misconduct of the Landowners, and (b) any costs and expenses (including reasonable attorneys' fees) incurred by the Landowners in connection with curing any default of Grantees hereunder or enforcing the Landowners' rights under this agreement.

8. Indemnification. Each Landowner shall indemnify and hold the other Landowners harmless from any and all claims, actions, injuries, losses, damages, costs, fines, penalties and settlements, including without limitation, attorneys' fees and the costs of investigation, response, and remediation (hereinafter "Claims"), arising from or in any manner related to the use, constructions, maintenance, or reconstruction of the Roads, or the transportation, loading, unloading, delivery, storage, or handling of any material, by Grantees, including without limitation, the release of any hazardous substances (as that term may be defined by federal, state, or local law or regulations) in, on, or under the premises subject to the Crossing Rights hereunder arising from or occasioned by the exercise of the Crossing Rights by the indemnifying Landowner.

9. Arbitration. In the event of a disagreement as to (a) the location of any right of

way, (b) the amount of any payment of road user fees, or (c) any other material issue, the matter may be submitted to binding arbitration for resolution. Arbitration shall be the exclusive means to resolve any and all such disagreements.

To initiate arbitration, any affected party shall promptly submit the matter to binding arbitration by giving notice to all parties involved in the dispute of its intent to arbitrate. The parties shall then attempt to select a single arbitrator by mutual agreement. If the parties fail to agree upon a mutually acceptable arbitrator within thirty (30) days of giving such notice, any party involved in the dispute may request that a single arbitrator be selected in accordance with the then current Commercial Arbitration Rules of the American Arbitration Association. The jurisdiction and authority of the arbitrator shall be confined exclusively to the interpretation of the express provision or provisions of this Agreement at issue. The arbitrator shall have no authority to add to, detract from, alter, amend or modify any provisions of this Agreement. The award of the arbitrator, in writing, shall be final and binding on all the parties to the disagreement.

Each party shall pay its own attorneys fees in connection with the arbitration but the cost and fees of the arbitrator shall be shared equally by the parties involved in the dispute.

10. Compliance. The Landowners agree and covenant that they shall comply with all statutes, rules and regulations, including, but not limited to, fire laws and land use regulations, and shall obtain all required permits, licenses and approvals required by the governmental agencies of the State, county or township prior to the commencement of the exercise of any aspect of the Crossing Rights which require such permits, licenses, and approvals.

11. Binding. All of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Landowners and their respective successors and assigns.

12. Jurisdiction. This agreement shall be construed in accordance with the laws of the State of Maine.

13. Counterparts. This agreement may be executed in one or more counterparts, and each executed counterpart shall constitute an original instrument, but such counterparts, together, shall constitute one and the same instrument.

14. Effective Date. This agreement shall be deemed to be effective and delivered as of the date it is executed by each of the respective parties.

In witness whereof Fraser Papers, Inc. has signed and sealed this instrument as of the date beneath its signature.

Witness:

Brian Condon

Fraser Papers Inc.

By Donald A. Tardie
Duly Authorized

Printed Name: DONALD A. TARDIE

Title: V.P. Woodlands & Procurement

Date: 8 January 2004

State of Maine

Personally appeared the above named Donald A. Tardie,
Vice President of Fraser Papers Inc.
and acknowledged before me the foregoing instrument to be his/her free act and deed
In his/her said capacity and the free act and deed of said corporation.

James Beaulier
Notary Public/Attorney at Law

J. JAMES BEAULIER
Notary Public, Maine
My Commission Expires July 25, 2010

Printed Name

Commission Expires:

SEAL

SCHEDULE A
GRANT OF CROSSING RIGHTS

The Grantors and Grantees herein are:

1. Blanchet Logging & Lumber Co., a Maine corporation having a place of business at Fort Kent, Maine

2. The following landowners herein called the Cabot Group:

   Louis W. Cabot of Boston, Massachusetts

   Louis W. Cabot, Thomas D. Cabot, Jr., Robert M. Cabot, Linda Cabot Black, and Edmund B. Cabot, Trustees of the Stonewall Trust under Declaration dated December 29, 1989

3. The following landowners commonly known as the Cassidy Heirs:

   ~~Barbara A. Cassidy of Bangor, Maine~~ (now in Cassidy Timberlands, L.L.C.)*

   ~~Roselle C. Flynn, also known as Roselle M. Flynn, of Kennebunkport, Maine~~ *same

   Cassidy Timberlands, L.L.C., a Maine limited liability company having a business address of c/o Pierce Atwood, One Monument Square, Portland, Maine 04101

   ~~Cassidy Land Company, a Maine corporation having a business address of c/o Roselle C. Johnson, RR 3, Box 1587, Kennebunkport, Maine 04046~~ *same

   ~~Fleet Bank of Maine, a corporation with a place of business in Portland, Maine, and Ralph I. Lancaster, Jr. of Falmouth, Maine, Co-Trustees of the Residuary Trust Established under Article Fifth of the Will of Joan Cassidy Stetson~~ *same

   Mary Jane Helfrich of Hulls Cove, Maine and Fleet Bank of Maine, a corporation with a place of business in Portland, Maine, Co-Trustees under Articles 8 and 9 under the will of Jane M. Sullivan and as Co-Trustees for the benefit of Mary Jane Helfrich under Indenture of Trust with Jane M. Sullivan dated December 20, 1978.

4. CDT Maine Timberlands, LLC, a Maine limited liability company

5. Clayton Lake Woodlands, GP, a Maine general partnership having a place of business at Clayton Lake, Maine

6. R. A. Crawford & Son Land & Timber, Inc., a Maine corporation having a place of business at Lincoln, Maine

7. Fraser Papers Inc., having a place of business at Ashland, Maine

8. Gardner Land Company, Inc., a Maine corporation having a place of business at Lincoln, Maine

9. Great Northwoods, LLC, a Delaware limited liability company with a place of business in Birmingham, Alabama

10. The following landowners commonly known as the Griswold Heirs:

William M. G. Fletcher of Little Deer Isle, Maine; Gilbert M. Roddy, Jr. of Cambridge, Massachusetts, and Peter B. Loring of Prides Crossing, Massachusetts, Trustees under the will of Anna G. Fletcher

Peter B. Loring of Prides Crossing, Massachusetts, Gilbert M. Roddy, Jr. of Cambridge, Massachusetts, and William B. Perkins, Trustees under Article Eight under the will of Margaret G. Locke

Peter B. Loring of Prides Crossing, Massachusetts, Trustee of Summer Dreams Realty Trust under Declaration of Trust dated February 25, 1993

Amy L. Domini of Cambridge, Massachusetts, and Peter B. Loring of Prides Crossing, Massachusetts, Trustees of the Lindsay Leonard Revocable Trust

Peter B. Loring of Prides Crossing, Massachusetts, and Amy L. Domini of Cambridge, Massachusetts, Trustees under the Evelyn Smyth Griswold Trust No. 4 dated August 18, 1970

Mathilde Fletcher Karkafi of Santa Monica, California

Robert E. Nixon of Old Greenwich, Connecticut

William H. Nixon of Phoenicia, New York

11. The following landowners commonly known as the Haynes Group:

Lakeville Shores, Inc., a Maine corporation having a place of business in Winn, Maine

Five Islands Land Corporation, a Maine corporation having a place of business in Winn, Maine

Herbert C. Haynes, Inc., a Maine corporation having a place of business in Winn, Maine

H.C. Haynes, Inc., the assumed name of Herbert C. Haynes, Inc., a Maine corporation having a place of business in Winn, Maine

12. J. M. Huber Corporation, a New Jersey corporation having a place of business at Old Town, Maine

~~13. Katahdin Timberlands LLC, a Delaware limited liability company, having a place of~~ business at 1024 Central Street, Millinocket, Maine 04462-2100

~~14. Katahdin Forest Management LLC, a Delaware limited liability company having a place~~ of business at 1024 Central Street, Millinocket, Maine 04462-2100

15. The following landowners commonly known collectively as Lincoln Associates:

Fish River Corporation, a Maine corporation having a place of business in Orono, Maine.

Lost River Company, a Maine corporation having a place of business at New Harbor, Maine.

Yankee Fork Corporation, a Maine corporation having a place of business at Orono, Maine.

16. Merriweather, LLC, a Delaware limited liability company having a mailing address of c/o Wagner Forest Management, Ltd., 150 Orford Road, Lyme, New Hampshire 03768

17. The following landowners known herein as the P&C Group

Prentiss & Carlisle Company, Inc., a Maine corporation having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

Greentrees Inc., a Maine corporation having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

McCrillis Timberland, LLC, a Delaware limited liability company having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

Silver Ridge Land Company, a Maine corporation having a mailing address of c/o Prentiss & Carlisle Management Company, Inc., P. O. Box 637, Bangor, Maine 04402-0637

18. The following landowners commonly known as the Pingree Heirs:

Timothy A. Ingraham of South Bristol, Lincoln County, Maine, Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, and Arthur H. Emery, of Beverly, Essex County, Massachusetts, Trustees under Declaration of Trust Dated April 12, 1973, for Benefit of Bessie Wright Phillips, et al.

Timothy A. Ingraham of South Bristol, Lincoln County, Maine, Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, and Arthur H. Emery, of Beverly, Essex County, Massachusetts, Trustees Under Article 8 of The Will of Stephen Phillips, late of said Salem

Arthur H. Emery, of Beverly, Essex County, Massachusetts, and Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, Trustees Under Trust Agreement Dated December 22, 1959, made by Stephen Phillips For Benefit of Jane Appleton Phillips, Margaret Duncan Phillips, and Ann Willard Phillips

Dr. Richard F. Gross of Gloucester, Essex County, Mass.; Lawrence Coolidge of Boston, Suffolk county, Mass.; and Arthur H. Emery, of Beverly, Essex county, Mass.; Robert M. Randolph of Rockport, Essex County, Mass.; and John H. Finley, IV of Cambridge, Middlesex County, Mass.; Trustees of The Stephen Phillips Memorial Charitable Trust under Trust Agreement Dated March 5, 1973.

Six Rivers Limited Partnership, a Maine limited partnership having a place of business at Bangor, Maine

Alderbrook Associates, Inc., a Maine corporation having a place of business at Bangor, Maine.

19. Stetson Timberlands, Inc., a Maine corporation having a place of business in Clayton Lake, Maine

20. The following landowners commonly known as the Webber Heirs:

Webber Timber, LLC, a Maine limited liability company having a place of business at New Canaan, Connecticut

Bangor Savings Bank, a Maine banking corporation having a place of business at 3 State Street, Bangor, Maine, and John M. Webber of Bangor, Maine, Personal Representatives of the Estate of G. Pierce Webber, late of Bangor, Maine

John M. Webber of Bangor, Maine

Steven E. Spetnagel of Alpharetta, Georgia

Prentiss & Carlisle Management Company, Inc., a Maine corporation having a place of business at Bangor, Maine, Trustee Under Indenture of Trust Entered Into with Charles P. Webber dated March 1, 1971 for Benefit of Diane Webber Wallace

Rogers' Timberlee, F.L.P., LLC, a Florida limited liability company having a place of business at Ft. Myers, Florida

Andre Emerson Cushing Corporation, a Maine corporation having a place of business at Fairfield, Maine

The Cushing Family Corporation, a Maine corporation having a place of business at Hermon, Maine

John J. Roche, and Thomas E. Neely, Co-Trustees of the Cheryl B. Gemborys Family Trust under Declaration of Trust Dated December 28, 1992

Lange Timber LLC, a Maine limited liability company having a place of business at Carlsbad California

Mark Webber of Sag Harbor, New York

James Webber of Evergreen, Colorado

John Webber of Stamford, Connecticut and

Anne Finan of New Canaan, Connecticut

Northern Maine
Crossing Rights Agreement

Schedule B
Crossing Rights Agreement
Geographic Area

Note: This grant of Crossing Rights has specific application only to those towns or tracts within the Geographic Area and the Roads within those tracts, owned by the parties set forth in Schedule A of this grant of Crossing Rights on the date of this Agreement.

PENOBSCOT COUNTY, MAINE
Susan T. Bibby
Register of Deeds

June 14, 2004

S:\P\Prentiss & Carlisle\Crossing Rights\merge documents\Schedule B Page.doc

NOTE TO CROSSING RIGHTS AGREEMENT
REGARDING RECORDING
FRASER PAPERS, INC.

The foregoing Crossing Rights Agreement as to all parties was recorded in the Penobscot County Registry of Deeds in Book 9455, Page 245. The Register of Deeds declined to index Fraser Papers, Inc. because Fraser's signature page was an attested copy. This Agreement is being recorded with an original signature for the sole purpose of indexing Fraser Papers, Inc. in the Penobscot County Registry of Deeds as a party to this Agreement.

PENOBSCOT COUNTY, MAINE

Susan F. Bulay
Register of Deeds

Bk 9455 Pg245 #27987
07-26-2004 @ 03:40p

GRANT OF CROSSING RIGHTS

The grantors herein, being all of the parties set forth on **Schedule A** attached hereto and made a part hereof, (the Landowners), for consideration paid, each grant to each other as Grantees, the following described easements and rights of way (the Crossing Rights). By their acceptance of this agreement, Grantees agree, for themselves, and their heirs, successors and assigns, that their entry on land of the Landowners, and use of the Crossing Rights, shall be subject to the following conditions.

For purposes of this agreement, the terms Landowner or Landowners, Grantee or Grantees shall include heirs, successors and assigns of the fee owners and, in so far as it relates to the use of the crossing rights granted herein, the terms shall include officers, directors, managers, trustees, employees, agents, insurers, land managers, contractors, subcontractors, and independent contractors holding permits or contracts from the Landowner to haul and/or cut wood on the Landowner's or Grantee's property as the case may be.

1. Grant of Easement and Crossing Rights. The non-exclusive right to cross and re-cross for all purposes of ingress and egress, with men and equipment, the major land management or arterial roads (the Roads) as they are shown on **Schedule B** and being only those roads within the area likewise shown on Schedule B (the Geographic Area) for the purposes and upon the conditions set forth below.

2. Exercise. The exercise of the Crossing Rights shall be limited to the Roads on the property of the Landowners (the Property) as said Roads may exist now or in the future be constructed or relocated. The Crossing Rights are to be used in common with each of the Landowners and any other party to whom the Landowner owning the burdened land has granted or may grant the right to use the Roads. The Landowner makes no warranty of title and hereby grants only such rights as the Landowner has.

For purposes of this agreement, the Roads subject to the Crossing Rights shall be defined as a one hundred (100) foot wide corridor centered on the road, as it may now or in the future exist or be relocated.

3. Limited Purposes, Use.

a. The Crossing Rights are limited to the sole purpose of commercial land management, timber harvesting, and transportation of forest products. Without limiting the generality of the foregoing, the grant of Crossing Rights is expressly limited to the purposes defined herein and will not be construed to grant any other rights of any kind, including but not limited to, any rights of ingress or egress for access to seasonal, temporary, or permanent residences, recreational use, mineral extraction, installation of utilities, or for the purpose of lessee or public access over the Property.

b. The Crossing Rights shall be utilized in a manner which does not unreasonably

interfere with the Landowner's or any other person's or entity's lawful use of the Property.

c. The Grantees herein agree that the exercise of such right shall be subject to the Rules of the Road adopted by the Industrial Road Safety Committee (hereinafter "Rules of the Road"), as they may be amended, and to the individual Landowner(s) then prevailing road use rules and regulations, including without limitation, speed limits, weight limits, fire protection, road conditions and/or seasonal and temporary road closures resulting from mud season, periods of other bad weather or other circumstances not in landowner's control, safety and use by other parties and limitations or prohibitions on certain types of vehicles such as ATV's or snowmobiles, to the extent that such Landowner(s) rules and regulations may be more limiting than the "Rules of the Road". The Landowner(s) shall make reasonable efforts to provide notice to Grantees of their rules and regulations, to the extent they are different from and/or more limiting than the "Rules of the Road" and of any seasonal or temporary road closures. Except for seasonal or temporary road closures, Grantees shall not be required to observe an amendment to a rule or regulation until ten (10) days after notice from the Landowner(s) that the rules or regulations have been amended.

Should a Grantee violate the "Rules of the Road" and/or the Landowner's road use rules or regulations, the Landowner may give Grantee written notice of such violation, specifying therein the nature and circumstances of such violation. Thereafter, should the Grantee continue or repeat the noticed violation, the Landowner may impose a fine or suspend the Grantees right to cross the Landowner's roads until such time as Grantee has taken such actions as are necessary, in the sole judgment of the Landowner to insure that the conduct violating the Rules of the Road and/or the Landowner's road use rules and regulations has been adequately corrected

d. Nothing herein shall restrict the Landowner's right to improve or relocate the roads or portions thereof subject to the Crossing Rights, provided that the Crossing Rights shall apply to any and all roads or portions thereof as they may from time to time be relocated.

e. In the event that a Landowner's Property shall at some future date be used for purposes incompatible with the use of the Roads as commercial land management, logging, and harvesting roads, then, at the discretion of the Landowner, future use of said roads by the other Landowners for such purposes shall be terminated, provided, however, that no such access shall be terminated unless a reasonably convenient alternate access road for such purposes is made available prior to such termination.

4. Easement in Gross.

a. The Crossing Rights are personal to each Landowner as an easement in gross and are not appurtenant to any particular Property of the Landowner.

b. The Crossing Rights granted hereby shall be deemed to burden the Property and shall not terminate upon a sale or conveyance of the Property or a portion thereof to

another person or entity. Any transfer of the Property, or portion thereof, shall be made expressly subject to the terms of this Crossing Rights Agreement, but the Property shall remain burdened by the Crossing Rights even in the absence of such express reference.

c. The Crossing Rights are not transferable except as specifically set forth herein.

5. Assignment/Sale of Property. The Crossing Rights may not be sold, set off, assigned, or otherwise conveyed except as follows:

a. To a third party purchaser of all or a portion of a Landowner's Property, and in the case of a sale of a portion of the Landowner's Property an interest in the Crossing Rights may be assigned to the purchaser.

b. To a third party who acquires by purchase or exchange an in common and undivided interest in all or a portion of a Landowner's Property.

c. To a mortgagee of all or a portion of a Landowner's Property, or an in common and undivided interest in Landowners Property.

In the event of a conveyance by deed, mortgage and subsequent foreclosure or deed in lieu of foreclosure, as provided in paragraph 5 a. b. and c. above, the Crossing Rights shall only be deemed appurtenant to the Landowner's Property so conveyed and shall not be deemed to benefit other property of the acquiring Landowner to the extent such acquiring Landowner is not one of the parties set forth in Schedule A attached hereto.

Upon the sale of all of a Landowner's Property, the benefits of this Crossing Rights Agreement shall terminate with respect to the selling Landowner, but the Property shall remain burdened

6. Maintenance.

a. The responsibility for the maintenance and improvement of the Roads and bridges associated with the Roads is the responsibility of each Landowner, recognizing that the Landowner may delegate that responsibility to a land management company, a road association or similar organization formed for that purpose. The Crossing Rights are subject to any Landowner's right to charge reasonable road user fees assessed in accordance with the normal and customary practice in the timber harvesting industry in the State of Maine.

b. The Grantees are directly responsible to the Landowner charging user fees for the payment thereof in proportion to their actual use of the roads in accordance with the normal and customary practice in the timber harvesting industry in Maine.

c. The terms "maintenance and improvement" shall mean, only normal repair, maintenance and improvement including, without limitation, grading, ditching, filling, surfacing or resurfacing (including repairs in the nature of non-capital maintenance of paved roads existing on the date of this agreement, but excluding paving of existing roads that would be considered a capital expense or the paving of any roads that are not paved on the date of this agreement), replacement or repairs to decking or deck surface, replacement of wheel treads and railings, plowing, sanding, ice removal, refuse and debris removal, and such other activities as the Landowner in the Landowner's sole judgment determines are necessary or desirable. The parties agree the Roads shall be maintained in a condition providing satisfactory transportation in accordance with then current timber industry standards in Maine for the permitted uses and in compliance with all applicable laws and regulations so that they may be used and enjoyed by all parties entitled to use the Roads. The Landowners undertake no obligation to expand, improve, or change the Roads and specifically undertake no liability with respect to the adequacy or usage of the Roads.

d. If the exercise of the Crossing Rights by any of the Landowners on the Roads, or any portion thereof, on another Landowner's Property results in damages thereto (except for normal wear and tear) arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent long-term operator, the party responsible for the damage shall be solely responsible for the costs of repairing such damage as they may cause.

7. Limitation of Liability. Grantees' exercise of the Crossing Rights shall be at the sole risk of Grantees. Grantees agree that the Landowners shall not be liable to Grantees for any claims arising from use of the Crossing Rights by Grantees, including but not limited to claims for personal injury, death, damage to property or loss of business, except to the extent such damage is caused by gross negligence or the willful misconduct of the Landowners. Grantees agree to hold harmless the Landowners from (a) any claims and costs and expenses (including reasonable attorneys' fees) arising from use of the Crossing Rights by Grantees, except to the extent caused by the gross negligence or willful misconduct of the Landowners, and (b) any costs and expenses (including reasonable attorneys' fees) incurred by the Landowners in connection with curing any default of Grantees hereunder or enforcing the Landowners' rights under this agreement.

8. Indemnification. Each Landowner shall indemnify and hold the other Landowners harmless from any and all claims, actions, injuries, losses, damages, costs, fines, penalties and settlements, including without limitation, attorneys' fees and the costs of investigation, response, and remediation (hereinafter "Claims"), arising from or in any manner related to the use, constructions, maintenance, or reconstruction of the Roads, or the transportation, loading, unloading, delivery, storage, or handling of any material, by Grantees, including without limitation, the release of any hazardous substances (as that term may be defined by federal, state, or local law or regulations) in, on, or under the premises subject to the Crossing Rights hereunder arising from or occasioned by the exercise of the Crossing Rights by the indemnifying Landowner.

9. Arbitration. In the event of a disagreement as to (a) the location of any right of way,

(b) the amount of any payment of road user fees, or (c) any other material issue, the matter may be submitted to binding arbitration for resolution. Arbitration shall be the exclusive means to resolve any and all such disagreements.

To initiate arbitration, any affected party shall promptly submit the matter to binding arbitration by giving notice to all parties involved in the dispute of its intent to arbitrate. The parties shall then attempt to select a single arbitrator by mutual agreement. If the parties fail to agree upon a mutually acceptable arbitrator within thirty (30) days of giving such notice, any party involved in the dispute may request that a single arbitrator be selected in accordance with the then current Commercial Arbitration Rules of the American Arbitration Association. The jurisdiction and authority of the arbitrator shall be confined exclusively to the interpretation of the express provision or provisions of this Agreement at issue. The arbitrator shall have no authority to add to, detract from, alter, amend or modify any provisions of this Agreement. The award of the arbitrator, in writing, shall be final and binding on all the parties to the disagreement.

Each party shall pay its own attorneys fees in connection with the arbitration but the cost and fees of the arbitrator shall be shared equally by the parties involved in the dispute.

10. Compliance. The Landowners agree and covenant that they shall comply with all statutes, rules and regulations, including, but not limited to, fire laws and land use regulations, and shall obtain all required permits, licenses and approvals required by the governmental agencies of the State, county or township prior to the commencement of the exercise of any aspect of the Crossing Rights which require such permits, licenses, and approvals.

11. Binding. All of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Landowners and their respective successors and assigns.

12. Jurisdiction. This agreement shall be construed in accordance with the laws of the State of Maine.

13. Counterparts. This agreement may be executed in one or more counterparts, and each executed counterpart shall constitute an original instrument, but such counterparts, together, shall constitute one and the same instrument.

14. Effective Date. This agreement shall be deemed to be effective and delivered as of the date it is executed by each of the respective parties.

In witness whereof the parties hereto have signed and sealed this instrument as of the date beneath their respective signatures.

Signature and acknowledgment pages for each grantor begin on next page.

Witness:

Blanchet Logging & Lumber Co.

By _____
Duly Authorized

Printed Name: DENIS BLANCHET

Title: President

Date: Nov - 12 - 2003

State of Maine

Androscoggin County Date: 11-12-03

Personally appeared the above named Denis Blanchet, _____ of Blanchet Logging & Lumber Co. and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

_____
Notary Public/Attorney at Law

Jeannine S Pelletier
Printed Name

Commission Expires: March 2008

SEAL

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Witness: Robyn Trotter

Louis W. Cabot
Date: 10/28/03

Commonwealth of Massachusetts

Suffolk County Date: October 28, 2003

Personally appeared the above named Louis W. Cabot and acknowledged before me the foregoing instrument to be his free act and deed.

Joan M Whelton
Notary Public/Attorney at Law

Joan M. Whelton
Printed Name

Commission Expires: July 30, 2004

SEAL

Witness:

Trustees of the Stonewall Trust Under
Declaration of Trust dated December 29, 1989

Louis W. Cabot, Trustee
Date: 11/14/03

Thomas D. Cabot, Jr., Trustee
Date: 2/29/04

Robert M. Cabot, Trustee
Date: 4/29/04

Linda Cabot Black, Trustee
Date: 11-7-03

Edmund B. Cabot, Trustee
Date: 11-7-03

Commonwealth of Massachusetts

Suffolk County Date: April 29, 2004

Personally appeared the above named Louis W. Cabot, Thomas D. Cabot, Robert Cabot, Linda Black, Edmund B. Cabot Trustee of the Stonewall Trust as aforesaid, and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity.

Joan M. Whelton
Notary Public/Attorney at Law

JOAN M. WHELTON
Printed Name

Commission Expires: 2/20/04

SEAL

Witness:

_____ _____

Barbara A. Cassidy
Date: _____

State of Maine

_____ County Date: _____

Personally appeared the above named Barbara A. Cassidy and acknowledged before me the foregoing instrument to be her free act and deed.

_____
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

This Landlowner's interest was conveyed to Cassidy Timberlands LLC

Witness:

_____ _____

Roselle C. Flynn a/k/a Roselle M. Flynn
Date: _____

State of Maine

_____ County Date: _____

Personally appeared the above named Roselle C. Flynn a/k/a Roselle M. Flynn and acknowledged before me the foregoing instrument to be her free act and deed.

_____
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

This Landlowner's interest was conveyed to Cassidy Timberlands LLC

Witness:

Cassidy Timberlands, L.L.C.

By _____
Robert Woodman, Manager

By _____
John Flynn, Manager

By _____
Anne Cassidy Mazer, Manager

By _____
Mary F. Woodman, Manager

By _____
Everett P. Ingalls, Manager

Date: NOVEMBER 17, 2003

State of Maine

PENOBSCOT County Date: 11/17/2003

Personally appeared the above named Managers of Cassidy Timberlands, L.L.C. and acknowledged before me the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said limited liability company.

_____
Notary Public/~~Attorney at Law~~
DONALD P. WHITE, Notary Public
My Commission Expires December 13, 2007

_____
Printed Name

Commission Expires: _____

SEAL

Witness: Cassidy Land Company

_____ By _____
Duly Authorized

Printed Name: _____

Title: _____

Date: _____

State of Maine

_____ County Date: _____

Personally appeared the above named _____, _____ of Cassidy Land Company and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

This Landlowner's interest was conveyed to Cassidy Timberlands LLC

Witness:

Co-Trustees of the Residuary Trust Established under Article Fifth of the Will of Joan Cassidy Stetson

Fleet Bank of Maine, Co-Trustee

By _____
Duly Authorized

_____

Printed Name: _____

Title: _____

Date: _____

_____

_____
Ralph I. Lancaster, Jr., Co-Trustee
Date: _____

State of Maine

_____ County Date: _____

Personally appeared the above named Ralph I. Lancaster, Jr., Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed.

_____
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

This Landlowner's interest was conveyed to Cassidy Timberlands LLC

Witness:

Co-Trustees under Articles 8 and 9 u/w/o Jane M. Sullivan

Co-Trustees f/b/o Mary Jane Helfrich under Indenture of Trust with Jane M. Sullivan dated December 20, 1978.

Fleet Bank of Maine, Co-Trustee

Alice M. Carlisle

By _____
Duly Authorized

Printed Name: James F. Cox

Title: Vice President

Date: November 13, 2003

Alice M. Carlisle

_____
Mary Jane Helfrich, Co-Trustee

Date: 11/18/03

State of Maine

Penobscot County

Date: November 13, 2003

Personally appeared the above named James F. Cox, Vice President of Fleet Bank of Maine, Co-Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation in its said capacity.

_____
Notary Public/Attorney at Law

Marcia Perry Clement, Notary Public
State of Maine
My Commission Expires April 19, 2010

Printed Name

Commission Expires: _____

SEAL

Witness:

Louise B. Sylvester

Clayton Lake Woodlands, GP

By William Sylvester
Duly Authorized

Printed Name: William Sylvester

Title: Manager For CLWGP

Date: 11/28/03

State of Maine

Androscoggin County Date: 11/28/03

Personally appeared the above named William Sylvester, of Clayton Lake Woodlands, GP, and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said general partnership.

Jeannine S Pelletier
Notary Public/Attorney at Law

Jeannine S. Pelletier
Printed Name

Commission Expires: March 2008

SEAL

Witness:

Fraser Papers Inc.

Certified Copy - JB

By _____
Duly Authorized

Printed Name: DONALD A. TARDIE

Title: V.P. Woodlands & Procurement

Date: 8 January 2004

State of Maine

Personally appeared the above named Donald A. Tardie, Vice President of Fraser Papers Inc. and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

_____
Notary Public/Attorney at Law

JAMES BEAULIER
Notary Public, Maine
My Commission Expires July 26, 2010

Printed Name

Commission Expires: _____

SEAL

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Witness:

Great Northwoods, LLC

By William W McDonald
Duly Authorized

Printed Name: William W McDonald Jr

Title: VP

Date: 11/20/03

State of Alabama

Jefferson County Date: November 20, 2003

Personally appeared the above named William W McDonald, Jr. Vice President of Great Northwoods, LLC and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said limited liability company.

Lynn Vannes Parks
Notary Public/Attorney at Law

Lynn Vannes Parks
Printed Name

Commission Expires: 10-1-05

SEAL

Witness:

Lakeville Shores, Inc.

By _____
Duly Authorized

Printed Name: Herbert C. Haynes, Jr.

Title: President

Date: October 21, 2003

State of Maine

Penobscot County Date: October 21, 2003

Personally appeared the above named Herbert C. Haynes, Jr., President of Lakeville Shores, Inc. and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

_____
~~Notary Public~~/Attorney at Law

Dean A. Beaupain
Printed Name

Commission Expires: _____

Witness:

Five Islands Land Corporation

By _____
Duly Authorized

Printed Name: Herbert C. Haynes

Title: President

Date: October 21, 2003

State of Maine

Penobscot County Date: October 21, 2003

Personally appeared the above named Herbert C. Haynes, President of Five Islands Land Corporation and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

_____
Notary Public/Attorney at Law

Dean A. Beaupain
Printed Name

Commission Expires: _____

Witness:

Herbert C. Haynes, Inc., a/k/a H. C. Haynes, Inc.

By _____
Duly Authorized

Printed Name: Herbert C. Haynes

Title: President

Date: 10-21-2003

State of Maine

Penobscot County Date: October 21, 2003

Personally appeared the above named Herbert C. Haynes, President of Herbert C. Haynes, Inc., a/k/a H. C. Haynes, Inc., and acknowledged before me the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

_____
~~Notary Public/~~Attorney at Law

Dean A. Beaupain
Printed Name

Commission Expires: _____

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Witness:

Gardner Land Company, Inc.

By _____
Duly Authorized

Printed Name: William T. Gardner

Title: President

Date: 1-12-04

State of Maine

Penobscot County Date: 1-12-04

Personally appeared the above named William T Gardner, _____ of Gardner Land Company, Inc., and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Pamela A. Hoxie
Notary Public/Attorney at Law

Pamela A. Hoxie
Printed Name

Commission Expires: 2-06-05

PAMELA A. HOXIE, NOTARY PUBLIC
PENOBSCOT COUNTY, STATE OF MAINE
MY COMMISSION EXPIRES 2/6/05

Witness:

Trustees u/w/o Anna G. Fletcher

William M. G. Fletcher, Trustee
Date: 11/12/03

Gilbert M. Roddy, Jr., Trustee
Date: 11/6/03

Peter B. Loring, Trustee
Date: 11/4/2003

State of Maine

Hancock County Date: 11-12-03

Personally appeared the above named William M. G. Fletcher, Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Notary Public/Attorney at Law

Lisa F. Veazie
Printed Name

Commission Expires: LISA F. VEAZIE Notary Public, Maine My Commission Expires October 16, 2010

SEAL

Witness:

Trustees Under Article Eight u/w/o Margaret G. Locke

Peter B. Loring, Trustee
Date: 11/4/2003

Gilbert M. Roddy, Jr., Trustee
Date: 11/6/03

William B. Perkins, Trustee
Date: 11/6/03

Commonwealth of Massachusetts

Suffolk County Date: November 4, 2003

Personally appeared the above named Peter B. Loring, Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Notary Public/Attorney at Law

SCOTT P. SMITH
NOTARY PUBLIC
MY COMMISSION EXPIRES ON SEPTEMBER 20, 2007

Printed Name

Commission Expires: _____

SEAL

Witness:

Trustee of Summer Dreams Realty Trust
Under Declaration of Trust dated February 25, 1993.

Peter B. Loring, Trustee
Date: November 20, 2003

Witness:

Trustees of Lindsay Leonard Revocable Trust

Peter B. Loring, Trustee
Date: November 20, 2003

Amy L. Domini, Trustee
Date: November 24, 2003

Commonwealth of Massachusetts

Suffolk County Date: 11-20-2003

Personally appeared the above named Peter B. Loring, Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacities.

Notary Public/Attorney at Law
Michael S. Neri
Printed Name
Commission Expires: 2-19-2004

SEAL

Witness:

Christine A. Sayis

Eileen Berlo

Trustees Under the Evelyn Smyth Griswold Trust No. 4 dated August 18, 1970

Peter B. Loring, Trustee
Date: 1/7/04

Amy L. Domini, Trustee
Date: January 7 2004

Commonwealth of Massachusetts

Suffolk County Date: January 7, 2004

Personally appeared the above named Peter B. Loring, Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Notary Public/Attorney at Law

Printed Name MICHAEL S. NEFF Notary Public My Commission Expires Feb [illegible] 2004

Commission Expires:

SEAL

Witness:

Mathilde Fletcher Karkafi
Mathilde Fletcher Karkafi
Date: 11/18/2003

State of California

LOS ANGELES County Date: 111803

Personally appeared the above named Mathilde Fletcher Karkafi, and acknowledged before me the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

PAUL NOOCHLA-OR
Commission # 1292741
Notary Public - California
Los Angeles County
My Comm. Expires Feb 1, 2005

PAUL NOOCHLA-OR
Printed Name

Commission Expires: 02905

Witness:
Jannetta Phillips Jannetta Phillips

Robert E. Nixon
Date: 10/24/03

State of Connecticut

Fairfield County Date: 10/24/2003

Personally appeared the above named Robert E. Nixon and acknowledged before me the foregoing instrument to be his free act and deed.

Notary Public/Attorney at Law

MS Mary L. Williams
Printed Name

Commission Expires: 10/31/2004

MARY L. WILLIAMS
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2004

SEAL

Witness:

Olivia Orr

William H. Nixon

William H. Nixon
Date: 11/12/03

State of New York

ULSTER County Date: 11/12/03

Personally appeared the above named William H. Nixon and acknowledged before me the foregoing instrument to be his ~~free~~ act and deed.

Margo L. Obourn
Notary Public/Attorney at Law

Margo Lynn Obourn
Notary Public, State Of New York
Reg. No. 01OB6022707
Qualified In Ulster County
Commission Expires 04/05/07

MARGO L. OBOURN
Printed Name

Commission Expires: 04/05/07

Witness:

J. M. Huber Corporation

By _____
Duly Authorized

Printed Name: Peter Triandafillou

Title: VP Woodlands

Date: 2/23/04

State of Maine

Penobscot County Date: 2-23-04

Personally appeared the above named Peter H. Triandafillou of J. M. Huber Corporation and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

Bonnie S. Doiron
Notary Public/~~Attorney at Law~~

Printed Name Bonnie S. Doiron, Notary Public
State of Maine
My Commission Expires 3/23/2009

Commission Expires: _____

SEAL

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Witness:

Fish River Corporation

By Caroline S Peterson
Duly Authorized

Printed Name: Caroline S Peterson

Title: President

Date: Oct 27, 2003

State of ~~Maine~~ Ct.

Fairfield County Date: 10-27-03

Personally appeared the above named CAROLINE PETERSON, of Fish River Corporation and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

Notary Public/Attorney at Law

STEVE KYRATSOUS
Printed Name NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2005

Commission Expires:

SEAL

Witness:

Suzanne M. Padgett

Lost River Company

By Michael B. Sawyer
Duly Authorized

Printed Name: Michael B. Sawyer

Title: President

Date: Nov. 5, 2003

State of ~~Maine~~ Arizona

Gila County Date: November 5, 2003

Personally appeared the above named Michael B Sawyer, _____ of Lost River Company and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

OFFICIAL SEAL
MELVA J. ENDERS
Notary Public-State of Arizona
GILA COUNTY
My Commission Expires Sep. 11, 2007

Melva J Enders
Notary Public/Attorney at Law

Melva J Enders
Printed Name

Commission Expires: Sept. 11, 2007

Witness:

Susan J. Hart.

Yankee Fork Corporation

By George W. Wood III
Duly Authorized

Printed Name: George W. Wood III

Title: President

Date: 10/24/03

State of Maine

Penobscot County Date: 10/24/03

Personally appeared the above named George W. Wood III, President of Yankee Fork Corporation and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

Donna L. Emerson
Notary Public/Attorney at Law

DONNA L. EMERSON
Notary Public, Maine
My Commission Expires April 30, 2006
Printed Name

Commission Expires: _____

SEAL

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Witness: Katahdin Timberlands LLC

_____ By _____
Marcia A. McKeague, President
Duly Authorized

Date: _____

Witness: Katahdin Forest Management LLC

_____ By _____
Marcia A. McKeague, President
Duly Authorized

Date: _____

State of Maine

_____ County Date: _____

Personally appeared the above named Marcia A. McKeaque, President of Katahdin Timberlands LLC and Katahdin Forest Management LLC, and acknowledged before me the foregoing instrument to be her free act and deed in her said capacities and the free act and deed of said limited liability companies.

_____
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

Witness:

Catherine L Handler

Merriweather, LLC
by Wagner Forest Management, Ltd. its Manager

By Thomas J. Colgan
Duly Authorized

Printed Name: Thomas J. Colgan

Title: President

Date: November 12, 2003

State of New Hampshire

Grafton County Date: November 12, 2003

Personally appeared the above named Thomas J. Colgan, President of the Manager of Merriweather, LLC, and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said limited liability company.

Carolyn C. Demers

Notary Public/~~Attorney at Law~~/Commissioner of Deeds

CAROLYN C. DEMERS, Commissioner of Deeds
My Commission Expires October 4, 2005

Printed Name

Commission Expires: _____

SEAL

Witness:

Sylvia C. Childers

Prentiss & Carlisle Company, Inc.

By Donald P. White
Duly Authorized

Printed Name: DONALD P. WHITE

Title: PRESIDENT

Date: OCT 20, 2003

State of Maine

PENOBSCOT County Date: OCTOBER 20, 2003

Personally appeared the above named DONALD P. WHITE, _____ of Prentiss & Carlisle Company, Inc. and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Douglas M. Flagg
Notary Public/~~Attorney at Law~~

_____
Printed Name

Commission Expires: _____

DOUGLAS M. FLAGG
NOTARY PUBLIC • MAINE
MY COMMISSION EXPIRES MAY 15, 2005

SEAL

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Witness:

Jennifer A. Webb
Jennifer A. Webb

Greentrees, Inc.

By George D. Carlisle
Duly Authorized

Printed Name: GEORGE D. CARLISLE

Title: PRESIDENT

Date: 10/27/03

State of ~~Maine~~ FLORIDA

SARASOTA County Date: 10.27.03

Personally appeared the above named GEORGE D. CARLISLE, of Greentrees, Inc. and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Suzanne M. DeCesare
Notary Public/Attorney at Law

SUZANNE M. DECESARE
Printed Name

Commission Expires:

Suzanne M. De Cesare
MY COMMISSION # CC892662
EXPIRES: March 27, 2004
Bonded Thru Western Surety Company

Witness:

Lisa T. Vezina

McCrillis Timberland, LLC

By William M G Fletcher
Duly Authorized

Printed Name: William M G Fletcher

Title: President

Date: October 24, 2003

State of Maine

Hancock County Date: OCT 24 2003

Personally appeared the above named William M G Fletcher of McCrillis Timberland, LLC, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Linda B Stration
Notary Public/Attorney at Law

LINDA B. STRATTON
Notary Public
My Commission Expires January 7, 2009

Printed Name

Commission Expires:

SEAL

Witness:

Sandra Thibeault

Silver Ridge Land Company

By Kenneth L. Parsons
Duly Authorized

Printed Name: Kenneth L. Parsons

Title: Pres.

Date: 10/22/03

State of Maine

Penobscot County

Date: October 22, 2003

Personally appeared the above named KENNETH L. PARSONS, of Silver Ridge Land Company and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

David M. Carlisle
Notary Public/~~Attorney at Law~~

DAVID M. CARLISLE
Printed Name

Commission Expires: July 28, 2005

SEAL

Witness:

Trustees Under Trust Dated April 12, 1973, f/b/o Bessie Wright Phillips, et al.

Trustees Under Article 8 of the Will of Stephen Phillips

Karen Emery

Joanne Cushman

Cynthia W. Rhodes

Timothy A. Ingraham, Trustee
Date: 10/31/03

Lawrence Coolidge, Trustee
Date: Oct 27 /03

Arthur H. Emery, Trustee
Date: 10/31/03

Witness:

Trustees Under Trust Agreement dated December 22, 1959, made by Stephen Phillips f/b/o Jane Appleton Phillips, Margaret Duncan Phillips, and Ann Willard Phillips

Joanne Cushman

Cynthia W. Rhodes

Lawrence Coolidge, Trustee
Date: Oct 27/03

Arthur H. Emery, Trustee
Date: 10/31/03

Commonwealth of Massachusetts

Essex County Date: 10-31-03

Personally appeared the above named Arthur H. Emery, Trustee under Declaration of Trust Dated April 12, 1973 fbo Bessie Wright Phillips, et al.; Trustee under Article 8 of the Will of Stephen Phillips, and Trustee Under Trust Agreement dated December 22, 1959, made by Stephen Phillips f/b/o Jane Appleton Phillips, Margaret Duncan Phillips, and Ann Willard Phillips, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Cynthia W. Rhodes
Notary Public/~~Attorney-at-Law~~

Cynthia W Rhodes
Print or type name as written

Commission Expires: 9-27-07

SEAL

Witness:

Trustees of the Stephen Phillips Memorial Charitable Trust Under Trust Agreement Dated March 5, 1973

Richard F. Gross, Trustee
Date: 10/31/03

Lawrence Coolidge, Trustee
Date: Oct 23 03

Arthur H. Emery, Trustee
Date: 10/31/03

Robert M. Randolph, Trustee
Date: 10/30/03

John H. Finley, IV, Trustee
Date: 10/28/03

Commonwealth of Massachusetts

Essex County Date: 10-31-03

Personally appeared the above named Arthur H. Emery, Trustee of the Stephen Phillips Memorial Charitable Trust and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Notary Public/~~Attorney-at-Law~~
Cynthia W Rhodes
Print or type name as written

Commission Expires: 9-27-07 SEAL

Witness:

Six Rivers Limited Partnership
By Alderbrook Associates, Inc., General Partner

Lois M. Doughty

By Stephen W. Schley
Stephen W. Schley, President
Duly Authorized

Date: 10/17/03

Alderbrook Associates, Inc.

Lois M. Doughty

By Stephen W. Schley
Stephen W. Schley, President
Duly Authorized

Date: 10/17/03

State of Maine

Penobscot County

Date: 10/12/03

Personally appeared the above named Stephen W. Schley, President of Alderbrook Associates, Inc., General Partner of Six Rivers Limited Partnership, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Alderbrook Associates, Inc. and Six Rivers Limited Partnership.

Lois M. Doughty SEAL

Notary Public ~~/Attorney at Law~~

LOIS M. DOUGHTY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES SEPTEMBER 6, 2004

Printed Name

Commission Expires: _____

Witness:

_____

Stetson Timberlands, Inc.

By _____
Duly Authorized

Printed Name: Richard Belanger

Title: President

Date: February 26, 2004

State of Maine

_____ County Date: _____

Personally appeared the above named _____, _____ of Stetson Timberlands, Inc., and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said corporation.

_____
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

Witness:

Webber Timber, LLC

By _____
Frank M. Webber, Manager
Duly Authorized

Date: 10/28/03

State of ~~Maine~~ Connecticut

Fairfield County Date: 10/28/03

Personally appeared the above named Frank M. Webber, Manager of Webber Timber, LLC, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

_____
Notary Public/~~Attorney at Law~~

Kristen Cichowicz
Printed Name

SEAL

Commission Expires: My Commission Expires AUG. 31, 2006

Witness:

Personal Representatives of the Estate of G. Peirce Webber

Bangor Savings Bank, Personal Representative

By James Timmins
Duly Authorized

Printed Name: JAMES TIMMINS

Title: VICE PRESIDENT

Date: 02/18/04

John M. Webber, Personal Representative
Date: 2/13/04

State of Penobscot County

Date: FEB 13, 2004

Personally appeared the above named John M. Webber, Personal Representative of the Estate of G. Peirce Webber, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Notary Public/Attorney at Law

CALVIN E TRUE
Printed Name

Commission Expires: _____

Witness:

Joan A Morris

John M. Webber
Date: 2/13/04

State of Maine

Penobscot County Date: Feb. 13, 2004

Personally appeared the above named John M. Webber, and acknowledged before me the foregoing instrument to be his free act and deed.

Calvin F. True
~~Notary Public~~/Attorney at Law

CALVIN F. TRUE
Printed Name

Commission Expires: _____

Witness: Roy A Adams

Steven E. Spetnagel
Date: October 22, 2003

State of Georgia

PENOBSCOT, County Date: OCT 22, 2003

Personally appeared the above named Steven E. Spetnagel, and acknowledged before me the foregoing instrument to be his free act and deed.

Donald P. White
Notary Public/~~Attorney at Law~~

DONALD P. WHITE, Notary Public
My Commission Expires December 13, 2007
Printed Name

Commission Expires: _____

Witness:

Judith Merrill

Trustee Under indenture of Trust Entered Into With Charles P. Webber dated March 1, 1971 f/b/o Diane Webber Wallace

Prentiss & Carlisle Management Company, Inc., Trustee

By Donald P. White
Duly Authorized

Printed Name: DONALD P. WHITE

Title: PRESIDENT

Date: OCT 23, 2003

State of Maine

Penobscot County Date: Oct. 23, 2003

Personally appeared the above named Donald P. White, of Prentiss & Carlisle Management Company, Inc., Trustee as aforesaid for Diane Webber Wallace, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation in its capacity.

Sylvia C. Childers
Notary Public/Attorney at Law

SEAL

Sylvia C. Childers
Printed Name

Commission Expires: Oct. 31, 2005

SYLVIA C. CHILDERS
NOTARY PUBLIC • MAINE
MY COMMISSION EXPIRES OCTOBER 31, 2005

Witness:

Lori Means

Beverly M Dunn

Rogers Timberlee, F.L.P., LLC

By _____
Duly Authorized

Printed Name: Lance D. Rogers

Title: member

Date: 11/4/03

State of Florida

LEE County Date: 11/4/03

Personally appeared the above named Lance D. Rogers, _____ of Rogers Timberlee, F.L.P., LLC, and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said limited liability company.

Lori L. Means
Notary Public/Attorney at Law

_____
Printed Name

Commission Expires: _____

LORI L MEANS
MY COMMISSION # DD 232132
EXPIRES: August 16, 2007
Bonded Thru Notary Public Underwriters

Witness:

Andre Emerson Cushing Corporation

By _____
Duly Authorized

Printed Name: Charles R Cushing

Title: Treasurer

Date: 21 OCT 03

State of Maine

PENOBSCOT County Date: OCT 21, 2003

Personally appeared the above named CHARLES R. CUSHING, _____ of Andre Emerson Cushing Corporation, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

_____
Notary Public/~~Attorney at Law~~

DONALD P. WHITE, Notary Public
My Commission Expires December 13, 2007
Printed Name

Commission Expires: _____

Witness:

The Cushing Family Corporation

By _____
Duly Authorized

Printed Name: Andre E. Cushing Jr.

Title: President

Date: 2/9/04

State of Maine

Aroostook ~~North~~ County Date: February 9, 2004

Personally appeared the above named Andre E. Cushing Jr. _____, _____ of The Cushing Family Corporation, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

_____
Notary Public/~~Attorney at Law~~

_____
Printed Name

DOUGLAS M. FLAGG
NOTARY PUBLIC • MAINE
MY COMMISSION EXPIRES MAY 15, 2005

Commission Expires: _____

SEAL

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Witness:

Co-Trustees of the Cheryl Gemborys Family Trust under Declaration of Trust Dated December 28, 1992

Judith J. Stockpole

Elizabeth A. Alton

John J. Roche

John J. Roche, Co-Trustee
Date: NOV. 6, 2003

Thomas E. Neely

Thomas E. Neely, Co-Trustee
Date: November 14, 2003

Commonwealth of Massachusetts

Middlesex County Date: November 6, 2003

Personally appeared the above named John J. Roche, Trustee as aforesaid, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity.

Judith J. Stockpole
Notary Public/~~Attorney at Law~~

Judith J. Stockpole
Printed Name

Commission Expires: June 28, 2007

SEAL

Witness:

Milana T. Espy

Lange Timber, LLC

By Jean W. Lange
Duly Authorized

Printed Name: Jean W. Lange

Title: Manager

Date: 11/6/03

State of California

San Diego County

Date: 11/5/03

Personally appeared the above named Jean W. Lange, Manager of Lange Timber, LLC, and acknowledged before me the foregoing instrument to be **his/her** free act and deed in **his/her** said capacity and the free act and deed of said limited liability company.

Pamela Fugate
Notary Public/Attorney at Law

PAMELA FUGATE
Commission # 1263408
Notary Public - California
San Diego County
My Comm. Expires May 11, 2004

PAMELA Fugate
Printed Name

Commission Expires: May 11, 2004

Witness:

_____

_____
Mark Webber
Date: 11/8/03

State of New York

Suffolk County Date: 11/8/03

Personally appeared the above named Mark Webber, and acknowledged before me the foregoing instrument to be his free act and deed.

_____
Notary Public/Attorney at Law

Nancy Labrozzi
Printed Name

Commission Expires: 4/27/2007

NANCY LABROZZI
Notary Public, State of New York
No. 4891218
Qualified in Suffolk County
Commission Expires April 27, 2007

Witness:

James Webber
Date: 10/30/03

State of Colorado

Jefferson County Date: 10/30/03

Personally appeared the above named James Webber, and acknowledged before me the foregoing instrument to be his free act and deed.

Notary Public/Attorney at Law

Michelle Boyer
Printed Name

Commission Expires: 2/22/04

MICHELLE BOYER NOTARY PUBLIC STATE OF COLORADO

My Commission Expires 02/22/2004

Witness:

Anjanitenell
ANJANI TERRELL

John Webber
Date: 11/16/03

State of Connecticut

Fairfield County Date: 11/16/03

Personally appeared the above named John Webber, and acknowledged before me the foregoing instrument to be his free act and deed.

Cheryl A Williams
Notary Public/Attorney at Law

Cheryl A Williams
Printed Name

Commission Expires: CHERYL A. WILLIAMS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2008

SEAL

Witness:

Anne Finan

Anne Finan
Date: 10-24-03

State of Connecticut

Fairfield County Date: 10/24/03

Personally appeared the above named Anne Finan, and acknowledged before me the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

Printed Name

Commission Expires: SEAL

My Commission Expires
Aug. 31, 2006

Witness:

CDT Maine Timberlands, LLC

By _____
Edward J. Joyce, Trustee

Date: November 21, 2003

By _____
Robert N. Shapiro, Trustee

Date: Nov. 21, 2003

COMMONWEALTH OF MASSACHUSETTS

~~State of Maine~~

Suffolk County Date: November 21, 2003

Personally appeared the aforesaid Trustees and acknowledged before me the foregoing to be their free act and deed in their said capacities and the free act and deed of said limited liability company.

_____
Notary Public/Attorney at Law

Dolores Mary Callahan
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 19, 2007

Printed Name

Commission Expires: _____

SEAL

Witness:

R. A. Crawford & Son Land and Timber, Inc.

By _____

Printed Name: Robin A Crawford Jr

Date: 6-9-04

State of Maine

Penobscot County Date: June 9, 2004

Personally appeared the above-named Robin A. Crawford, Jr, Treasurer of R. A. Crawford & Son Land and Timber, Inc., and acknowledged before me the foregoing to be his free act and deed in his said capacity and the free act and deed of said corporation.

_____
Notary Public/Attorney at Law

Dean A. Beaupain
Printed Name

Commission Expires: _____

SCHEDULE A
GRANT OF CROSSING RIGHTS

The Grantors and Grantees herein are:

1. Blanchet Logging & Lumber Co., a Maine corporation having a place of business at Fort Kent, Maine

2. The following landowners herein called the Cabot Group:

   Louis W. Cabot of Boston, Massachusetts

   Louis W. Cabot, Thomas D. Cabot, Jr., Robert M. Cabot, Linda Cabot Black, and Edmund B. Cabot, Trustees of the Stonewall Trust under Declaration dated December 29, 1989

3. The following landowners commonly known as the Cassidy Heirs:

   ~~Barbara A. Cassidy of Bangor, Maine~~ (now in Cassidy Timberlands, L.L.C.)*

   ~~Roselle C. Flynn, also known as Roselle M. Flynn, of Kennebunkport, Maine~~ *same

   Cassidy Timberlands, L.L.C., a Maine limited liability company having a business address of c/o Pierce Atwood, One Monument Square, Portland, Maine 04101

   ~~Cassidy Land Company, a Maine corporation having a business address of c/o Roselle C. Johnson, RR 3, Box 1587, Kennebunkport, Maine 04046~~ *same

   ~~Fleet Bank of Maine, a corporation with a place of business in Portland, Maine, and Ralph I. Lancaster, Jr. of Falmouth, Maine, Co-Trustees of the Residuary Trust Established under Article Fifth of the Will of Joan Cassidy Stetson~~ *same

   Mary Jane Helfrich of Hulls Cove, Maine and Fleet Bank of Maine, a corporation with a place of business in Portland, Maine, Co-Trustees under Articles 8 and 9 under the will of Jane M. Sullivan and as Co-Trustees for the benefit of Mary Jane Helfrich under Indenture of Trust with Jane M. Sullivan dated December 20, 1978.

4. CDT Maine Timberlands, LLC, a Maine limited liability company

5. Clayton Lake Woodlands, GP, a Maine general partnership having a place of business at Clayton Lake, Maine

6. R. A. Crawford & Son Land & Timber, Inc., a Maine corporation having a place of business at Lincoln, Maine

7. Fraser Papers Inc., having a place of business at Ashland, Maine

8. Gardner Land Company, Inc., a Maine corporation having a place of business at Lincoln, Maine

9. Great Northwoods, LLC, a Delaware limited liability company with a place of business in Birmingham, Alabama

10. The following landowners commonly known as the Griswold Heirs:

William M. G. Fletcher of Little Deer Isle, Maine; Gilbert M. Roddy, Jr. of Cambridge, Massachusetts, and Peter B. Loring of Prides Crossing, Massachusetts, Trustees under the will of Anna G. Fletcher

Peter B. Loring of Prides Crossing, Massachusetts, Gilbert M. Roddy, Jr. of Cambridge, Massachusetts, and William B. Perkins, Trustees under Article Eight under the will of Margaret G. Locke

Peter B. Loring of Prides Crossing, Massachusetts, Trustee of Summer Dreams Realty Trust under Declaration of Trust dated February 25, 1993

Amy L. Domini of Cambridge, Massachusetts, and Peter B. Loring of Prides Crossing, Massachusetts, Trustees of the Lindsay Leonard Revocable Trust

Peter B. Loring of Prides Crossing, Massachusetts, and Amy L. Domini of Cambridge, Massachusetts, Trustees under the Evelyn Smyth Griswold Trust No. 4 dated August 18, 1970

Mathilde Fletcher Karkafi of Santa Monica, California

Robert E. Nixon of Old Greenwich, Connecticut

William H. Nixon of Phoenicia, New York

11. The following landowners commonly known as the Haynes Group:

Lakeville Shores, Inc., a Maine corporation having a place of business in Winn, Maine

Five Islands Land Corporation, a Maine corporation having a place of business in Winn, Maine

Herbert C. Haynes, Inc., a Maine corporation having a place of business in Winn, Maine

H.C. Haynes, Inc., the assumed name of Herbert C. Haynes, Inc., a Maine corporation having a place of business in Winn, Maine

12. J. M. Huber Corporation, a New Jersey corporation having a place of business at Old Town, Maine

~~13. Katahdin Timberlands LLC, a Delaware limited liability company, having a place of~~ business at 1024 Central Street, Millinocket, Maine 04462-2100

~~14. Katahdin Forest Management LLC, a Delaware limited liability company having a place~~ of business at 1024 Central Street, Milinocket, Maine 04462-2100

15. The following landowners commonly known collectively as Lincoln Associates:

Fish River Corporation, a Maine corporation having a place of business in Orono, Maine.

Lost River Company, a Maine corporation having a place of business at New Harbor, Maine.

Yankee Fork Corporation, a Maine corporation having a place of business at Orono, Maine.

16. Merriweather, LLC, a Delaware limited liability company having a mailing address of c/o Wagner Forest Management, Ltd., 150 Orford Road, Lyme, New Hampshire 03768

17. The following landowners known herein as the P&C Group

Prentiss & Carlisle Company, Inc., a Maine corporation having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

Greentrees Inc., a Maine corporation having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

McCrillis Timberland, LLC, a Delaware limited liability company having a mailing address of P. O. Box 637, Bangor, Maine 04402-0637

Silver Ridge Land Company, a Maine corporation having a mailing address of c/o Prentiss & Carlisle Management Company, Inc., P. O. Box 637, Bangor, Maine 04402-0637

18. The following landowners commonly known as the Pingree Heirs:

Timothy A. Ingraham of South Bristol, Lincoln County, Maine, Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, and Arthur H. Emery, of Beverly, Essex County, Massachusetts, Trustees under Declaration of Trust Dated April 12, 1973, for Benefit of Bessie Wright Phillips, et al.

Timothy A. Ingraham of South Bristol, Lincoln County, Maine, Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, and Arthur H. Emery, of Beverly, Essex County, Massachusetts, Trustees Under Article 8 of The Will of Stephen Phillips, late of said Salem

Arthur H. Emery, of Beverly, Essex County, Massachusetts, and Lawrence Coolidge, of Boston, Suffolk County, Massachusetts, Trustees Under Trust Agreement Dated December 22, 1959, made by Stephen Phillips For Benefit of Jane Appleton Phillips, Margaret Duncan Phillips, and Ann Willard Phillips

Dr. Richard F. Gross of Gloucester, Essex County, Mass.; Lawrence Coolidge of Boston, Suffolk county, Mass.; and Arthur H. Emery, of Beverly, Essex county, Mass.; Robert M. Randolph of Rockport, Essex County, Mass.; and John H. Finley, IV of Cambridge, Middlesex County, Mass.; Trustees of The Stephen Phillips Memorial Charitable Trust under Trust Agreement Dated March 5, 1973.

Six Rivers Limited Partnership, a Maine limited partnership having a place of business at Bangor, Maine

Alderbrook Associates, Inc., a Maine corporation having a place of business at Bangor, Maine.

19. Stetson Timberlands, Inc., a Maine corporation having a place of business in Clayton Lake, Maine

20. The following landowners commonly known as the Webber Heirs:

Webber Timber, LLC, a Maine limited liability company having a place of business at New Canaan, Connecticut

Bangor Savings Bank, a Maine banking corporation having a place of business at 3 State Street, Bangor, Maine, and John M. Webber of Bangor, Maine, Personal Representatives of the Estate of G. Pierce Webber, late of Bangor, Maine

John M. Webber of Bangor, Maine

Steven E. Spetnagel of Alpharetta, Georgia

Prentiss & Carlisle Management Company, Inc., a Maine corporation having a place of business at Bangor, Maine, Trustee Under Indenture of Trust Entered Into with Charles P. Webber dated March 1, 1971 for Benefit of Diane Webber Wallace

Rogers' Timberlee, F.L.P., LLC, a Florida limited liability company having a place of business at Ft. Myers, Florida

Andre Emerson Cushing Corporation, a Maine corporation having a place of business at Fairfield, Maine

The Cushing Family Corporation, a Maine corporation having a place of business at Hermon, Maine

John J. Roche, and Thomas E. Neely, Co-Trustees of the Cheryl B. Gemborys Family Trust under Declaration of Trust Dated December 28, 1992

Lange Timber LLC, a Maine limited liability company having a place of business at Carlsbad California

Mark Webber of Sag Harbor, New York

James Webber of Evergreen, Colorado

John Webber of Stamford, Connecticut and

Anne Finan of New Canaan, Connecticut

Northern Maine
Crossing Rights Agreement

Schedule B
Crossing Rights Agreement
Geographic Area

Note: This grant of Crossing Rights has specific application only to those towns or tracts within the Geographic Area and the Roads within those tracts, owned by the parties set forth in Schedule A of this grant of Crossing Rights on the date of this Agreement.

Accepted Roads
- 17 Mile Rd
- 490 Rd
- Allen Rd
- Blanchet Rd
- Campbell Brook Rd
- Carr Pond Rd
- Carter Brook Rd
- Caucomgomoc Rd
- Connector Rd
- Cottage Rd Cut-Off
- Craigville Rd
- Cresent Pond Rd
- Cuxabexis Rd
- Cyr Rd
- Depot Rd
- Dolby Rd
- Estocourt Rd
- Golden Rd
- Hafey Rd
- Kelloch Mtn Rd
- Ledge Rd
- Narrow Pond Rd
- Oxbow Rd
- Pinkham Rd
- Priestly Shortcut
- Ragmuff Rd
- Realty Rd
- Roberts Rd
- Robinson Rd
- Rocky Brook Rd
- Russell Mtn Rd
- Russell Stream Rd
- Sherman Ext
- Sherman Rd
- Silas Hill Rd
- St Aurelie Rd
- St. Juste Rd
- Stacyville Rd
- Sugar Berth Ridge
- Swift Brook Rd
- Telos Rd
- Thibodeau Rd
- Umbazookus Rd
- Waseataquoik Rd

Proposed Roads
- Realty Rd - St. Juste Connector
- St. Aurelie - Golden Rd Connector

State Features
- Township Boundary
- Baxter State Park
- State Route 11

PENOBSCOT COUNTY, MAINE

Susan F. Bulay
Register of Deeds

0 5 10 20
Miles

June 14, 2004

T3R7 P&C

BK4479 PG278

019843

QUITCLAIM DEED WITHOUT COVENANT

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, for consideration paid, grants to Prentiss & Carlisle Company, Inc., a Maine corporation with a place of business at Bangor, Maine, an easement in the north part of Township 3, Range 7, W.E.L.S., Penobscot County, Maine, more particularly described as follows:

A sixty (60) foot wide easement, for all purposes of a way, including but not limited to ingress and egress for people, vehicles and equipment and for installation, maintenance, and replacement of utilities, conduits and pipes, whether above ground or underground, which utilities, conduits and pipes shall be installed so as not to interfere with customary logging operations or other uses of Grantor's property, together with the right to assign similar easement rights to any utility company, to and from other land of the Grantee, its successors and assigns, in common with others who now have or may hereafter acquire similar rights, over, along, and across certain land in said Township 3, Range 7, W.E.L.S., bounded on each side by a line thirty (30) feet from the following described centerline:

Beginning at a point at the intersection of an existing gravel road with the Town Line between Stacyville and T3R7; said point being 30 feet southerly of a post on said Town Line as shown on a plan by Gilbert S. Viitala, R.L.S., dated January 23, 1989, entitled Right-of-Way Exchange for Webber, Godsoe Heirs, et al., sheet 2 of 2, and recorded in Penobscot County Registry of Deeds File D33-89; thence N 78° W by and along the said gravel road 548.12 feet to a point; thence N 71° W by and along said gravel road 279.8 feet to the intersection of said gravel road with another gravel road leading northerly to the Public Lot; said intersection being the same as the first intersection west of the Town Line shown on File D33-89; thence by and along the centerline of the said gravel road as follows:

N 23° E	264 feet
N 19° E	132 feet
N 13° E	264 feet
N 15° E	132 feet
N 12° E	132 feet
N 11° E	264 feet
N 09° E	132 feet
N 14° E	124 feet, more

or less, to the south line of the former Public Lot located in the northeast corner of T3R7; said point also being 879 feet, more or less, as measured westerly along said south line from a post on the Town Line between Stacyville and T3R7 at the southeast corner of said Public Lot.

The above described right of way is depicted on the Plan dated March 24, 1989, by Gilbert S. Viitala, R.L.S., entitled Right of Way Exchange for Prentiss & Carlisle/Godsoe, attached hereto as Exhibit A. — not in Book

The Grantor, his heirs, Personal Representatives, successors and assigns shall have no obligation to repair or maintain said right of way. Grantee, by acceptance of this Deed, covenants and agrees to be responsible at all times and in all places for proper maintenance and upkeep of any utilities, pipes and conduits Grantee may install on, over or across the right of way, and in the event of damage to the roadway caused by Grantee or Grantee's agents, to restore said roadway to the condition it was in just prior to Grantee's use. In the event of abandonment or other non use of such utilities, pipes or conduits for a continuous period of twelve months, then the grantee herein shall remove said utilities at its expense. The use of said right of way shall be subject to reasonable rules relating to safety and maintenance of the roads, including road use fees as may from time to time be imposed upon the users of the road by any party responsible for the maintenance of the roads or right of ways.

T3R7 P&C

BK4479 PG281

The conveyance of easement rights herein described does not in any way constitute a dedication to public use of said roads. If this easement should be conveyed by Grantee, or its successors or assigns, at any future date to any governmental entity, then this easement shall be of no further force or effect.

Grantee's mailing address is: 107 Court Street, P.O. Box 637, Bangor, Maine 04401.

WITNESS my hand and seal this 29 day of June, 1989

WITNESS:

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe

STATE OF MAINE
, ss. June 29, 1989

Personally appeared the above-named John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Nina L. Rollins
Notary Public

Typed or printed name of Notary: Nina L. Rollins

NINA L. ROLLINS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 18, 1990

SEAL

PENOBSCOT, ss REC'D
89 JUL 17 PM 3:49
ATTEST:
REGISTER

-4-

Ret: David Carlisle

T3R7

T3R7

BOOK 4479 PAGE 282

019844

QUITCLAIM DEED WITHOUT COVENANT

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe,

for consideration paid, grants to

Ralph B. Webber, Jr., of Dedham, Massachusetts,

Jean W. Lange of Santa Ana, California, as Trustee of the Jean W. Lange 1976 Revocable Inter Vivos Trust, as amended,

Frank M. Webber of Cos Cob, Connecticut,

Fleet Bank of Maine, a corporation with a place of business in Bangor, Maine, Trustee under an Indenture of Trust entered into with Frank M. Webber for the Benefit of Anne W. Webber, et al., dated December 28, 1976,

John B. Roche of Boston, Massachusetts, and Samuel S. Dennis, 3rd, of Chestnut Hill, Massachusetts, Co-Executors under the Will of F. Roscoe Webber, III,

Bradbury Webber of Wayland, Massachusetts,

Grace W. Cushing of Bangor, Maine,

David M. Carlisle of Bangor, Maine, and Dana C. Devoe of Orono, Maine, Trustees under Trust Agreement with Andre E. Cushing, Jr., dated January 14, 1980, for the benefit of Andre E. Cushing, III, et al.,

G. Peirce Webber of Bangor, Maine,

John M. Webber of Bangor, Maine,

Steven E. Spetnagel of Atlanta, Georgia,

Florence W. Rogers of Sherman, Connecticut,

Lance D. Rogers of Sherman Connecticut,

Eleanor H. Webber of Santa Barbara, California, and Charles P. Webber of Santa Barbara, California, Trustees of the Eleanor H. and Charles P. Webber Revocable Trust, dated August 4, 1982,

Fleet Bank of Maine, Trustee under Indenture of Trust entered into with Charles P. Webber, dated March 1, 1971, for the benefit of Diane Webber Wallace,

Charles R. Cushing of Fairfield, Maine,

T3R7

Alan D. Gibbons of Exeter, New Hampshire, and David M. Carlisle of Bangor, Maine, Trustees under Indenture of Trust with Charles Richmond Cushing, dated December 24, 1976, for the benefit of Linda Lee Cushing, et al.,

Andre E. Cushing, Jr. of Bangor, Maine,

Linda C. McInerney of Deerfield, Massachusetts,

Marcia L. Renzetti of Wilmington, Delaware,

William R. Cushing of Fairfield, Maine,

Charles J. Cushing of Bangor, Maine,

George D. Carlisle of Bangor, Maine, Trustee under Trust Agreement with Grace Webber Cushing dated August 8, 1972,

Andre E. Cushing, III of Hermon, Maine,

Laura A. Cushing of Salem, Massachusetts,

Samuel S. Dennis, 3rd, of Chestnut Hill, Massachusetts, Trustee of Vila B. Webber Irrevocable Trust, under deed dated December 30, 1976,

Fleet Bank of Maine, Trustee of the G. Peirce Webber and Florence P. Webber Charitable Lead Trust, dated April 2, 1981,

Prentiss & Carlisle Company, Inc., a Maine corporation with a place of business at Bangor, Maine,

McCrillis Timberland, Inc., a Delaware corporation with a place of business at Bangor, Maine, and

Greentrees, Inc., a Maine corporation with a place of business at Bangor, Maine,

an easement in the north part of Township 3, Range 7, W.E.L.S., Penobscot County, Maine, more particularly described as follows:

A sixty (60) foot wide easement, for all purposes of a way, including but not limited to ingress and egress for people, vehicles and equipment and for installation, maintenance, and replacement of utilities, conduits and pipes, whether above ground or underground, which utilities, conduits and pipes shall be installed so as

not to interfere with customary logging operations or other uses of Grantor's property, together with the right to assign similar easement rights to any utility company, to and from other land of the Grantees, their respective heirs, Personal Representatives, successors and assigns, in common with others who now have or may hereafter acquire similar rights, over, along, and across certain land in said Township 3, Range 7, W.E.L.S., bounded on each side by a line thirty (30) feet from the following described centerline:

Beginning at the center line of an existing gravel road on the Town Line between Township 3 Range 7 and Stacyville, said point of beginning being 1400 feet, more or less, southerly of the southeast corner of the public lot located in the northeast corner of Township 3 Range 7, and 1.3 miles, more or less, southerly of the northwest corner of Stacyville, thence;

N 78° 00' W	548.12 feet
N 72° 06' 52" W	1525.32 feet
N 69° 22' 02" W	414.72 feet
N 56° 24' 57" W	1397.97 feet
N 67° 03' 39" W	639.43 feet
N 60° 52' 21" W	1125.02 feet
N 56° 52' 03" W	469.47 feet
N 60° 55' 03" W	1093.93 feet
N 67° 15' 08" W	1567.94 feet

N 68° 20' 30" W 622.52 feet

N 66° 20' 08" W 1553.48 feet

N 45° 47' 26" W 1776.36 feet

N 45° 25' 20" W 703.03 feet to the intersection of the existing main road with a new gravel road; thence

N 41° 43' 00" W 705.16 feet

N 24° 46' 20" W 408.21 feet to the center of a bridge and intersection of the main road; thence along the main road

N 15° 35' 02" W 182.87 feet

N 03° 38' 48" W 624.52 feet

N 20° 02' 32" E 504.53 feet

N 08° 18' 22" E 382.65 feet

N 32° 14' 52" E 772.85 feet

N 16° 24' 14" E 447.24 feet

N 28° 50' 24" E 308.37 feet

N 09° 13' 20" E 529.23 feet

N 19° 23' 44" W 966.43 feet

N 57° 05' 16" W 575.61 feet

to the Town Line between Township 3 Range 7 and Township 4 Range 7.

The above described right of way is depicted on the Plan dated January 23, 1989, by Gilbert S. Viitala, R.L.S., entitled Right of Way Exchange for Webber, Godsoe heirs, et al., Sheet 2 of 2, and recorded in Penobscot County Registry of Deeds in Map File D33-89.

The Grantor, his heirs, Personal Representatives, successors and assigns shall have no obligation to repair or maintain said right of way. Grantees, by acceptance of this Deed, covenant and agree to be responsible at all times and in all places for proper maintenance and upkeep of any utilities, pipes and conduits Grantees may install on, over or across the right of way, and in the event of damage to the roadway caused by Grantees or Grantees' agents, to restore said roadway to the condition it was in just prior to Grantees' use. In the event of abandonment or other non use of such utilities, pipes or conduits for a continuous period of twelve months, then the grantees herein shall remove said utilities at their expense. The use of said right of way shall be subject to reasonable rules relating to safety and maintenance of the roads, including road use fees as may from time to time be imposed upon the users of the road by any party responsible for the maintenance of the roads or right of ways.

The conveyance of easement rights herein described does not in any way constitute a dedication to public use of said roads. If this easement should be conveyed by Grantees, or their heirs, Personal Representatives, successors or assigns, at any future date to any governmental entity, then this easement shall be of no further force or effect.

Grantees' mailing address is: c/o Prentiss & Carlisle Management Co., 107 Court Street, P.O. Box 637, Bangor, Maine 04401.

T3R7

BK4479 PG287

WITNESS my hand and seal this 29 day of June, 1989

WITNESS:

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe

STATE OF MAINE
, ss. June 29, 1989

Personally appeared the above-named John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Dina L. Rollins
Notary Public

Typed or printed name of Notary: Nina L. Rollins

DINA L. ROLLINS
NOTARY PUBLIC, MAINE
COMMISSION EXPIRES MAY 18, 1990

SEAL

Ret Daniel Carlisle

PENOBSCOT ss REC'D
89 JUL 17 PM 3:49
ATTEST:
REGISTER

BK4479 PG279

Beginning at a point at the intersection of an existing gravel road with the Town Line between Stacyville and T3R7; said point being 30 feet southerly of a post on said Town Line as shown on a plan by Gilbert S. Viitala, R.L.S., dated January 23, 1989, entitled Right-of-Way Exchange for Webber, Godsoe Heirs, et al., sheet 2 of 2, and recorded in Penobscot County Registry of Deeds File D33-89; thence N 78° W by and along the said gravel road 548.12 feet to a point; thence N 71° W by and along said gravel road 279.8 feet to the intersection of said gravel road with another gravel road leading northerly to the Public Lot; said intersection being the same as the first intersection west of the Town Line shown on File D33-89; thence by and along the centerline of the said gravel road as follows:

N 23° E	264 feet
N 19° E	132 feet
N 13° E	264 feet
N 15° E	132 feet
N 12° E	132 feet
N 11° E	264 feet
N 09° E	132 feet
N 14° E	124 feet, more

or less, to the south line of the former Public Lot located in the northeast corner of T3R7; said point also being 879 feet, more or less, as measured westerly along said south line from a post on the Town Line between Stacyville and T3R7 at the southeast corner of said Public Lot.

The above described right of way is depicted on the Plan dated March 24, 1989, by Gilbert S. Viitala, R.L.S., entitled Right of Way Exchange for Prentiss & Carlisle/Godsoe, attached hereto as Exhibit A. — Not in Book

The Grantor, his heirs, Personal Representatives, successors and assigns shall have no obligation to repair or maintain said right of way. Grantee, by acceptance of this Deed, covenants and agrees to be responsible at all times and in all places for proper maintenance and upkeep of any utilities, pipes and conduits Grantee may install on, over or across the right of way, and in the event of damage to the roadway caused by Grantee or Grantee's agents, to restore said roadway to the condition it was in just prior to Grantee's use. In the event of abandonment or other non use of such utilities, pipes or conduits for a continuous period of twelve months, then the grantee herein shall remove said utilities at its expense. The use of said right of way shall be subject to reasonable rules relating to safety and maintenance of the roads, including road use fees as may from time to time be imposed upon the users of the road by any party responsible for the maintenance of the roads or right of ways.

T3R7 P&C

BK4479 PG281

The conveyance of easement rights herein described does not in any way constitute a dedication to public use of said roads. If this easement should be conveyed by Grantee, or its successors or assigns, at any future date to any governmental entity, then this easement shall be of no further force or effect.

Grantee's mailing address is: 107 Court Street, P.O. Box 637, Bangor, Maine 04401.

WITNESS my hand and seal this 29 day of June, 1989

WITNESS:

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe

STATE OF MAINE
, ss. June 29, 1989

Personally appeared the above-named John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Dina L. Rollins
Notary Public

Typed or printed name of Notary: Nina L. Rollins

NINA L. ROLLINS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 18, 1990

SEAL

PENOBSCOT, ss REC'D
89 JUL 17 PM 3:49
ATTEST:
REGISTER

-4-

Rt Daniel Carlisle

T3R7

T3R7

BOOK 4479 PAGE 282

019844

QUITCLAIM DEED WITHOUT COVENANT

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe,

for consideration paid, grants to

Ralph B. Webber, Jr., of Dedham, Massachusetts,

Jean W. Lange of Santa Ana, California, as Trustee of the Jean W. Lange 1976 Revocable Inter Vivos Trust, as amended,

Frank M. Webber of Cos Cob, Connecticut,

Fleet Bank of Maine, a corporation with a place of business in Bangor, Maine, Trustee under an Indenture of Trust entered into with Frank M. Webber for the Benefit of Anne W. Webber, et al., dated December 28, 1976,

John B. Roche of Boston, Massachusetts, and Samuel S. Dennis, 3rd, of Chestnut Hill, Massachusetts, Co-Executors under the Will of F. Roscoe Webber, III,

Bradbury Webber of Wayland, Massachusetts,

Grace W. Cushing of Bangor, Maine,

David M. Carlisle of Bangor, Maine, and Dana C. Devoe of Orono, Maine, Trustees under Trust Agreement with Andre E. Cushing, Jr., dated January 14, 1980, for the benefit of Andre E. Cushing, III, et al.,

G. Peirce Webber of Bangor, Maine,

John M. Webber of Bangor, Maine,

Steven E. Spetnagel of Atlanta, Georgia,

Florence W. Rogers of Sherman, Connecticut,

Lance D. Rogers of Sherman Connecticut,

Eleanor H. Webber of Santa Barbara, California, and Charles P. Webber of Santa Barbara, California, Trustees of the Eleanor H. and Charles P. Webber Revocable Trust, dated August 4, 1982,

Fleet Bank of Maine, Trustee under Indenture of Trust entered into with Charles P. Webber, dated March 1, 1971, for the benefit of Diane Webber Wallace,

Charles R. Cushing of Fairfield, Maine,

Alan D. Gibbons of Exeter, New Hampshire, and David M. Carlisle of Bangor, Maine, Trustees under Indenture of Trust with Charles Richmond Cushing, dated December 24, 1976, for the benefit of Linda Lee Cushing, et al.,

Andre E. Cushing, Jr. of Bangor, Maine,

Linda C. McInerney of Deerfield, Massachusetts,

Marcia L. Renzetti of Wilmington, Delaware,

William R. Cushing of Fairfield, Maine,

Charles J. Cushing of Bangor, Maine,

George D. Carlisle of Bangor, Maine, Trustee under Trust Agreement with Grace Webber Cushing dated August 8, 1972,

Andre E. Cushing, III of Hermon, Maine,

Laura A. Cushing of Salem, Massachusetts,

Samuel S. Dennis, 3rd, of Chestnut Hill, Massachusetts, Trustee of Vila B. Webber Irrevocable Trust, under deed dated December 30, 1976,

Fleet Bank of Maine, Trustee of the G. Peirce Webber and Florence P. Webber Charitable Lead Trust, dated April 2, 1981,

Prentiss & Carlisle Company, Inc., a Maine corporation with a place of business at Bangor, Maine,

McCrillis Timberland, Inc., a Delaware corporation with a place of business at Bangor, Maine, and

Greentrees, Inc., a Maine corporation with a place of business at Bangor, Maine,

an easement in the north part of Township 3, Range 7, W.E.L.S., Penobscot County, Maine, more particularly described as follows:

A sixty (60) foot wide easement, for all purposes of a way, including but not limited to ingress and egress for people, vehicles and equipment and for installation, maintenance, and replacement of utilities, conduits and pipes, whether above ground or underground, which utilities, conduits and pipes shall be installed so as

not to interfere with customary logging operations or other uses of Grantor's property, together with the right to assign similar easement rights to any utility company, to and from other land of the Grantees, their respective heirs, Personal Representatives, successors and assigns, in common with others who now have or may hereafter acquire similar rights, over, along, and across certain land in said Township 3, Range 7, W.E.L.S., bounded on each side by a line thirty (30) feet from the following described centerline:

Beginning at the center line of an existing gravel road on the Town Line between Township 3 Range 7 and Stacyville, said point of beginning being 1400 feet, more or less, southerly of the southeast corner of the public lot located in the northeast corner of Township 3 Range 7, and 1.3 miles, more or less, southerly of the northwest corner of Stacyville, thence;

N 78° 00' W	548.12 feet
N 72° 06' 52" W	1525.32 feet
N 69° 22' 02" W	414.72 feet
N 56° 24' 57" W	1397.97 feet
N 67° 03' 39" W	639.43 feet
N 60° 52' 21" W	1125.02 feet
N 56° 52' 03" W	469.47 feet
N 60° 55' 03" W	1093.93 feet
N 67° 15' 08" W	1567.94 feet

N 68° 20' 30" W 622.52 feet
N 66° 20' 08" W 1553.48 feet
N 45° 47' 26" W 1776.36 feet
N 45° 25' 20" W 703.03 feet to the intersection of the existing main road with a new gravel road; thence
N 41° 43' 00" W 705.16 feet
N 24° 46' 20" W 408.21 feet to the center of a bridge and intersection of the main road; thence along the main road
N 15° 35' 02" W 182.87 feet
N 03° 38' 48" W 624.52 feet
N 20° 02' 32" E 504.53 feet
N 08° 18' 22" E 382.65 feet
N 32° 14' 52" E 772.85 feet
N 16° 24' 14" E 447.24 feet
N 28° 50' 24" E 308.37 feet
N 09° 13' 20" E 529.23 feet
N 19° 23' 44" W 966.43 feet
N 57° 05' 16" W 575.61 feet

to the Town Line between Township 3 Range 7 and Township 4 Range 7.

The above described right of way is depicted on the Plan dated January 23, 1989, by Gilbert S. Viitala, R.L.S., entitled Right of Way Exchange for Webber, Godsoe heirs, et al., Sheet 2 of 2, and recorded in Penobscot County Registry of Deeds in Map File D33-89.

The Grantor, his heirs, Personal Representatives, successors and assigns shall have no obligation to repair or maintain said right of way. Grantees, by acceptance of this Deed, covenant and agree to be responsible at all times and in all places for proper maintenance and upkeep of any utilities, pipes and conduits Grantees may install on, over or across the right of way, and in the event of damage to the roadway caused by Grantees or Grantees' agents, to restore said roadway to the condition it was in just prior to Grantees' use. In the event of abandonment or other non use of such utilities, pipes or conduits for a continuous period of twelve months, then the grantees herein shall remove said utilities at their expense. The use of said right of way shall be subject to reasonable rules relating to safety and maintenance of the roads, including road use fees as may from time to time be imposed upon the users of the road by any party responsible for the maintenance of the roads or right of ways.

The conveyance of easement rights herein described does not in any way constitute a dedication to public use of said roads. If this easement should be conveyed by Grantees, or their heirs, Personal Representatives, successors or assigns, at any future date to any governmental entity, then this easement shall be of no further force or effect.

Grantees' mailing address is: c/o Prentiss & Carlisle Management Co., 107 Court Street, P.O. Box 637, Bangor, Maine 04401.

T3R7

BK4479 PG287

WITNESS my hand and seal this 29 day of June, 1989

WITNESS:

John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe

STATE OF MAINE
, ss. June 29, 1989

Personally appeared the above-named John A. Godsoe, Personal Representative of the Estate of Lydia A. Godsoe, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public

Typed or printed name of Notary: Nida L. Rollins

NIDA L. ROLLINS
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 18, 1989

SEAL

Ret Daniel Carlisle

PENOBSCOT, ss REC'D
89 JUL 17 PM 3:49

ATTEST:
REGISTER

T3R7

STACYVILLE

BK4479 PG288

QUITCLAIM DEED WITHOUT COVENANT

019845

Ralph B. Webber, Jr., of Dedham, Massachusetts,

Jean W. Lange of Santa Ana, California, as Trustee of the Jean W. Lange 1976 Revocable Inter Vivos Trust, as amended,

Frank M. Webber of Cos Cob, Connecticut,

Fleet Bank of Maine, a corporation with a place of business in Bangor, Maine, Trustee under an Indenture of Trust entered into with Frank M. Webber for the benefit of Anne W. Webber, et al., dated December 28, 1976,

John B. Roche of Boston, Massachusetts, and Samuel S. Dennis, 3rd, of Chestnut Hill, Massachusetts, Co-Executors under the Will of F. Roscoe Webber, III,

Bradbury Webber of Wayland, Massachusetts,

Grace W. Cushing of Bangor, Maine,

David M. Carlisle of Bangor, Maine, and Dana C. Devoe of Orono, Maine, Trustees under Trust Agreement with Andre E. Cushing, Jr., dated January 14, 1980, for the benefit of Andre E. Cushing, III, et al.,

G. Peirce Webber of Bangor, Maine,

John M. Webber of Bangor, Maine,

Steven E. Spetnagel of Atlanta, Georgia,

Florence W. Rogers of Sherman, Connecticut,

Lance D. Rogers of Sherman Connecticut,

Eleanor H. Webber of Santa Barbara, California, and Charles P. Webber of Santa Barbara, California, Trustees of the Eleanor H. and Charles P. Webber Revocable Trust, dated August 4, 1982,

Fleet Bank of Maine, a corporation with a place of business in Bangor, Maine, Trustee under Indenture of Trust entered into with Charles P. Webber, dated March 1, 1971, for the benefit of Diane Webber Wallace,

Charles R. Cushing of Fairfield, Maine,

Alan D. Gibbons of Exeter, New Hampshire, and David M. Carlisle of Bangor, Maine, Trustees under Indenture of Trust with Charles Richmond Cushing, dated December 24, 1976, for the benefit of Linda Lee Cushing, et al.,

Andre E. Cushing, Jr. of Bangor, Maine,

Bk 9074 Ps247 #49572
11-07-2003 @ 10:57a

10.29.03

CROSSING RIGHTS AGREEMENT

This Crossing Rights Agreement is effective as of November 7th, 2003 and is entered into by and between **R.A. Crawford & Son Land and Timber, Inc.**, a Maine corporation with a mailing address of PO Box 279, Lincoln, Maine 04457 ("Crawford"), **Lakeville Shores, Inc.**, a Maine corporation with a mailing address of P. O. Box 96, Winn, Maine, 04495 ("Lakeville Shores") and **H.C. Haynes, Inc.**, a Maine corporation with a mailing address of P. O. Box 96, Winn, Maine, 04495 ("Haynes").

As used herein, "Grantee" refers to Lakeville Shores, its successor or assigns, as holder of easements granted hereunder; and "Landowner" applies to Crawford or its successor owners of the land burdened by the easement hereby granted. "Grantee" also refers to Haynes for the time period during which it has the right to cut and remove timber from the land owned by Lakeville Shores and benefited by the crossing rights created by this Agreement. Upon sale or transfer of the burdened land, Crawford shall have no continuing obligations hereunder, and the obligations of Landowner shall be assumed by and be binding upon the successor owner(s) of the burdened land.

Crawford hereby grants Lakeville Shores and Haynes the following described appurtenant easement and rights of way (the "Crossing Rights"):

1. **Grant of Easement and Crossing Rights.** Crawford hereby grants the Crossing Rights to Lakeville Shores and Haynes on land of Crawford in Township 2, Range 8 described in the Deed from Aroostook Timberlands, LLC, to Crawford dated 11-1-03 and to be recorded in the Penobscot County Registry, collectively hereinafter referred to as the "Property". The term "Crossing Rights" hereunder shall mean the non-exclusive right to cross and re-cross for all purposes of ingress and egress, with personnel and equipment, the major land management or arterial roads (the "Roads") as they are shown on Schedule A-1 upon the conditions set forth below.

2. **Exercise.** The exercise of the Crossing Rights shall be limited to the Roads on the Property depicted on Schedule A-1 as said Roads may exist now or in the future be constructed or relocated. The Crossing Rights are to be used in common with the Landowner and any other party to whom the Landowner has granted or may grant the right to use the Roads. The Landowner makes no warranty of title.

3. **Limited Purposes, Use.**

a. The Crossing Rights are limited to Lakeville Shores and its successors and assigns, including Haynes, who may own all or any portion of the premises (or an interest in the timber thereon) in Township 3, Range 8, WELS, Penobscot County, Maine conveyed by Aroostook Timberlands, LLC, to Lakeville Shores by deed dated _____ to be recorded ("the Benefited Lands) in the Penobscot County Registry of Deeds. Except as provided herein the Crossing Rights may not be assigned to any individual or entity not having ownership or timber interest on the Benefited Lands identified in Schedule A-1 and no Road may be dedicated for public use without the consent of the Landowner.

b. The Crossing Rights shall be utilized in a manner which does not unreasonably interfere with the Landowner's or any other person's or entity's lawful use of the Property. Grantee's use of the Crossing Rights shall at all times be conducted so as not to materially interfere with the ordinary

conduct of the operation, management, regeneration and harvesting of forestlands and other resources on lands of the Landowner.

c. Grantee agrees that the exercise of the Crossing Rights shall be subject to the Landowner's then prevailing road usage rules and regulations, including without limitation, speed limits, weight limits, fire protection, road conditions such as mud season or other periods of bad weather, safety and use by other parties and limitations or prohibitions on certain types of vehicles such as ATV's or snowmobiles. Such rules and regulations may provide for seasonal and temporary road closures for construction and maintenance purposes. The Landowner shall make reasonable efforts to provide notice of its rules and regulations to the Grantee. Grantee shall not be required to observe an amendment to a rule or regulation until ten (10) days after notice from the Landowner that a rule or regulation has been amended.

d. Nothing herein shall restrict the Landowner's right to improve or relocate the roads or portions thereof subject to the Crossing Rights, provided that the Crossing Rights shall apply to any and all roads or portions thereof as they may from time to time be relocated.

4. **Easement Appurtenant.**

a. The Crossing Rights are appurtenant to the Benefited Land.

b. The Crossing Rights granted hereby shall be deemed to burden the Property and shall not terminate upon a sale or conveyance of the Property or a portion thereof to another person or entity. Any transfer of the Property, or portion thereof, shall be made expressly subject to the terms of this Crossing Rights Agreement, but the Property shall remain burdened by the Crossing Rights even in the absence of such express reference.

c. The Crossing Rights are not transferable except as specifically set forth herein.

5. **Assignment/Sale of Property.** The Crossing Rights may not be sold, set off, assigned, or otherwise conveyed except as follows:

a. To a third party purchaser of all or a portion of a Grantee's Benefited land or the timber thereon.

b. To a third party who acquires by purchase or exchange an in common and undivided interest in all or a portion of a Grantee's Benefited land.

c. To a mortgagee of all or a portion of a Grantee's Benefited land, or an in common and undivided interest in a Grantee's Benefited land.

6. **Maintenance.** **Maintenance Obligations**

a. The Landowner and Grantee, and their successors and assigns, agree to share the costs of maintenance and repair proportional to their respective activity on the Roads. The responsibility for the maintenance and improvement of the Roads and bridges associated with the Roads is the responsibility of the Landowner or Grantee if mutually agreed, recognizing that the

Landowner or Grantee, as the case may be, may delegate that responsibility to a land management company, a road association or similar organization formed for that purpose.

b. Road use fees to recover maintenance costs may be assessed by the party conducting road maintenance activities in accordance with the normal and customary practice in the timber harvesting industry in the State of Maine. Each Grantee is directly responsible to the Landowner charging user fees for the payment thereof in proportion to their actual use of the Roads.

c. The terms "maintenance" and "improvement" shall mean only normal repair, maintenance and improvement including, without limitation, grading, ditching, filling, surfacing or resurfacing (excluding paving), replacement or repairs to decking or deck surface, replacement of wheel treads and railings, plowing, sanding, ice removal, refuse and debris removal, and such other activities as the Landowner, in the Landowner's sole judgment, determines is necessary or desirable. The parties agree the Roads shall be maintained in a condition providing satisfactory transportation in accordance with then current timber industry standards in Maine for the permitted uses and in compliance with all applicable laws and regulations so that they may be used and enjoyed by all parties entitled to use the Roads. The Landowner undertakes no obligation to expand, improve, or change the Roads and specifically undertake no liability with respect to the adequacy or usage of the Roads.

d. If the exercise of the Crossing Rights by a Grantee on the Roads, or any portion thereof, on a Landowner's Property results in damages thereto (except for normal wear and tear) arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent long-term operator, the Grantee responsible for the damage shall be solely responsible for the costs of repairing such damage as it may cause.

Limitation on Liability

7. **Limitation of Liability.** A Grantee's exercise of the Crossing Rights shall be at the sole risk of such Grantee. Such Grantee agrees that the Landowner shall not be liable to Grantee for any claims arising from use of the Crossing Rights by the Grantee, including but not limited to claims for personal injury, death, damage to property or loss of business, except to the extent such damage is caused by gross negligence or the willful misconduct of the Landowner. Each Grantee agrees to hold harmless the respective Landowner from (a) any claims and costs and expenses (including reasonable attorneys' fees) arising from use of the Crossing Rights by the Grantee, except to the extent caused by the wanton and willful misconduct of the Landowner, and (b) any costs and expenses (including reasonable attorneys' fees) incurred by the Landowner in connection with curing any default of the Grantee hereunder or enforcing the Landowner's rights under this Agreement.

Indemnification

8. **Indemnification.** The Landowner and Grantee shall indemnify and hold each other harmless from any and all claims, actions, injuries, losses, damages, costs, fines, penalties and settlements, including without limitation, attorneys' fees and the costs of investigation, response, and remediation (hereinafter "Claims"), arising from or in any manner related to the respective activities on the Roads by each party.

9. **Compliance.** The parties each agree and covenant that they shall comply with all statutes, rules and regulations, including, but not limited to, fire laws and land use regulations, and shall obtain all required permits, licenses and approvals required by the governmental agencies of the

State, county or township prior to the commencement of the exercise of any aspect of the Crossing Rights which require such permits, licenses, and approvals.

10. **Binding**. All of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

11. **Jurisdiction**. This Agreement shall be construed in accordance with the laws of the State of Maine.

12. **Counterparts**. This Agreement may be executed in one or more counterparts, and each executed counterpart shall constitute an original instrument, but such counterparts, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have signed and sealed this instrument as of the date beneath their respective signatures.

Witness

R.A. CRAWFORD & SON LAND AND TIMBER, INC.

By: Robin A. Crawford Sr.
Name: Robert A. Crawford, Sr.
Its President
Hereunto Duly Authorized

Witness

LAKEVILLE SHORES, INC.

By: Herbert C. Haynes, Jr.
Its President
Hereunto Duly Authorized

Witness

H.C. HAYNES, INC.

By: Herbert C. Haynes, Jr.
Name: Herbert C. Haynes, Jr.
Its Vice President
Hereunto Duly Authorized

STATE OF MAINE
PENOBSCOT, SS

November 6, 2003

Then personally appeared before me the above-named Robin A. Crawford, in his capacity as President of R.A. Crawford & Son Land and Timber, Inc.,. and acknowledged the

foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Maine Attorney at Law
Printed Name: Dean A. Beaupain

STATE OF MAINE
PENOBSCOT, SS

November _____, 2003

Then personally appeared before me the above-named Herbert C. Haynes, Jr., in his capacity as President of Lakeville Shores, Inc. and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Lakeville Shores, Inc.

Before me,

Notary Public/Maine Attorney at Law
Printed Name: Dean A. Beaupain

STATE OF MAINE
PENOBSCOT, SS

November _____, 2003

Then personally appeared before me the above-named Herbert C. Haynes, Jr., in his capacity as Vice President of H.C. Haynes, Inc. and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Maine Attorney at Law
Printed Name: Dean A. Beaupain

SCHEDULE A-1

A certain tract or parcel of land situated in Township 2, Range 8, W E L S, Penobscot County, State of Maine, being described as follows:

In the north part of Township 2, Range 8, W E L S a 100% interest in the north half of the Public Lot containing 480 wholly owned deed acres, more or less, and a 0.932292 fractional ownership in the north one-half of the Town containing 10,274 common and undivided deed acres, more or less, for a total of 10,754 deed acres.

This conveyance is subject to the conditions and restrictions contained in the deed from Aroostook Timberlands, LLC to R. A. Crawford & Son Land and Timber, Inc. of substantially even date to be recorded herewith in the Penobscot County Registry of Deeds.

Also hereby conveying all rights privileges and easements contained in the deed from Aroostook Timberlands, LLC to R. A. Crawford & Son Land and Timber, Inc. of substantially even date to be recorded herewith in the Penobscot County Registry of Deeds, including, but not limited to, the rights contained in two certain Crossing Rights Agreements between Aroostook Timberlands, LLC and J. M. Huber Corporation and Aroostook Timberlands, LLC and Gardner Land Company, Inc., each dated November 1, 2003 and recorded or to be recorded in the Penobscot County Registry of Deeds.

This conveyance is subject to the rights granted to Lakeville Shores, Inc. and Herbert C. Haynes, Inc. under one certain Crossing Rights Agreement effective November 7, 2003 to be recorded herewith in the Penobscot County Registry of Deeds.

For Grantor's source to title see deed of Aroostook Timberlands, LLC to be recorded herewith in the Penobscot County Registry of Deeds.

PENOBSCOT COUNTY, MAINE

Susan F. Bulay

Register of Deeds