

Conversation Contents

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

Center for Western Priorities <info@westernpriorities.org>

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



CONTACT

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

FOR IMMEDIATE RELEASE

MAY 17, 2016

Utah Legislature Continues Bears Ears Monument Witch Hunt in Special Session

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

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

Executive Director Jennifer Rokala:

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

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

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public lands.”

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

###

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

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

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Conversation Contents

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

Attachments:

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

/3. Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf/3.1 Ltr to Obama re Bears Ears initiative.pdf

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

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

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

Begin forwarded message:

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

Dear Michael and Nikki,

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

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

Best,
N

Sent from my iPhone

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

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

Pretty powerful letter.

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

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

The Navajo letter.

TPB



April 16, 2016

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

RE: Bears Ears Initiative

President Obama,

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

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

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

Respectfully,

THE NAVAJO NATION

A handwritten signature in blue ink, appearing to read "Russell Begaye".

Russell Begaye, President

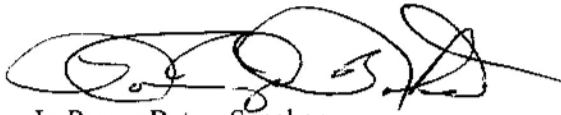
A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, Vice President

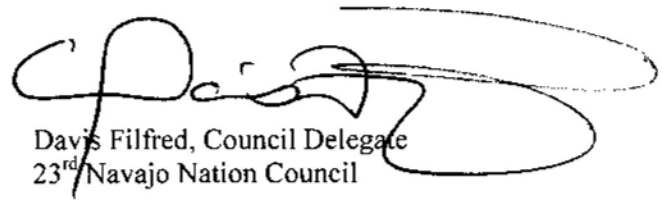
Re: Bears Ears Initiative

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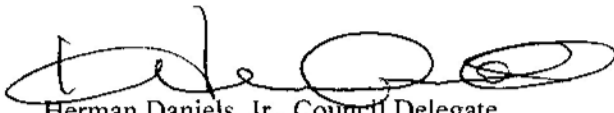
April 16, 2016



LoRenzo Bates, Speaker
23rd Navajo Nation Council



Davis Filfred, Council Delegate
23rd Navajo Nation Council



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



Walter Phelps, Council Delegate
23rd Navajo Nation Council

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



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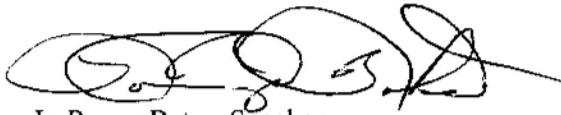
A handwritten signature in black ink, appearing to read "Jonathan Nez".

Jonathan Nez, Vice President

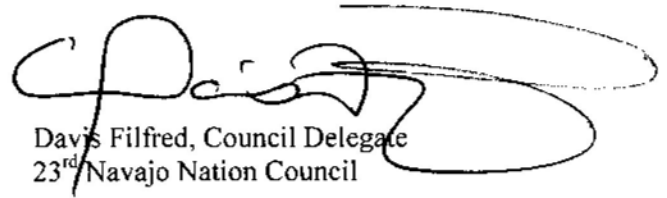
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Page 2

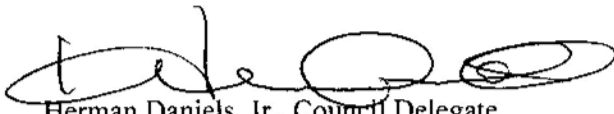
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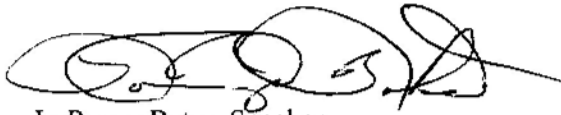
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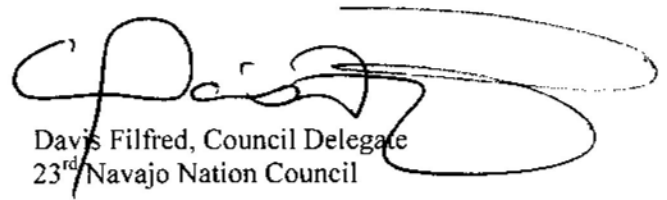
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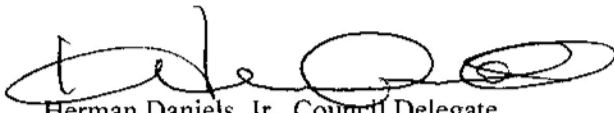
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CC: The Honorable Sally Jewell, Secretary of the Interior
The Honorable Tom Vilsack, Secretary of Agriculture
The Honorable Christina W. Goldfuss, Managing Director,
White House Council on Environmental Quality

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From: SR37@ios.doi.gov
To: benjamin_milakofsky@ios.doi.gov; tommy_besidreou@ios.doi.gov; molly_click@ios.doi.gov; john_hier@ios.doi.gov; SR12@ios.doi.gov; nicole_biffai@ios.doi.gov; delytiefinnimber@ios.doi.gov
Subject: Call with Jerry Abramson 202-456-3428
Start: Friday, May 06, 2016 4:45:00 PM
End: Friday, May 06, 2016 5:00:00 PM
Location: Solly to col 202-456-3428

Topic: Bears Ears

(b) (5)

(b) (5)

Conversation Contents

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

Attachments:

- /7. Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)/1.1 invite.ics
- /7. Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)/1.2 invite.ics

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

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

This event has been changed.

HOLD: Call with Jerry Abramson

[more details »](#)

Changed: Topic: Bears Ears

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

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

Calendar tommy_beaudreau@ios.doi.gov

Who

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

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

Invitation from [Google Calendar](#)

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

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

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

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From: SRZ@ios.doi.gov
To: dallybels@intbinder@ios.doi.gov; SRZ@ios.doi.gov; benjamin_milakofski@ios.doi.gov; molly_click@ios.doi.gov; lehn_blaie@ios.doi.gov; nicole_huff@ios.doi.gov; tommy_beaudrean@ios.doi.gov
Subject: HOLD: Call with Jerry Abramson
Start: Friday, May 06, 2016 4:45:00 PM
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(b) (5)

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Fwd: Looting/vandalism/damage

Attachments:

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

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

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

They gave this set to BD on Monday,

Begin forwarded message:

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

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

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

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

Excellent - thank you

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

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

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

Thanks,

TPB

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"Kathleen O'Leary" <kathleen_oleary@ios.doi.gov>

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

Will do.

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

Sacred Sites Imperiled

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

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

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

Types of Cultural Resource Damage in Bears Ears

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



Bullet holes in petroglyph panel in Butler Wash

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

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



Looted burial site in Cottonwood Canyon

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



Wall knocked down by careless visitor or possibly a cow.

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

A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch
Photo: William Doelle

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

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

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



Bones tossed aside by looters desecrating a burial site.



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

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

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

Recent Examples of Cultural Resource Damage

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



Hogan destroyed for campfire Photo: Comb Ridge HP



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

Sacred Sites Imperiled

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

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

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

Types of Cultural Resource Damage in Bears Ears

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



Bullet holes in petroglyph panel in Butler Wash

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

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



Looted burial site in Cottonwood Canyon

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



Wall knocked down by careless visitor or possibly a cow.

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

A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch
Photo: William Doelle

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

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

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



Bones tossed aside by looters desecrating a burial site.

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

• 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.
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- In 2012, a historic Navajo Hogan was torn down by campers for use in a campfire.



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

Recent Examples of Cultural Resource Damage

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Hogan destroyed for campfire Photo: Comb Ridge HP

Conversation Contents

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

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

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

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

Fifty attend meeting to show support for plan

By Jim Mimiaga Journal staff writer

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

Related stories:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

AP

By MICHELLE L. PRICE

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

A A A

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

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

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

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

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

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

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

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

It wasn't clear Wednesday if Utah will investigate.

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

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

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

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

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

Noel then asked the council to encourage the governor and attorney

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

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

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

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

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

First Published 1 hour ago • Updated 55 minutes ago

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

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



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ARTICLE PHOTO GALLERY (15)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sent from my iPhone

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

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

By - Associated Press - Wednesday, April 20, 2016

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

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

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

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

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

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

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

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

AP // April 19, 2016

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

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

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

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

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


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

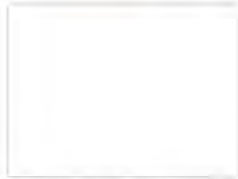
The Hill // Tim Cama // April 19

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

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

USA Today: National Parks looking for young, diverse visitors

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



(Photo: Mandel Ngan, AFP/Getty Images)

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

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



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

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

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

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



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

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

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

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

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

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

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

By Bruce Finley The Denver Post

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

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

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

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

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

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

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

Advertisement

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

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

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

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

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

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

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

Sent from my iPhone

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

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

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

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

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

Sent from my iPhone

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

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

AP: Jewell: Oregon takeover among several threats to West

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[Trump has slip of tongue discussing 9/11 at Buffalo rally](#)

Sent from my iPhone

--
Jessica Kershaw
Senior Adviser & Press Secretary

FOR COMMITTEE USE ONLY

U.S. Dept of the Interior
@DOIPressSec
202-208-6416

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

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

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

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

--
Leah Duran
Public Affairs Specialist
U.S. Department of the Interior
Office: (202) 208-3311
Cell: (202) 713-8638

Conversation Contents

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

Attachments:

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

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

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

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

This event has been changed.

Changed: Call with Governor Herbert

[more details »](#)

Topic: Bears Ears

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

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

Calendar tommy_beaudreau@ios.doi.gov

Who

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

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

Invitation from [Google Calendar](#)

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From: SR12@ios.doi.gov
To: nicole_buffa@ios.doi.gov; john_blaik@ios.doi.gov; molly_click@ios.doi.gov; benjamin_milskofsky@ios.doi.gov; dallysirefngbinder@ios.doi.gov; tommy_bexutreau@ios.doi.gov; SR12@ios.doi.gov
Subject: Call With Governor Herbert
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov.

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

Conversation Contents

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

Attachments:

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

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

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

This event has been changed.

HOLD: Call with Governor Herbert (not confirmed)

[more details »](#)

Topic: Bears Ears

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

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

Calendar tommy_beaudreau@ios.doi.gov

Who

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

FOR COMMITTEE USE ONLY

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

Invitation from [Google Calendar](#)

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

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From: SR12@ios.doi.gov
To: tommy_boutros@ios.doi.gov; daly_briefing@ios.doi.gov; john_bair@ios.doi.gov; benjamin_milakofsky@ios.doi.gov; nicole_buffa@ios.doi.gov; SR12@ios.doi.gov; maly_click@ios.doi.gov
Subject: HOLD: Call with Governor Herbert (not confirmed)
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-536-1880 and connect the Sec and Gov

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

Conversation Contents

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

Attachments:

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

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

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

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

HOLD: Call with Governor Herbert (not confirmed)

[more details »](#)

Topic: Bears Ears

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

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

Calendar tommy_beaudreau@ios.doi.gov

Who

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

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

Invitation from [Google Calendar](#)

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From: SR12@ios.doi.gov
To: nicole_buffa@ios.doi.gov; molly_click@ios.doi.gov; dailybriefingbinder@ios.doi.gov; SR12@ios.doi.gov; john_blah@ios.doi.gov; benjamin_milekofsky@ios.doi.gov; tammy_beaudreau@ios.doi.gov
Subject: HOLD: Call with Governor Herbert (not confirmed)
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-536-1680 and connect the Sec and Gov

Topic: Bears Ears
Memorandum dated (b) (5)
(b) (5)

Conversation Contents

Fwd: Time Certain Call Between Governor Herbert and Secretary Jewell

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

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

(b) (5)

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

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

Dear Molly -

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

Governor Herbert can be available for the call:

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

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

Thank you, Fran

Fran Stultz
Executive Assistant to the Governor
State of Utah

fstultz@utah.gov

801-538-1000

801-538-1680

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

John Blair <john_blair@ios.doi.gov>

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

(b) (5)

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

(b) (5)

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

Dear Molly -

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

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Governor Herbert can be available for the call:

Mon, May 2

8:20 am MST

10:20 am MST

Any time between noon and 1:30 pm MST

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

Thank you, Fran

Fran Stultz

Executive Assistant to the Governor

State of Utah

fstultz@utah.gov

801-538-1000

801-538-1680

--

Molly Click

Special Assistant to the Secretary

Department of the Interior

(202) 208-6087

Conversation Contents

Fwd: Updated Cedar Mesa historical timeline

Attachments:

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

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

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

For awareness.

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

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

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

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

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

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

--

Josh Ewing

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

--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conversation Contents

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

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

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

NATIONAL MONUMENTS:

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

Phil Taylor, E&E reporter

Published: Thursday, April 21, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reporter Corbin Hiar contributed.

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

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

BY NATIVE NEWS ONLINE STAFF / CURRENTS / 21 APR 2016



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

Published April 21, 2016

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

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

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

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

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

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

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



Interior Secretary Sally Jewell

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

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

By BRIAN MAFFLY | The Salt Lake Tribune CONNECT

First Published 1 hour ago • Updated 55 minutes ago

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

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



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ARTICLE PHOTO GALLERY (15)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sent from my iPhone

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

By - Associated Press - Wednesday, April 20, 2016

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

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

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

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

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

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

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

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

AP // April 19, 2016

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

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

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

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

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


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

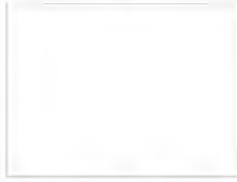
The Hill // Tim Cama // April 19

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

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

USA Today: National Parks looking for young, diverse visitors

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



(Photo: Mandel Ngan, AFP/Getty Images)

4 CONNECT 2 TWEET LINKEDIN COMMENT EMAIL MORE

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

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



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

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

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

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



USA TODAY
Most Americans say climate changing, humans to blame



USA TODAY
Sally Jewell is environmentalist, business exec

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

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

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

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

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

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

By Bruce Finley The Denver Post

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

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

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

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

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

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

Advertisement

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

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

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

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

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

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

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

Sent from my iPhone

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

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

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

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

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

Sent from my iPhone

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

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

AP: Jewell: Oregon takeover among several threats to West

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Conversation Contents

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

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

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

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

BY NATIVE NEWS ONLINE STAFF / CURRENTS / 21 APR 2016



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

Published April 21, 2016

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

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

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

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



Interior Secretary Sally Jewell

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

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

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

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

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

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

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

First Published 1 hour ago • Updated 55 minutes ago

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

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

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

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


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

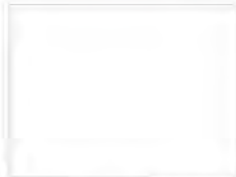
The Hill // Tim Cama // April 19

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

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USA Today: National Parks looking for young, diverse visitors

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



(Photo: Mandel Ngan, AFP/Getty Images)

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

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

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

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

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



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

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

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

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

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

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

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

By Bruce Finley The Denver Post

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

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

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

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

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

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

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

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

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

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

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

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

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Sent from my iPhone

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

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

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

Sent from my iPhone

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

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

AP: Jewell: Oregon takeover among several threats to West

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Conversation Contents

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

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

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

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

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

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

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

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

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

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

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

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

By **BRIAN MAFFLY** | The Salt Lake Tribune CONNECT

First Published 1 hour ago • Updated 55 minutes ago

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



Interior Secretary Sally Jewell

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



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ARTICLE PHOTO GALLERY (15)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sent from my iPhone

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

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

By - Associated Press - Wednesday, April 20, 2016

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

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

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

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

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

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

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

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

AP // April 19, 2016

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

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

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



(Photo, Mandel Ngan, AFP/Getty Images)

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USA TODAY

Most Americans say climate changing, humans to blame



USA TODAY

Sally Jewell is environmentalist, business exec

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

Sent from my iPhone

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

AP: Jewell: Oregon takeover among several threats to West

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Conversation Contents

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

Jessica Kershaw <jessica_kershaw@ios.doi.gov>

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

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

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

First Published 1 hour ago • Updated 55 minutes ago

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

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



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ARTICLE PHOTO GALLERY (15)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sent from my iPhone

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

By - Associated Press - Wednesday, April 20, 2016

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

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

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

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

AP // April 19, 2016

Utah is among the places Interior Secretary Sally Jewell plans to visit this summer to hear about proposals for conserving public lands.

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

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

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

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

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

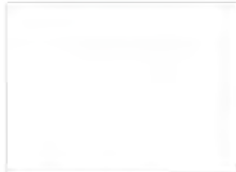
The Hill // Tim Cama // April 19

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

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

USA Today: National Parks looking for young, diverse visitors

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



(Photo: Mandel Ngan, AFP/Getty Images)

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

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



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

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

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

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



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

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

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

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

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

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

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

By Bruce Finley The Denver Post

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

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

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

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

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

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

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

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

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

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

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

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

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

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Sent: Wed Apr 20 2016 17:49:00 GMT-0600 (MDT)
To: Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>
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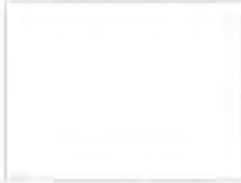
The Hill // Tim Cama // April 19

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

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USA Today: National Parks looking for young, diverse visitors

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



(Photo: Mandel Ngan, AFP/Getty Images)

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

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

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

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



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

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

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

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

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

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

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By Bruce Finley The Denver Post

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

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

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

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

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

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

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

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

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

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

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

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

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Sent from my iPhone

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AP: Jewell: Oregon takeover among several threats to West

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Conversation Contents

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

Amanda Degroff <amanda_degroff@ios.doi.gov>

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

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

By [THOMAS BURR](#) | The Salt Lake Tribune CONNECT

First Published 4 hours ago • Updated 15 minutes ago

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

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



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ARTICLE PHOTO GALLERY (3)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sent from my iPhone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AP // April 19, 2016

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

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

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

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

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


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

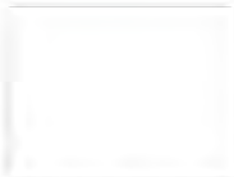
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 John Bacon, USA TODAY 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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USA TODAY

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



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

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

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

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

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

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

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

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

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

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

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

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Sent from my iPhone

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

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

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

Conversation Contents

Re: Meeting with Nikki Buffa, others?

Nicole Buffa <nicole_buffa@ios.doi.gov>

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

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

Thanks,
Nikki

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

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

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

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

Hi Gisella!

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

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

Thanks so much,

Jen

Jen Beasley Ujifusa

Legislative Director

Southern Utah Wilderness Alliance

202.266.0473 (office)

801.791.2598 (cell)

www.suwa.org

--

Gisella Ojeda-Dodds
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U.S. Department of the Interior
1849 "C" Street, NW, MS: 7229-MIB
Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov



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

- Tribe Unknown

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

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

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

On Wed, Mar 30, 2016 at 4:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
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"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."

- Tribe Unknown

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

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

Nope!

On Wed, Mar 30, 2016 at 4:36 PM, Beaudreau, Tommy
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Gisella Ojeda-Dodds

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- Tribe Unknown

--

Nikki Buffa

Deputy Chief of Staff

US Department of the Interior

202-219-3861

nicole_buffa@ios.doi.gov

Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

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

TPB

Begin forwarded message:

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

Nope!

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

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- Tribe Unknown

--

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

Conversation Contents

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

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

Begin forwarded message:

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



Utah Diné Bikéyah





A few quick updates for Bears Ears supporters:

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

UDB Chairman, Willie Grayeyes, recented stated:

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





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



Monument Valley Community Meeting

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

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



Join us at upcoming community meetings, too:

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

Media Coverage

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



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



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

Other news highlights:

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

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



UDB is working round the clock to share

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

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



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

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~~signature cannot be printed~~ or drop by one of the upcoming community meetings to sign in person. We look forward to celebrating Bears Ears with you!

Thank you,
Utah Diné Bikéyah



Facebook



Website



Email

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

MailChimp

Conversation Contents

Fwd: support letter

Attachments:

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

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

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

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

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

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

Hi Nikki,

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

Thanks,

Matt

Matt Keller
National Monuments Campaign Director

The Wilderness Society

Office: 970.422.4349

Cell: 970.946.0906

matt_keller@twc.org

www.wilderness.org

Facebook: www.facebook.com/TheWildernessSociety

Twitter: twitter.com/Wilderness



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

--

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

March 7th, 2016

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

Dear Mr. President,

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

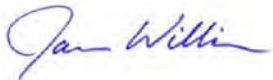
The proposal would permanently protect the Bears Ears area, as well as provide for its collaborative management with representation from the tribes that comprise the coalition. We support the creation of a unique, jointly-managed national monument that honors the traditional and ancestral ties of Native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

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

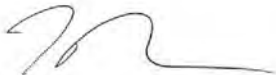
Given the sacredness of the Bears Ears landscape to the Coalition and the outstanding archeological, ecological, cultural, geological, and recreational values of the area, we urge you to designate a Bears Ears National Monument with meaningful collaborative management as envisioned by the Coalition.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

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

Most respectfully,




Jamie Williams, President, The Wilderness Society



Scott Groene, Executive Director, Southern Utah Wilderness Alliance



Michael Brune, Executive Director, Sierra Club



Bill Hedden, Executive Director, Grand Canyon Trust



Josh Ewing, Executive Director, Friends of Cedar Mesa



Brian O'Donnell, Executive Director, Conservation Lands Foundation



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

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

Conversation Contents

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

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

Other highlights of the two hearings

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

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

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

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

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

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

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

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

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

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

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

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

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

Jewell acknowledged that he should have been notified beforehand.

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

--

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

Conversation Contents

Fwd: A request

Attachments:

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

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

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

Attachments:

For discussion.

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

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

Good morning Nikki,

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

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

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

Attached:

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

Thanks,
N

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

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

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

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

Hope you're well!

Thanks,
Nikki

--

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



NATIONAL CONGRESS OF AMERICAN INDIANS

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

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

EXECUTIVE COMMITTEE

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Brian Cladoosby
Swinomish Tribe

FIRST VICE-PRESIDENT
Randy Noka
Narragansett Tribe

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

TREASURER
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REGIONAL VICE-PRESIDENTS

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Native Village of Tanacross

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Leander McDonald
Spirit Lake Nation

MIDWEST
Roger Rader
Pokagon band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinalt Indian Nation

PACIFIC
Rosemary Morillo
Soboba Band of Luiseno Indians

ROCKY MOUNTAIN
Ivan Posey
Shoshone Tribe

SOUTHEAST
Ron Richardson
Haliwa-Saponi Indian Tribe

SOUTHERN PLAINS
Stephen Smith
Kiowa Tribe

SOUTHWEST
Manuel Heart
Ute Mountain Ute Tribe

WESTERN
Len George
Fallon Paiute Shoshone Tribe

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

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

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

WHEREAS, since time immemorial, the Bears Ears and surrounding land in Southeastern Utah have been a homeland and place of spiritual and cultural significance to tribal people. This living landscape continues to nurture, strengthen, and sustain tribal people, and tribal people remain dependent on these public lands to maintain our traditional livelihoods and cultural practices, such as hunting, gathering, and ceremonial uses.

WHEREAS, for the last century, tribal nations and tribal members have experienced removal from these ancestral homelands, and afterward, limited access to the land. Tribal nations and tribal members have also witnessed the looting of graves and sacred sites, and threats from more modern land uses such as off-road vehicle use and energy development.

WHEREAS, tribal leaders from Hopi, Navajo, Ute Mountain Ute, Zuni and Uintah & Ouray Ute formed the Bears Ears Inter-Tribal Coalition with the goal of protecting and preserving the homeland area of the Bears Ears region.

WHEREAS, the Bears Ears Inter-Tribal Coalition's chosen outcome is for President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument, and secure permanent protection for these lands.

WHEREAS, the Bears Ears Inter-Tribal Coalition requests that President Obama proclaim the 1.9 million Bears Ears National Monument to honor the worldviews of our ancestors and Tribes today.

WHEREAS, the Bears Ears Inter-Tribal Coalition proposal asks that the new monument be managed under a path-breaking, comprehensive, and entirely workable regime of true Federal-Tribal Collaborative Management.

WHEREAS, the Bears Ears National Monument has every opportunity to serve as the shining example of the trust, the government-to-government relationship, and innovative, cutting-edge land management.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument and, by doing so, provide permanent protection for these lands.

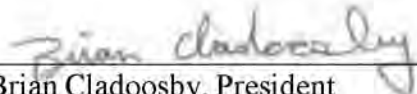
BE IT FURTHER RESOLVED, that NCAI does hereby support the Navajo, Hopi, Zuni, Uintah & Ouray Ute, and Ute Mountain Tribes that comprise the Bears Ears Inter-Tribal Coalition and their shared goal of permanently protecting the Bears Ears region.

BE IT FURTHER RESOLVED, that NCAI does hereby support the Bears Ears National Monument being meaningfully co-managed between the Bears Ears Inter-Tribal Coalition Tribes and federal management agencies for the purpose of honoring the trust relationship, protecting tribal sacred homelands, and preserving traditional and cultural ways of life.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the National Congress of American Indians, held via a poll of Board Members, September 20, 2015 in Washington, D.C. with a quorum present.



Brian Cladoosby, President

ATTEST:



Aaron Payment, Recording Secretary



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

July 14, 2015

Via Email and Hand Delivery

Re: Ute Indian Tribe's Support for Preserving the Bears Ears Region

Dear Messrs. Manual Heart and Kenneth Maryboy:

The Tribal Business Committee ("Business Committee") of the Ute Indian Tribe ("Tribe") supports the permanent protection of the Bears Ears region in the form of a National Conservation Area, or alternatively, as a new National Monument. Providing better stewardship and stronger protections preserves Native American heritage for current and future generations.

Native American traditional and cultural sites need protection from outside threats such as mineral development, indiscriminate off-road vehicle use, and looting. Not only is the Bears Ears region a natural wonder, it is a cultural landscape that contains archaeological and sacred sites, and has been traditionally used for collecting traditional medicines and for ceremonies. With the increase in recreational use, this region deserves status as a National Conservation Area.

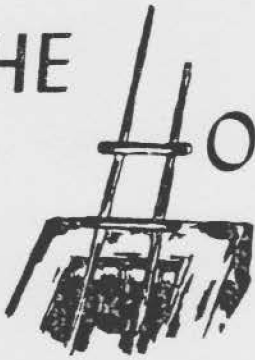
Without federal protection, this extraordinary landscape that is culturally significant to so many Native American groups faces the likelihood of destruction. Therefore, the Ute Indian Tribe joins the Native American tribes and Pueblos that have already publically expressed their support to protect the Bears Ears region. Native American heritage cannot be ignored. It is time for the Bears Ears region to finally have the federal protection it deserves.

Sincerely,

Shaun Chapoose
Chairman, Ute Tribal Business Committee

Cc: Malcolm Lehi, Council Member, Ute Mountain Ute Tribal Council

THE HOPI TRIBE



Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

September 30, 2014

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

Senator Orin Hatch
104 Hart Senate Office Building
Washington, D.C. 20510

Congressman Rob Bishop
123 Cannon Building
Washington, D.C. 20515

Congressman Jim Matheson
2211 Rayburn House Office Building
Washington, D.C. 20515

Senator Mike Lee
316 Hart Senate Office Building
Washington, D.C. 20510

Congressman Jason Chaffetz
2464 Rayburn House Office Building
Washington, D.C. 20515

Congressman Chris Stewart
323 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. President, Senators and Congressmen,

On behalf of Hopi people, Hopisenom, I have the honor of providing the Hopi Tribe's support for the designation of the greater Cedar Mesa area including Alkali Ridge and Montezuma Canyon in southeastern Utah as a National Conservation Area or National Monument.

Pursuant to the enclosed Hopi Tribal Council Resolution H-70-94, the Hopi Tribe claims cultural affiliation to ancestral puebloan cultural groups in the greater Cedar Mesa area. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate your solicitation of our input and your efforts to address our concerns.

Hopi migration is intimately associated with a sacred Covenant between the Hopi people and *M̄asaw*, the Earth Guardian, in which the Hopi people made a solemn promise to protect the land by serving as stewards of the Earth. In accordance with this Covenant, ancestral Hopi clans

FOR COMMITTEE USE ONLY

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.

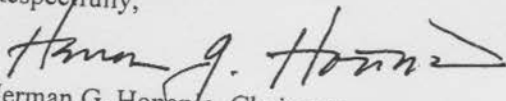
We appreciate the Friends of Cedar Mesa and National Trust for Historic Preservation for working with the Hopi Tribe and other tribes culturally associated to the area to develop proposals that will enhance the protection of cultural landscapes and the sites within them in San Juan County.

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 kuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank again you for your consideration.

Respectfully,


Herman G. Honanie, Chairman
THE HOPI TRIBE

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVJAO NATION COUNCIL

23RD Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE UTAH DINÉ BIKEYAH CONSERVATION PROPOSAL FOR THE FEDERAL DESIGNATION OF BEAR'S EARS NATIONAL CONSERVATION AREA/NATIONAL MONUMENT IN SAN JUAN COUNTY, UTAH, TO PROTECT NATIVE RIGHTS AND INTERESTS ON FEDERAL LANDS FOR FUTURE GENERATIONS

WHEREAS:

1. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). All powers not delegated are reserved to the Navajo Nation Council. 2 N.N.C. §102(B). The Navajo Nation Council shall supervise all powers delegated. 2 N.N.C. §102(C).
2. The Naabik'íyáti' Committee is one of five standing committees of the Navajo Nation Council and is comprised of all twenty-four members of the Navajo Nation Council. The Committee is authorized to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 180 and 701(A)(6).
3. The Navajo Nation includes communities in San Juan County, Utah; these communities depend on federal lands and resources within San Juan County, Utah; a copy of a Memorandum of Understanding between the Utah Dine Bikeyah, A Utah Non-Profit Corporation and the Navajo Nation Division of Natural Resources is attached as Exhibit B; and
4. The Navajo Nation members occupy a special status as both U.S. citizens and members of the Navajo Nation whose ancestral lands encompass all of San Juan County; and

5. Bear's Ears area within San Juan County, Utah, is part of the proposed National Conservation Area/National Monument to consist of 1.9 million acres and would include additional Wilderness units within and outside of its boundary. This region is the ancestral home of many Southwestern Native American Tribes, including the Navajo, Hopi, Zuni, Acoma, Zia, and Jemez Pueblos along with the Ute Mountain, Southern, and Uintah Ouray Utes, the San Juan, Kaibab, and Utah Paiute Tribes and the Jicarilla Apache Tribes which assert their affiliation, occupation and enduring use of these lands. The Bear's Ears region is also the birthplace of Navajo Headman Manuelito; and
6. The proposed National Conservation Area/National Monument is bordered on the west by the Colorado River and on the south by the San Juan River and the Navajo Nation; the proposed National Conservation Area/National Monument is characterized by prodigious topographic diversity and striking landforms containing intricately rich ecological systems; the Navajo and other Tribes depend upon the land within the proposed National Conservation Area/National Monument to sustain their traditional livelihoods and cultural practices. Cedar Mesa, the proposed National Conservation Area/National Monument's centerpiece, offers sprawling vistas of Comb and Butler Washes, and extends beyond to Moki, Red, Dark, Grand Gulch, and White canyons that each support verdant ribbons of riparian habitat. Desert bighorn sheep grace the lower desert lands while the 11,000 foot Abajo Mountains host forests of ponderosa pine, spruce, fir and aspen, providing a home to mule deer, elk, black bear and mountain lion, sacred icons of the mesa's original peoples. Paramount for the Navajo, the majority of the regions inhabitants, is the proper management of the proposed National Conservation Area/National Monument's native plants and wildlife that are food, shelter and medicine and its cultural sites that are central to their spiritual practices; and
7. This region contains unsurpassed cultural and paleontological resources; the proposed National Conservation Area/National Monument is world renowned for the integrity and abundance of its archaeological resources. Six cultural special management areas are within the proposed National Conservation Area/National Monument boundaries: Alkali Ridge National Historic Landmark, the Hole-in-the-Rock Historical Trail and the Grand Gulch, Big Westwater Ruin, Dance Hall Rock, Sand

Island Petroglyph Panel, the Newspaper Rock Petroglyph Panel, and the Butler Wash Archaeological District National Register site. Also occurring in the proposed National Conservation Area/National Monument's 19 distinct geologic units are scientifically significant vertebrate and non-vertebrate paleontological resources that are particularly abundant in the Cedar Mountain, Burro Canyon, Morrison, and Chinle Formations; and

8. The proposed National Conservation Area/National Monument has been inhabited for more than 12,000 years by multiple indigenous cultures, which crossed, and built civilizations on these lands. At the Lime Ridge Clovis site is evidence of Paleoindian occupation and the archaeological record indicates widespread use between 6000 B.C. and A.D. 100 by Archaic Peoples. Possessing numerous Archaic Period sites of varying size and complexity are Cedar Mesa, Elk Ridge, and Montezuma Canyon. While other notable sites include Alkali Ridge, Cowboy Cave, Old Man Cave, and Dust Devil Cave. The heaviest occupation of the proposed National Conservation Area/National Monument lands was perhaps by the Formative Period Peoples (AD 100-AD 1300) who left very large numbers of archaeological sites ranging from small lithic scatters to large highly complex village sites; and
9. The proposed National Conservation Area/National Monument includes Bureau of Land Management Wilderness Study Areas and lands with Wilderness Characteristics and U.S. Forest Service Roadless Areas. Vast, remote desert mesas cut by sheer walled serpentine canyons provide unparalleled solitude and scenic quality that is comparable to or exceeds those found in nearby national parks and monuments, such as Canyonlands, Arches, Grand Staircase, Natural Bridges, Hovenweep, and Mesa Verde; and
10. Priority Management values to protect within the proposed National Conservation Area/National Monument are: archaeological, wildlife, natural and scenic resources. An essential aspect of the proposed National Conservation Area/National Monument's management is to better protect these resources and to ensure their ongoing and sustainable use; and
11. Native Americans have unique and important cultural and historical ties to the land, its wildlife and other natural resources; and the Navajo people have traditional ties to this particular landscape for hunting, medicinal herbs, food gathering, firewood gathering and the grazing of livestock; and

12. Native Americans have shown quality and excellence in managing lands and natural resources to protect the cultural integrity of the homeland of Native peoples; and
13. These areas are under constant threat of cultural vandalism, looting of Native cultural sites, indiscriminate off road vehicle use that damages areas sacred to Native peoples, energy development footprints that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to Native traditional practices; and
14. To prevent this rapid destruction of lands in the San Juan County region important to Native peoples, formal protection as a national conservation area or national monument is required; and
15. Formal protection of the area as a National Conservation Area/National Monument will provide important consistency and quality to management of these lands, and define principles of management that will positively affect Native values on these lands in the following ways:
 - A. Protection will be permanent, part of a national system of protected lands that carry strong and clear legal definitions of the primacy of conservation of cultural, historical and ecological values that define Native connections to these lands.
 - B. Protection as a national conservation area or national monument creates important opportunities for Native American co-management of these resources and increased funding for protection with an emphasis on conservation and preservation of the region's cultural and natural resources.
 - C. Protection should be at the largest landscape level possible, providing connectivity of wildlife and plant habitats, ecological integrity of the region and be comprehensive in its protection of Native sacred sites, which cannot be considered out of the context of the larger landscape.
 - D. Protection of the region as a national conservation area or national monument will be a top priority for concerned federal agencies, with public involvement and prioritization of staffing, resources and cooperation with Native peoples.

16. It is in the best interest of the Navajo Nation to support the federal designation of 1.9 million acres in San Juan County, Utah, as the Bear's Ears National Conservation Area/National Monument. Resolutions in support of the federal designation are attached as Exhibit A.

THEREFORE BE IT RESOLVED, THAT THE NAVAJO NATION COUNCIL'S NAABIK'ÍYÁTI' COMMITTEE EXTENDS ITS SUPPORT FOR:

- 1. The designation of the 1.9 million acres in San Juan County, Utah, as the Bear's Ears National Conservation Area/National Monument.
- 2. The designation of identified roadless areas as wilderness under the Wilderness Act.
- 3. Establishment of Collaborative Management Agreement(s) between the Navajo Nation, other Tribes and the federal government to improve management and elevate the Native American voice in the long-term sustainable management of the region.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in favor, 0 oppose, 0 Abstain this 12th Day of March, 2015.



Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Alton Joe Shepherd
Second: Honorable Jonathan Nez



Utah Diné Bikéyah

Bear's Ears

A Proposed National Conservation Area/ National Monument



An Initiative of the Navajo Nation and Utah Diné Bikéyah

In February 2010 former Utah Senator Bob Bennett invited Utah Navajo residents to develop a proposal on issues such as wilderness, conservation, and development of public lands in San Juan County, Utah. An assessment was carried out under the authority of all seven Navajo Chapter Houses in Utah that built on interviews with dozens of elders and medicine men. The initial result of this work was the creation of a "Navajo Lands of Interest" map that was widely circulated among Navajo communities and elected officials on and off reservation. This map was the basis of subsequent discussions between the Navajo Nation and San Juan County aimed at developing a shared legislative proposal to advance to Congressman Bishop. Today, more than two years after formal discussions began, and eighteen months after submitting the Bear's Ears proposal, the Navajo Nation is still waiting for a San Juan County response.

In April 2013, the Navajo Nation and the Utah Diné Bikéyah organization proposed the creation of the 1.9 million acre Bear's Ears National Conservation Area and wilderness designations. This approach provides the best management for a diversity of uses, while directing resources towards priority cultural and biological resource protection. To honor our deep history in this region, we are also proposing that the Navajo Nation, other Tribes, and Utah Diné Bikéyah have a formal role in planning and managing the Bear's Ears National Conservation Area/ National Monument.

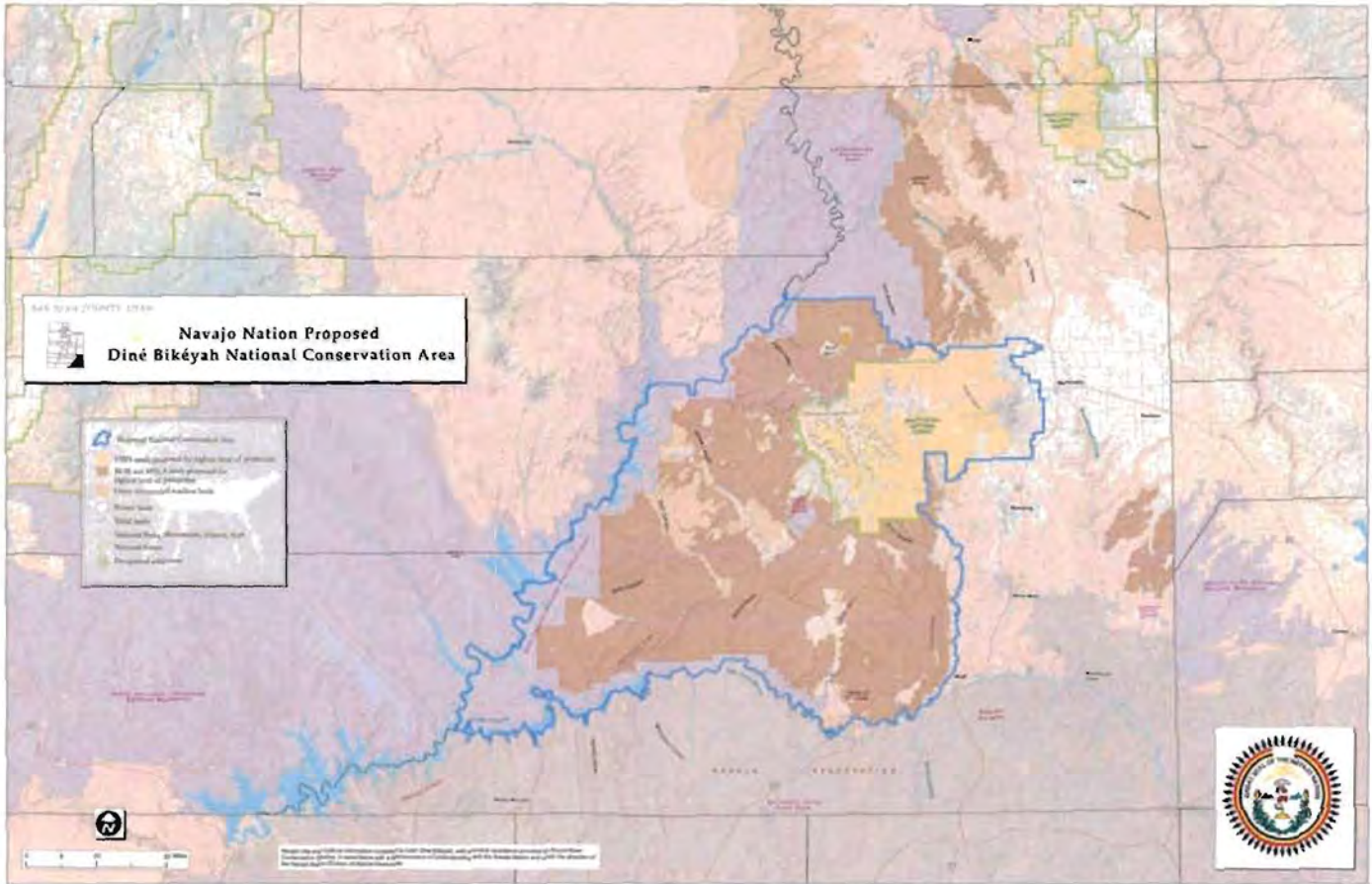
This region has been used by Native People for millennia, contains some of our country's richest archaeological sites and continues to serve as a pilgrimage site for many tribal members due to its historical significance. It is significant as the birthplace of Navajo Headman Manuelito and as the former center of civilization for many modern day Pueblo

Nations, including the Hopi. The Navajo Nation and Utah Diné Bikéyah organization have proposed this conservation region be set aside to protect traditional activities and sacred places to include Cedar Mesa, White Canyon, Dark Canyon, Comb Ridge, Nokai Dome, Abajo Peak, Ruin Park, the San Juan River, and Comb Ridge.

As part of Congressman Bishop's Eastern Utah Land-Use Initiative several Tribal Nations and Navajo Chapter Houses have been adopting resolutions of support for the Bear's Ears proposal. The Hopi Tribe and All Pueblo Council of Governors have endorsed protection for the region, and all seven Navajo Chapter Houses in Utah have taken supportive action. Most recently Utah Navajo communities have come together at eight Town Hall meetings where they discussed the proposal and hand-wrote nearly 400 public comments that were submitted to San Juan County on November 30th. 64% of the total responses during the public process that ended requested designation of the Bear's Ears NCA/NM and wilderness.

Utah Navajo People have been actively advancing protection for this region for nearly five years and continue to educate and involve all US citizens who hold interests in these lands. Native American Tribes have seldom had their voices heard in the debate over public lands and it is time to recognize the depth of history and intergenerational stewardship exhibited by Tribes across these landscapes. Protection is welcome whether through Congressional or administrative action. Local people are determined to take action to make this happen and we hold out hope that one day soon our voices will finally be heard.

Ahyéhé- Thank you.



Utah Diné Bikéyah, 501(c)3 non-profit organization
utahdinebikeyah@gmail.com
Phone: (801) 521-7398

All Pueblo Council of Governors

Officers
 Governor E. Paul Torres, Chairman
 Governor Val Panteah Sr, Vice Chairman
 Governor Terry Aguilar, Secretary

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Acoma June 16, 2015

Cuchiti

Isleta RE: All Pueblo Council of Governors Support Efforts to Protect Bears Ears Cultural Landscape

Jemez

Dear Mr. President and Members of Congress:

Laguna

The All Pueblo Council of Governors, which represents the nineteen Pueblos of New Mexico and one in Texas, has engaged in multiple discussions over the past three years about the need to protect important landscapes and cultural sites in southeast Utah. These lands contain the homes of our ancestors, including thousands of sacred sites and many cultural resources significant to Pueblo people.

Nambe

Ohkay

Owingeh

To make official our collective interest in and concern for this area, we passed a resolution (No. APCG 2014-07) in November of 2014 supporting the protection of the greater Cedar Mesa area via a “permanent protection mechanism, such as a National Conservation Area or a National Monument.”

Picuris

Pojoaque

Sandia

When we passed that resolution, several proposals had been put forward by different groups interested in the region. At the time, we did not favor one proposal or geographic boundary over another. Now, the various groups working to protect the area have unified behind a single proposal and boundary that has been called the “Bears Ears” cultural landscape. This proposal would protect the sacred sites and cultural resources described in our November resolution. Through this letter, we extend our support to the efforts to protect the Bears Ears cultural landscape and confirm our intention for Pueblo people to be actively engaged in future protective and management efforts in the area.

San

Felipe

San

Ildefonso

Santa Ana

Santa Clara

Sincerely,
 ALL PUEBLO COUNCIL OF GOVERNORS

Santo

Domingo



Taos

Governor E. Paul Torres
 Chairman

Tesque

Ysleta Del Sur

Zia

Zuni

All Pueblo Council of Governors

5401 13th Street, NW, Suite 200, Albuquerque, NM 87104

Officers
 Governor: *Paul Torres, Chairman*
 Governor: *Allen Orsakowski, Vice Chairman*
 Governor: *Terry Aguilan, Secretary*

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2014-17

Support for the Protection of Cultural Resources and Sacred Sites on Public Lands in the Greater Cedar Mesa region

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

WHEREAS, each APCG member is a federally recognized Pueblo Nation within the United States with the sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each pueblo’s current exterior boundaries; and

WHEREAS, the protection of the traditional cultural properties and sacred sites of Pueblo people is paramount to each pueblo’s cultural preservation now and into the future; and

WHEREAS, the greater Cedar Mesa region is located in southeast Utah and includes the Montezuma Canyon, the Indian Creek Corridor and Beef Basin; and

WHEREAS, the greater Cedar Mesa region includes hundreds of thousands of sites of vital importance to the pueblo peoples’ identity and history, including villages, shrines, burials, rock paintings and etchings, ancestral dwellings, and ancient roads; and

WHEREAS, these ancestral sites are under constant threat of grave digging, cultural vandalism, looting of cultural sites, indiscriminate off-road vehicle use that damages areas sacred to Pueblo peoples, energy development footprints that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to traditional practices; and

WHEREAS, to prevent the rapid destruction of the lands in the Greater Cedar Mesa region, the Pueblos are seeking the formal and permanent protection mechanism, such as a National Conservation Area or a National Monument; and

WHEREAS, the APCG believes the Greater Cedar Mesa region needs to be a National Conservation Area or a National Monument because it will provide important consistency and

quality management of these lands and define standard principles of management, establish consultation with Native Americans, and emphasize the primacy of conservation and preservation of the region's cultural and natural resources; and

WHEREAS, through consultation and coordination with the APCG's member cultural preservation offices, or designated offices, APCG seeks to exercise administrative responsibilities to negotiate and enter into agreements with the necessary and proper entities which will ensure protection, preservation and management of these sacred ancestral sites and regions for the Pueblo people and its members; and

WHEREAS, while the APCG recognizes the important role of other tribes and groups in advocating for protection of the area, APCG's support of a designation for the greater Cedar Mesa area should not be perceived as support for any specific proposal for the area. Discussion of many details of management and boundaries are ongoing and the APCG intends to have an active voice in those discussions;

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports the permanent, long-term protection of cultural resources and sacred sites on public lands in the Greater Cedar Mesa region through designation such as a National Conservation Area or a National Monument.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2014-17 was considered and adopted at a duly called council meeting held on the 19th day of November 2014, and at which time a quorum was present and the same was approved by a vote of 12 in favor, 0 against, 0 abstain, and 8 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
Governor E. Paul Torres, APCG Chairman

ATTEST:

Governor Terry Aguilar, APCG Secretary

Conversation Contents

Fwd: Pew's Comment Letter on the PLI Discussion Draft

Attachments:

/44. Fwd: Pew's Comment Letter on the PLI Discussion Draft/1.1
Pew.Comment.ltr.on.PLI.2.10.16.pdf
/44. Fwd: Pew's Comment Letter on the PLI Discussion Draft/2.1
Pew.Comment.ltr.on.PLI.2.10.16.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Feb 10 2016 07:08:47 GMT-0700 (MST)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Pew's Comment Letter on the PLI Discussion Draft
Attachments: Pew.Comment.ltr.on.PLI.2.10.16.pdf

Good stuff in here.

Begin forwarded message:

From: Anders Reynolds <areynolds@pewtrusts.org>
Date: February 10, 2016 at 9:06:05 AM EST
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: **Pew's Comment Letter on the PLI Discussion Draft**

FYI. Happy to chat about any content you have questions about...

AR

Anders Reynolds
Officer, U.S. Public Lands | The Pew Charitable Trusts
901 E Street, NW, Washington, DC 20004
p: 202-540-6767 | e: areynolds@pewtrusts.org
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"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Feb 10 2016 07:17:15 GMT-0700 (MST)
To: "Kathleen O'leary" <kathleen_oleary@ios.doi.gov>
Subject: Fwd: Pew's Comment Letter on the PLI Discussion Draft
Attachments: Pew.Comment.ltr.on.PLI.2.10.16.pdf

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February 10, 2016

The Honorable Rob Bishop and The Honorable Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

Dear Congressmen Bishop and Chaffetz:

On behalf of The Pew Charitable Trusts, I would like to take this opportunity to recognize your staff for their hard work on your Public Lands Initiative and thank them for their commitment to this process. Three years ago, Pew accepted the invitation to join this effort because we believe it is possible to protect Utah's landscapes and cultural resources while enhancing the economic vitality of local communities. Pew has a long history of working collaboratively with diverse stakeholders, and has been involved in numerous public lands negotiations with successful outcomes.

At your request, Pew has reviewed the Public Lands Initiative "Discussion Draft" released to the public on January 20, 2016. While we appreciate the opportunity to provide commentary, we had hoped to be able to write a very different letter after all the time and prodigious effort put into this process by Pew staff. We had genuinely hoped we would be able to work with you to see this initiative passed by Congress and signed into law by President Obama.

Unfortunately, as currently written, we oppose the discussion draft. Below we offer a list of our concerns with the hope that you will consider addressing these issues prior to introduction of the draft initiative as legislation.

Pew has maintained from the beginning of this process that the inclusion of language in this bill that seeks to alter or limit the President's authority to establish national monuments under the Antiquities Act would be unacceptable. Our position on that issue remains unchanged. Support for the Antiquities Act among voters is significant and very strong. This support was highlighted by the recent vote in the U.S. Senate, which defeated an amendment that would have curtailed executive authority to establish new national monuments. We don't believe any measure can be enacted in Congress with limitations on presidential authority to protect natural and cultural resources under the Antiquities Act, let alone be signed into law by the President.

We offer these additional comments:

DIVISION A - CONSERVATION

Title I: Wilderness

Pew is concerned by the release of over 27,000 acres in the Desolation Canyon Wilderness Study Area (WSA) and the Jack Canyon WSA in Carbon County. The archeological and wildlife conservation values

within these landscapes are well known and prized by countless Americans. We ask that the Desolation Canyon and Jack Canyon WSAs be included in the legislation.

In San Juan County, we ask you to consider including the Grand Gulch Wilderness Character unit, west of Grand Gulch WSA and the Dark Canyon Wilderness Character unit, adjacent to Dark Canyon WSA, as Wilderness. Both of these landscapes were carried forward in the Monticello 2008 Resource Management Plan for protection.

The Wilderness Administration section significantly weakens current time-tested and bi-partisan management guidelines. The proposed language would fundamentally change the ability of wilderness designation to preserve special places for future generations. Specifically:

Section 103(b), language relating to management of wildfire, insects, and diseases does not follow the standard “in accordance with section 4(d)(1) of the Wilderness Act” and adds a new authority to treat hazardous fuels.

Section 103(d)(C) would prohibit reducing grazing levels as necessary to protect the land or potential listing of endangered species and specifically overturns Forest Service regulations that could modify grazing levels to ensure plant and wildlife population viability. The language also gives the Utah State Department of Agriculture preference in determining historic grazing use levels. The language ties grazing levels to existing permitted use at time of enactment, and allows only for increases (not decreases) in AUMs.

The fish and wildlife management language in **subsection (f)** has language allowing the State of Utah to use helicopters to maintain wildlife populations in wilderness. We understand this language has been included within several Nevada and Idaho wilderness bills, but only if consistent with wilderness management plans and where necessary to maintain viable wildlife populations. The language in this discussion draft doesn't include any of those vital qualifications.

Section 5 of the Wilderness Act requires the Secretary to provide “adequate access” to private inholdings within wilderness. This draft states that agencies shall provide “access,” leaving it unclear whether a new access standard is required.

This draft contains **sections 103(i), (j), and (k)**, the first of which deals with target shooting. The language is inconsistent with language in past wilderness bills. **Section 103(j)** provides for the use of chainsaws “as appropriate and necessary,” which could be inconsistent with the Wilderness Act minimum tool requirements. As such, these provisions create unacceptable new precedents and significant management problems.

Section 104 allows motorized access and road maintenance (perhaps within wilderness areas) to guarantee the continued viability of existing water resource facilities, or which may be necessary in the future. This is a broad expansion of any previous water facility management language.

Section 108 states that no lands may be acquired by purchase within wilderness areas, leaving exchange or donation as the only options. This will make it much more difficult to acquire private inholdings within wilderness areas.

Section 110. This language is unnecessary, as the establishment of wilderness areas has no bearing on air quality regulations. Since enactment of the Clean Air Act amendments in 1977, only states can designate a Class I Airshed if deemed appropriate by the state. Utah has established only the five national parks in the state as Class I Airsheds. At the very least, this provision must be fixed so that the new wilderness this law

creates within Canyonlands NP and Arches NP would be exempted from this section, as these parks are already Class I Airsheds.

Title II: National Conservation Areas

Section 204 (2)(a) allows for directional drilling within three National Conservation Areas (NCA) established by this title. We have consistently argued this use is in conflict with NCA values and must be corrected.

Section 207. This draft should include language that makes any treatment consistent with the *Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, Utah.*

Section 206. We urge you to take the management language and maps produced by the Bears Ears Inter-tribal Coalition as the standard for protection of the Cedar Mesa landscape. This would include adding the 20,000 acre parcel adjacent to Grand Gulch in our wilderness comments above. Additionally, care should be taken to ensure that nation-to-nation interactions are respected on any managing council established by legislation.

DIVISION B – OPPORTUNITY

Title II & Title VI: Land Conveyances

Section 201(a). Pew is opposed to the transfer of federal public land to the state for this purpose. It creates a precedent that these sorts of transfers, in this case for the Goblin Valley State Park, may be considered a pilot program for efforts to turn over federally owned land to individual states for management. We believe in retaining federal public lands for all Americans, unless there is a more compelling reason for those transfers.

Section 601(a)(1). Pew supports the Grand County Council position on Sand Flats, and recommends the 3,292 acres remain in federal real estate.

Section 601(a)(12). While we recognize the cultural importance of the Hole-in-the-Rock-Trail to Mormon pioneers, Pew does not support the conveyance of this corridor to San Juan County. Instead, this land should be designated a National Historic Trail. Such a designation would highlight the historical status for local communities, and would allow a formation of a Trail Management Advisory committee to ensure local input.

Section 601(a)(20). Pew opposes conveyance to the State of Utah for the uses of transportation and public utilities, which is also opposed by the county. The proposed construction of a road through the Book Cliffs in Grand County would negatively impact wildlife and wilderness values through a region that is highly valued by hunters and wilderness advocates.

Title IX: Red Rock Country Off-Highway Vehicle Trail

An EIS studying the impacts of trail construction must be required to ensure wildlife and cultural values are not negatively impacted.

Title XI: Long-Term Energy Development Certainty

Pew would consider a proposal that would strike a balance between conservation and energy development. However, we believe the legislation goes too far by expediting development on millions of acres that are deemed open to mineral development.

We support BLM's Master Leasing Plan, which was developed through a thoughtful local process involving oil and gas representatives and conservation and recreation advocates. The outcome of this process resulted in consensus and we request the MLP be included in the legislation.

TITLE XII: Long-Term Travel Management Certainty

Language surrounding RS 2477 road claims conveying title to thousands of disputed road claims to the State of Utah is unacceptable. And, clarification is needed that no new road claims will be allowed in newly-created NCAs or wilderness areas.

Conclusion

Again, we appreciate both the opportunity to provide comment as well as the hours of hard work your staff members have already put into this issue. We fervently hope the needed improvements are made so that we are able to work with you to see this complex measure successfully adopted. As currently drafted, we are opposed to the Public Lands Initiative.

Sincerely,



Mike Matz, Director
U.S. Public Lands
The Pew Charitable Trusts



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Sincerely,



Mike Matz, Director
U.S. Public Lands
The Pew Charitable Trusts



BEARS EARS INTER-TRIBAL COALITION

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

January 20, 2016

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

RE: Public Lands Initiative Legislation Falls Short of Meeting Local Needs

Dear Representatives Bishop and Chaffetz,

Thank you for delivering the Discussion Draft of the proposed Public Lands Initiative (PLI) to the Ute Mountain Ute Tribe on January 14th. The Bears Ears Inter-Tribal Coalition (BEITC) has carefully reviewed this language, and finds it woefully inadequate in addressing our needs in the areas of collaborative management and land preservation.

Our Tribes made a straightforward request to you for the Bears Ears proposal. Listed below are major shortcomings of this legislation among many others:

- The boundaries of the Bears Ears National Conservation Area fail to protect essential cultural sites and wildlife habitat areas that we have asked to be preserved;
- The PLI does not elevate the voice of Native Americans as co-equals alongside federal land managers in the management of the Bears Ears NCA. Instead, the PLI offers Tribes only a consultative role in advising on the area's management;
- The PLI fails to give adequate representation to regional tribes in its proposed Commission. This includes the Ute Mountain Ute Tribe that administers land in the proposal. Creating only two seats for Tribal representation on the Commission and overlooking one of two local Tribes is simply unacceptable;
- The PLI would permanently open too many acres to mineral extraction within and surrounding the Bears Ears proposal;
- The Coalition is concerned that the bill will contain limitations on the 1906 Antiquities Act. The Coalition and tribes nationwide value the Antiquities Act because it protects and preserves culturally significant areas that are essential for the traditional and cultural continuity of tribal people. The Coalition cannot support legislation that includes limitations on the President's authority under the Antiquities Act;
- The PLI goes against the position of the Ute Indian Tribe that opposes land transfers within the Uncompahgre reservation boundary to the State of Utah.

Native Americans represented by the BEITC are asking for an equal voice in land management and for protection of a large and significant ancestral landscape containing more than 100,000 archaeological sites. Your proposal falls well short of meeting our needs.

The Draft confirms the inequitable treatment of Tribes over the past three years and our need to seek other means of protecting the living cultural landscape we call Bears Ears.

Respectfully,



Alfred Lomahquahu
Hopi Tribe Vice-Chairman &
Co-Chair Bears Ears
Inter-Tribal Coalition



Eric Descheenie
Executive Staff Assistant, Navajo Nation Office of the
President and Vice President & Co-Chair, Bears
Ears Inter-Tribal Coalition



southern
utah
wilderness
alliance



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JOINT STATEMENT ON DRAFT PUBLIC LANDS INITIATIVE

CONTACT:

Scott Groene, Southern Utah Wilderness Alliance, 435-259-7049
Tim Peterson, Grand Canyon Trust, 801-550-9861
Paul Spitler, The Wilderness Society, 202-360-1912
Sharon Buccino, Natural Resources Defense Council, 202-607-4780
Wayne Hoskisson, Sierra Club, 435-260-9045

January 20, 2016

For more than three years we have worked in good faith to reach a compromise on public lands issues in eastern Utah through the Public Lands Initiative (PLI). The proposed legislation released by Representatives Rob Bishop and Jason Chaffetz does not protect the world-renowned redrock scenery of the national public lands in Utah—including the spectacular Bears Ears cultural landscape—and instead imposes unprecedented and controversial proposals that would adversely affect wildlife, recreation, and watersheds in key areas across eastern Utah.

“The draft PLI is an un-wilderness bill,” explained Scott Groene, executive director of the Southern Utah Wilderness Alliance. “Effectively, less wilderness would be protected in Utah if this bill passed than what is currently managed for the public. This proposal does not do justice to these world-class landscapes.”

“The draft PLI weakens existing protections for important natural and cultural resources inside the proposed Bears Ears National Monument,” said Bill Hedden of the Grand Canyon Trust. “It neglects hundreds of thousands of acres of deserving wilderness and turns public lands over to county ownership that have already been subject to looting and grave robbing. San Juan County entirely dismissed local concerns by rejecting a home-grown proposal to fully protect Bears Ears—one that garnered 64% local support. San Juan also excluded everyone living outside the county in crafting their proposal; one which is a wholly inadequate substitute for a Bears Ears National Monument.”

“We are disappointed that after years of good faith effort to identify common ground with counties, conservation organizations, tribes, and others, the proposed bill neither honors important agreements that were forged during the PLI process nor offers a reasonable path forward on many issues of critical importance,” remarked The Wilderness Society’s Paul Spitler.

“The draft PLI includes many controversial proposals that lack support and would damage scenic public lands in Utah.”

“This is really a fossil fuels bill,” observed Sharon Buccino, director of the land and wildlife program at the Natural Resources Defense Council. “It opens up areas managed as wilderness for coal mining, tar sands, oil shale, and oil and gas and dedicates more land to energy development than to conservation.”

“The draft PLI substitutes easily-modified national conservation area designations for lands deserving and needing wilderness designation,” commented Wayne Hoskisson from the Sierra Club. “The draft PLI includes provisions that are incompatible with any real conservation efforts. The delegation is already attempting to undermine the Red Cliffs National Conservation Area in Washington County, created only seven years ago.”

We remain hopeful that all sides can find the political will to work together in counties where consensus among stakeholders is within reach. While we are disappointed that consensus compromise has failed here, we know that win-win solutions are possible which truly serve the best interests of future generations and Utah’s exceptional landscapes.



SUMMARY OF PUBLIC LANDS INITIATIVE ACT DISCUSSION DRAFT

FEBRUARY 2016

On January 20, Congressmen Bishop and Chaffetz released a discussion draft of the Utah Public Lands Initiative Act (PLI). The bill includes two divisions, “Conservation” and “Opportunity”, and 20 titles. The following is a summary and analysis of the discussion draft.

OVERVIEW

The discussion draft suffers from numerous fatal flaws, including:

- Contradicting numerous Federal laws, including the Wilderness Act, Clean Air Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act. The discussion draft also contains provisions that undermine State law, as well as the United States Constitution.
- Undermining the management of proposed wilderness areas, national conservation areas, special management areas, and recreation zones. This language is so onerous as to completely negate the conservation purposes of these designations.
- Providing unprecedented giveaways to the State of Utah, including over 10,000 miles of public roads, and a significant acreage of Federal land.
- Designating over 2.5 million acres of energy zones that will sacrifice important natural, cultural, scenic, and recreational values on public lands.
- Affording insufficient protections for the proposed Bears Ears National Monument, while providing San Juan County with veto authority over monument management.
- Containing numerous other onerous provisions including the hard release of over two million acres of public land.

DIVISION A – CONSERVATION

TITLE I – WILDERNESS. This title designates 2.2 million acres of wilderness in 41 units, including 1.65 million acres of BLM wilderness, 435,000 acres of national park wilderness, and 100,000 acres of Forest Service wilderness. The discussion draft includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues. This title also releases 80,000 acres of wilderness study areas.

The wilderness management language contains numerous provisions that contradict the Wilderness Act, and also contradicts the National Environmental Policy Act, Federal Land Policy and Management Act, Clean Air Act and National Forest Management Act. This language completely undermines the wilderness designations by including such things as mandatory grazing and shooting; permissive rules on logging, water facilities, and water development projects; a prohibition on land acquisition from willing sellers, and a prohibition on protecting air quality. The title also omits many lands deserving of wilderness protections.

TITLE II – NATIONAL CONSERVATION AREAS. This title designates 1.8 million acres of national conservation areas (NCAs) in 14 units. These areas overlap with 390,000 acres of wilderness from Title I. A Bears Ears National Conservation Area is included, covering 1.1 million

acres. The title contains over 20 management provisions for the conservation areas, with additional provisions for the Book Cliffs Sportsmens NCA and Bears Ears NCA. Additionally, the title establishes an advisory council for the Book Cliffs Sportsmens NCA and a commission made up of two Tribes, the State of Utah, and San Juan County to oversee the Bears Ears NCA. The commission has veto power over management decisions in the Bears Ears NCA. Finally, the title releases all lands in the NCAs from future inventory and management as wilderness.

The NCA management language contradicts the Federal Land Policy and Management Act, National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the NCA designations by including such things as mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality. The purposes alone would undermine NCA management, as they include such things as motorized recreation and greater local control. The release language is known as “hard release,” which has never passed Congress due to strong public opposition.

TITLE III – SPECIAL MANAGEMENT AREAS. This title designates 95,000 acres of special management areas in seven units on national forest land in Utah. The title includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues.

The special management area management language contradicts the National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the special management area designations. Further, the language is not consistent with the proposals of the counties that advanced the special management areas, including Summit County, which is the only county with complete agreement among all stakeholders.

TITLES IV-VII – ARCHES NATIONAL PARK EXPANSION, JURASSIC NATIONAL MONUMENT, WILD AND SCENIC RIVERS, ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA. These titles: (1) add 19,000 acres to Arches National Park; (2) establish an 867-acre national monument; (3) designates 300 miles of wild and scenic rivers; and (4) establishes a 111,000-acre recreational and special management area. The discussion draft includes management provisions for the monument, wild and scenic rivers, and recreational and special management area.

The management language in these titles would undermine their purposes by including such things as: mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality.

DIVISION B – OPPORTUNITY

TITLE I – SCHOOL TRUST LAND CONSOLIDATIONS. This title ratifies an agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands. Conveyances are to be completed within 70 days of the PLI’s enactment.

There is no agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands in Utah, and no negotiations on such an agreement have been initiated. The map on the PLI website appears to show over 300,000 acres of State and Federal land to be exchanged. This title also includes no provisions requiring appraisals, equal value exchanges, or compliance with existing law. As a result, this title could result in Federal lands being given to the State of Utah at taxpayer expense.

TITLE II – GOBLIN VALLEY STATE PARK. This title transfers 10,000 acres of BLM land to the State of Utah for inclusion in Goblin Valley State Park. The title requires the Secretary of the Interior to enter into a cooperative agreement with the State of Utah to manage recreational activities on 157,000 acres of BLM land adjacent to the Goblin Valley State Park.

This title contradicts the Recreation and Public Purposes Act, which limits conveyances for recreational purposes to 6,400 acres. The cooperative management area includes sensitive BLM lands, including lands with wilderness characteristics.

TITLE III – PRICE CANYON STATE FOREST. This title transfers 13,321 acres of BLM land to the State of Utah in exchange for 14,939 acres of State land. The land transferred to Utah is intended to become a state forest, though this is not required by the legislation. An additional provision requires grazing to continue forever on all lands acquired by the state.

Because there is no requirement to conduct this exchange in accordance with existing law, ensure equal value, or even conduct appraisals, this title could result in Federal lands being given away to the State of Utah at taxpayer expense. The legislation also attempts to direct the management of state lands.

TITLE IV – DEER LODGE LAND EXCHANGE. This title would require a land exchange of between the Forest Service and a private homeowners association. The Forest Service would acquire 77 acres of private land and give up 156 acres of national forest land. The exchange would be carried out in accordance with existing law. However, there is no requirement for either parcel to be appraised.

The national forest land to be exchanged is within Daggett County, which developed a comprehensive public lands proposal in 2014 for inclusion in the PLI. The proposal included provisions on conservation, roads, land exchanges, conveyances, and wild and scenic rivers, and was agreed to by all stakeholders. The Daggett County Commission later withdrew that proposal and pulled out of the PLI. This land exchange moves forward one component of the Daggett County proposal while leaving out the remainder.

TITLE V – SCOFIELD LAND TRANSFERS. This title would require the Secretary of the Interior to transfer – free of charge – specified Federal lands within the flood surcharge area (the area below high water mark during a flood) of the Scofield Reservoir to anyone who claims title to, or interest in, the land. Certain conditions must be attached to the conveyed titles.

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This title attempts to implement the Grand County Commission proposal, but fails to do so, as many of the management provisions and purposes are inconsistent with that proposal. The title authorizes the designation of off-highway vehicle areas in San Juan County, the site of the illegal 2014 off-highway vehicle protest ride that damaged public resources. Many of the management provisions contradict existing environmental laws, including the Clean Air Act, National Environmental Policy Act, and Federal Land Policy and Management Act. For example, grazing may not be reduced, regardless of impact or compliance with existing law, and the State of Utah may not protect air quality in or near the recreation zones. Finally, the title includes the hard release of all Federal lands within the recreation zones, which is faces strong public and Congressional opposition.

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The Navajo portion of this title attempts to correct a historic wrong when 52,000 acres of BLM land were added to the Navajo Nation without an accompanying transfer of Federal mineral rights. The Ute portion cannot be analyzed.

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This title attempts to resolve long-standing R.S. 2477 claims, but would do so by simply granting to the State of Utah over 10,000 miles of rights-of-way for routes on BLM land in Utah. Many of these routes pass over or through lands with high cultural, natural, and scenic values and this title would put those values at risk. These routes are currently the subject of litigation and the State of Utah and its counties have a poor record of succeeding in gaining rights-of-ways through litigation.

TITLE XIII – LONG-TERM LAND USE CERTAINTY. This title is left blank.
Congressmen Bishop and Chaffetz have made clear that the PLI will include limitation on the President’s ability to designate national monuments in affected counties. Conservation organizations view such a proposal as a poison pill and strongly oppose any such limitation.



BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

January 20, 2016

Hon. Rob Bishop
Hon. Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

RE: Public Lands Initiative Legislation Falls Short of Meeting Local Needs

Dear Representatives Bishop and Chaffetz,

Thank you for delivering the Discussion Draft of the proposed Public Lands Initiative (PLI) to the Ute Mountain Ute Tribe on January 14th. The Bears Ears Inter-Tribal Coalition (BEITC) has carefully reviewed this language, and finds it woefully inadequate in addressing our needs in the areas of collaborative management and land preservation.

Our Tribes made a straightforward request to you for the Bears Ears proposal. Listed below are major shortcomings of this legislation among many others:

- The boundaries of the Bears Ears National Conservation Area fail to protect essential cultural sites and wildlife habitat areas that we have asked to be preserved;
- The PLI does not elevate the voice of Native Americans as co-equals alongside federal land managers in the management of the Bears Ears NCA. Instead, the PLI offers Tribes only a consultative role in advising on the area's management;
- The PLI fails to give adequate representation to regional tribes in its proposed Commission. This includes the Ute Mountain Ute Tribe that administers land in the proposal. Creating only two seats for Tribal representation on the Commission and overlooking one of two local Tribes is simply unacceptable;
- The PLI would permanently open too many acres to mineral extraction within and surrounding the Bears Ears proposal;
- The Coalition is concerned that the bill will contain limitations on the 1906 Antiquities Act. The Coalition and tribes nationwide value the Antiquities Act because it protects and preserves culturally significant areas that are essential for the traditional and cultural continuity of tribal people. The Coalition cannot support legislation that includes limitations on the President's authority under the Antiquities Act;
- The PLI goes against the position of the Ute Indian Tribe that opposes land transfers within the Uncompahgre reservation boundary to the State of Utah.

FOR COMMITTEE USE ONLY

Native Americans represented by the BEITC are asking for an equal voice in land management and for protection of a large and significant ancestral landscape containing more than 100,000 archaeological sites. Your proposal falls well short of meeting our needs.

The Draft confirms the inequitable treatment of Tribes over the past three years and our need to seek other means of protecting the living cultural landscape we call Bears Ears.

Respectfully,



Alfred Lomahquahu
Hopi Tribe Vice-Chairman &
Co-Chair Bears Ears
Inter-Tribal Coalition



Eric Descheenie
Executive Staff Assistant, Navajo Nation Office of the
President and Vice President & Co-Chair, Bears
Ears Inter-Tribal Coalition



SUMMARY OF PUBLIC LANDS INITIATIVE ACT DISCUSSION DRAFT

FEBRUARY 2016

On January 20, Congressmen Bishop and Chaffetz released a discussion draft of the Utah Public Lands Initiative Act (PLI). The bill includes two divisions, “Conservation” and “Opportunity”, and 20 titles. The following is a summary and analysis of the discussion draft.

OVERVIEW

The discussion draft suffers from numerous fatal flaws, including:

- Contradicting numerous Federal laws, including the Wilderness Act, Clean Air Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act. The discussion draft also contains provisions that undermine State law, as well as the United States Constitution.
- Undermining the management of proposed wilderness areas, national conservation areas, special management areas, and recreation zones. This language is so onerous as to completely negate the conservation purposes of these designations.
- Providing unprecedented giveaways to the State of Utah, including over 10,000 miles of public roads, and a significant acreage of Federal land.
- Designating over 2.5 million acres of energy zones that will sacrifice important natural, cultural, scenic, and recreational values on public lands.
- Affording insufficient protections for the proposed Bears Ears National Monument, while providing San Juan County with veto authority over monument management.
- Containing numerous other onerous provisions including the hard release of over two million acres of public land.

DIVISION A – CONSERVATION

TITLE I – WILDERNESS. This title designates 2.2 million acres of wilderness in 41 units, including 1.65 million acres of BLM wilderness, 435,000 acres of national park wilderness, and 100,000 acres of Forest Service wilderness. The discussion draft includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues. This title also releases 80,000 acres of wilderness study areas.

The wilderness management language contains numerous provisions that contradict the Wilderness Act, and also contradicts the National Environmental Policy Act, Federal Land Policy and Management Act, Clean Air Act and National Forest Management Act. This language completely undermines the wilderness designations by including such things as mandatory grazing and shooting; permissive rules on logging, water facilities, and water development projects; a prohibition on land acquisition from willing sellers, and a prohibition on protecting air quality. The title also omits many lands deserving of wilderness protections.

TITLE II – NATIONAL CONSERVATION AREAS. This title designates 1.8 million acres of national conservation areas (NCAs) in 14 units. These areas overlap with 390,000 acres of wilderness from Title I. A Bears Ears National Conservation Area is included, covering 1.1 million

acres. The title contains over 20 management provisions for the conservation areas, with additional provisions for the Book Cliffs Sportsmens NCA and Bears Ears NCA. Additionally, the title establishes an advisory council for the Book Cliffs Sportsmens NCA and a commission made up of two Tribes, the State of Utah, and San Juan County to oversee the Bears Ears NCA. The commission has veto power over management decisions in the Bears Ears NCA. Finally, the title releases all lands in the NCAs from future inventory and management as wilderness.

The NCA management language contradicts the Federal Land Policy and Management Act, National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the NCA designations by including such things as mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality. The purposes alone would undermine NCA management, as they include such things as motorized recreation and greater local control. The release language is known as “hard release,” which has never passed Congress due to strong public opposition.

TITLE III – SPECIAL MANAGEMENT AREAS. This title designates 95,000 acres of special management areas in seven units on national forest land in Utah. The title includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues.

The special management area management language contradicts the National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the special management area designations. Further, the language is not consistent with the proposals of the counties that advanced the special management areas, including Summit County, which is the only county with complete agreement among all stakeholders.

TITLES IV-VII – ARCHES NATIONAL PARK EXPANSION, JURASSIC NATIONAL MONUMENT, WILD AND SCENIC RIVERS, ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA. These titles: (1) add 19,000 acres to Arches National Park; (2) establish an 867-acre national monument; (3) designates 300 miles of wild and scenic rivers; and (4) establishes a 111,000-acre recreational and special management area. The discussion draft includes management provisions for the monument, wild and scenic rivers, and recreational and special management area.

The management language in these titles would undermine their purposes by including such things as: mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality.

DIVISION B – OPPORTUNITY

TITLE I – SCHOOL TRUST LAND CONSOLIDATIONS. This title ratifies an agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands. Conveyances are to be completed within 70 days of the PLI’s enactment.

There is no agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands in Utah, and no negotiations on such an agreement have been initiated. The map on the PLI website appears to show over 300,000 acres of State and Federal land to be exchanged. This title also includes no provisions requiring appraisals, equal value exchanges, or compliance with existing law. As a result, this title could result in Federal lands being given to the State of Utah at taxpayer expense.

TITLE II – GOBLIN VALLEY STATE PARK. This title transfers 10,000 acres of BLM land to the State of Utah for inclusion in Goblin Valley State Park. The title requires the Secretary of the Interior to enter into a cooperative agreement with the State of Utah to manage recreational activities on 157,000 acres of BLM land adjacent to the Goblin Valley State Park.

This title contradicts the Recreation and Public Purposes Act, which limits conveyances for recreational purposes to 6,400 acres. The cooperative management area includes sensitive BLM lands, including lands with wilderness characteristics.

TITLE III – PRICE CANYON STATE FOREST. This title transfers 13,321 acres of BLM land to the State of Utah in exchange for 14,939 acres of State land. The land transferred to Utah is intended to become a state forest, though this is not required by the legislation. An additional provision requires grazing to continue forever on all lands acquired by the state.

Because there is no requirement to conduct this exchange in accordance with existing law, ensure equal value, or even conduct appraisals, this title could result in Federal lands being given away to the State of Utah at taxpayer expense. The legislation also attempts to direct the management of state lands.

TITLE IV – DEER LODGE LAND EXCHANGE. This title would require a land exchange of between the Forest Service and a private homeowners association. The Forest Service would acquire 77 acres of private land and give up 156 acres of national forest land. The exchange would be carried out in accordance with existing law. However, there is no requirement for either parcel to be appraised.

The national forest land to be exchanged is within Daggett County, which developed a comprehensive public lands proposal in 2014 for inclusion in the PLI. The proposal included provisions on conservation, roads, land exchanges, conveyances, and wild and scenic rivers, and was agreed to by all stakeholders. The Daggett County Commission later withdrew that proposal and pulled out of the PLI. This land exchange moves forward one component of the Daggett County proposal while leaving out the remainder.

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Conversation Contents

Fwd: Thanks from Bluff...and follow up

Attachments:

/49. Fwd: Thanks from Bluff...and follow up/1.1 Sacred-Mesa-Rock-Saw.jpg

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Feb 02 2016 06:54:58 GMT-0700 (MST)
To: Robert Bonnie <Robert.Bonnie@osec.usda.gov>, Leslie Jones <Leslie.Jones@osec.usda.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Thanks from Bluff...and follow up
Attachments: Sacred-Mesa-Rock-Saw.jpg

Morning reading....

Begin forwarded message:

From: Josh Ewing <josh@cedarmesafriends.org>
Date: February 1, 2016 at 6:49:11 PM EST
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Thanks from Bluff...and follow up

Nikki: I'm back in Bluff and am writing to thank you again for meeting with us last week. I really appreciate you making the time in a busy week disrupted by Snowzilla.

You asked that I send you the poll showing 66% of Utahns support protecting Bears Ears as a National Monument. You'll find that question on page 19 of the PDF found here: <https://www.coloradocollege.edu/dotAsset/1ae5d935-6a3d-4139-a128-e62d2441ec1f.pdf>

Also, as a small follow up, I'm including a photo of the site that was vandalized in the last few months (rock art attempted to be sawed from the cliff) near Bluff and within the Bears Ears proposal area. You can see how someone was trying to use a chisel to remove it from the cliff face.

FOR COMMITTEE USE ONLY

This is just one of nearly two dozen recent grave robbing and looting incidents we know of in the last two years.

If as you're working on this issue you ever have questions or issues that we can be helpful with, please don't hesitate to reach out.

Thanks!

—

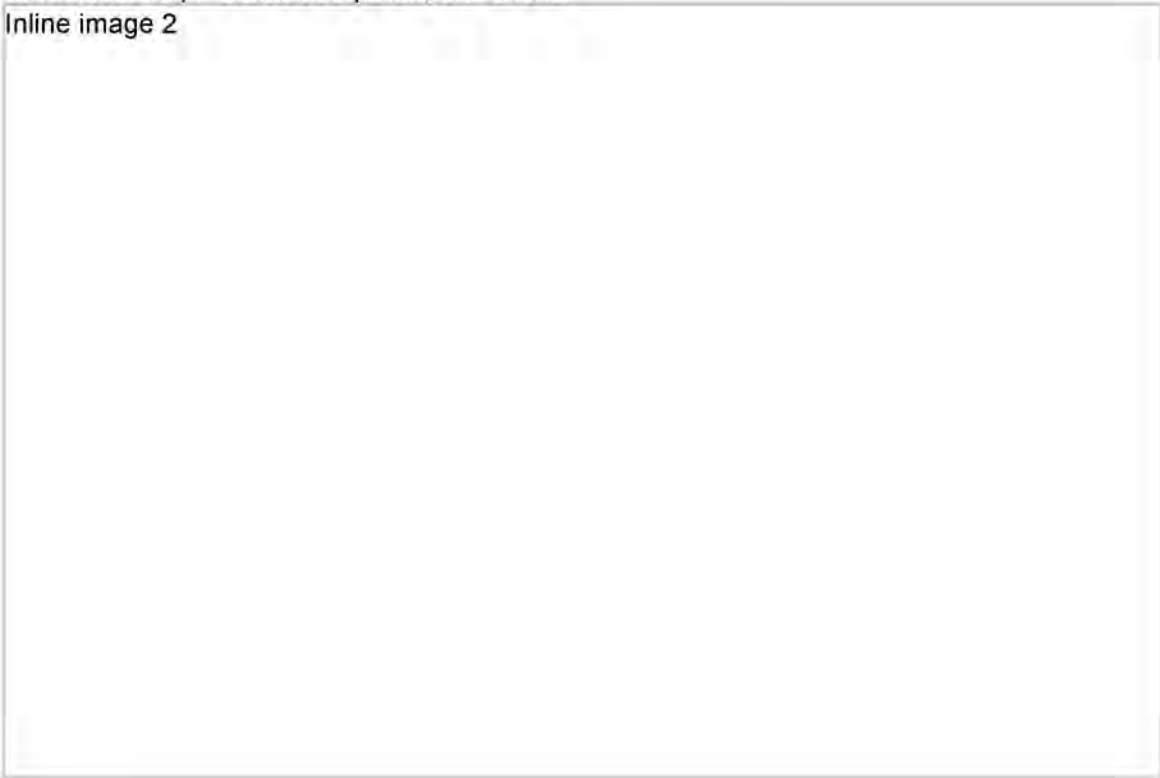
Josh Ewing

Executive Director

Friends of Cedar Mesa

801.410.0773 | PO Box 338 | Bluff, UT 84512

Inline image 2





Conversation Contents

Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

Attachments:

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/1.1 ATT00001.htm

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/1.2 Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/3.1 ATT00001.htm

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/3.2 Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

"Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>

From: "Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>
Sent: Wed Jan 27 2016 09:18:52 GMT-0700 (MST)
To: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
CC: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
Attachments: ATT00001.htm Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

For the scheduling list.

----- Forwarded message -----

From: **Rollie Wilson** <RWilson@ndnlaw.com>
Date: Wed, Jan 27, 2016 at 9:03 AM
Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>, "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd <mnedd@blm.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, Darren Pete <darren.pete@bia.gov>, Ratana Warito <ratana.warito@bia.gov>, Jamie Harrison <jharriso@blm.gov>

Hi Michael,

The Ute Indian Tribe would appreciate the opportunity to meet with you during the week of February 21st to discuss Congressman Bishop's draft bill for a Utah Public Lands Initiative and Restoration of its Reservation Lands under the Indian Reorganization Act. The Tribe's meetings with Acting Assistant Secretary Roberts and BLM Director Kornze on this issue have been positive, but with the release of a draft bill that would take about 100,000 acres within the Tribe's Reservation, the Tribe would like to brief the Secretary's Office on this issue.

Attached is a letter from the Tribe asking that the Administration oppose the draft bill and a tribal resolution formally requesting restoration of surplus lands within the Tribe's Reservation.

We can meet pretty much anytime the week of the 21st including Friday the 26th after NCAI wraps up. Thanks for your consideration. Please let me know if you need any other information.

Rollie Wilson

Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
Telephone: (202) 450-4887
Cell: (202) 340-8232
Fax: (202) 450-5106
www.ndnlaw.com

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Elizabeth Klein
Associate Deputy Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240
ph: 202-513-0561

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 27 2016 09:20:55 GMT-0700 (MST)
To: "Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>
Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth

CC: Washburn <elizabeth_washburn@ios.doi.gov>

Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

(b) (5)

TPB

On Wed, Jan 27, 2016 at 11:18 AM, Klein, Elizabeth <elizabeth_klein@ios.doi.gov> wrote:

For the scheduling list.

----- Forwarded message -----

From: **Rollie Wilson** <RWilson@ndnlaw.com>

Date: Wed, Jan 27, 2016 at 9:03 AM

Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>,

"elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>,

"Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze

<nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd

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Fredericks Peebles & Morgan LLP

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Washington, DC 20004

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Cell: (202) 340-8232

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Elizabeth Klein
Associate Deputy Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240
ph: 202-513-0561

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 27 2016 09:21:06 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
Attachments: ATT00001.htm Ute Ltr Pres Obama re PLI with attch 1 26 16.pdf

----- Forwarded message -----

From: Klein, Elizabeth <elizabeth_klein@ios.doi.gov>
Date: Wed, Jan 27, 2016 at 11:18 AM
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
Cc: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

For the scheduling list.

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From: Rollie Wilson <RWilson@ndnlaw.com>
Date: Wed, Jan 27, 2016 at 9:03 AM
Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>, "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd

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ph: 202-513-0561

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Sent: Thu Jan 28 2016 11:50:24 GMT-0700 (MST)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
"Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>, Gareth
CC: Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn
<elizabeth_washburn@ios.doi.gov>
Subject: Re: Ute Meeting Request on Utah PLI and Restoration of
Reservation Lands

Hi Team - (b) (5)

(b) (5) Happy to discuss further.

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(b) (5)

TPB

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wrote:

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Date: Wed, Jan 27, 2016 at 9:03 AM

Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>

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Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

Elizabeth Klein <elizabeth_klein@ios.doi.gov>

From: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
Sent: Thu Jan 28 2016 12:00:23 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>, Neil G Kornze <nkornze@blm.gov>
"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>,

CC: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>

Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

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(b) (5) I can sit in if you think that

helps.

Sent from my iPhone

On Jan 28, 2016, at 1:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

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Date: Wed, Jan 27, 2016 at 9:03 AM

Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>,

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nicole_buffa@ios.doi.gov

Lawrence Roberts <lawrence_roberts@ios.doi.gov>

From: Lawrence Roberts <lawrence_roberts@ios.doi.gov>
Sent: Thu Jan 28 2016 13:35:35 GMT-0700 (MST)
To: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Neil G Kornze <nkornze@blm.gov>, "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>, Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
CC:
Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

This approach sounds good to me. More than happy to have Liz join any future meetings.

Sent from my iPhone

On Jan 28, 2016, at 2:00 PM, Elizabeth Klein <elizabeth_klein@ios.doi.gov> wrote:

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(b) (5) I can sit in if you think that helps.

Sent from my iPhone

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From: **Rollie Wilson** <RWilson@ndnlaw.com>

Date: Wed, Jan 27, 2016 at 9:03 AM

Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov"

<michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>, "

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Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

Neil Kornze <nkornze@blm.gov>

From: Neil Kornze <nkornze@blm.gov>
Sent: Thu Jan 28 2016 15:36:48 GMT-0700 (MST)
To: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Larry Roberts
<lawrence_roberts@ios.doi.gov>, "Beaudreau, Tommy"
CC: <tommy_beaudreau@ios.doi.gov>, Gareth Rees
<gareth_rees@ios.doi.gov>, Elizabeth Washburn
<elizabeth_washburn@ios.doi.gov>
Subject: Re: Ute Meeting Request on Utah PLI and Restoration of
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UTE INDIAN TRIBE

P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

January 26, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Oppose Utah Public Lands Initiative and Restore Tribal Lands

Dear President Obama:

The Ute Indian Tribe respectfully requests that you oppose a bill for a Utah Public Lands Initiative recently released by Congressmen Bishop and Chaffetz as a discussion draft. The Congressmen promote their draft bill as “a locally driven effort to bring resolution and certainty to some of the most challenging land disputes in Utah.” However, Utah’s oldest residents with the most local interests, the Ute Indian Tribe and other Utah tribes, were left out of the draft bill.

The Tribe and our proposal to resolve long-standing Federal mismanagement of our lands were never welcomed into the discussion. Instead, the Congressmen propose to take about 100,000 acres of land within our Uintah and Ouray Reservation for use by the Utah School and Institutional Trust Lands Administration (SITLA) that manages State lands for the benefit of Utah public schools. We ask you to affirm that the era of Indian land grabs for the benefit of non-Indians is over.

The lands in question are a part of our Uncompahgre Reservation making up the eastern half of our Uintah and Ouray Reservation. The lands within the Uncompahgre Reservation are currently managed by the Bureau of Land Management (BLM) and should have been restored to trust status long ago as provided in Section 3 of the Indian Reorganization Act of 1934 (IRA).

Following passage of the IRA, the Commissioner of Indian Affairs and the Secretary of the Interior approved restoring the trust status of surplus lands within the Uintah and Ouray Reservation, and many other reservations, under Section 3 of the Act, 25 U.S.C. § 463. Then, in 1945, the Secretary of the Interior issued an “Order of Restoration” for lands within our Uintah and Ouray Reservation. However, implementing the order the Secretary only restored lands within our Uintah Reservation making up the western half of our Reservation. Meanwhile, without any explanation, the BLM assumed management of lands within our Uncompahgre Reservation.

With a draft bill threatening to give away lands and minerals within our Reservation, it is time to restore all the surplus lands within our Reservation to trust status. We first contacted the Congressmen about a year ago with our proposal to resolve almost a century of mismanagement

by directing the Secretary to use authority under the IRA to restore the trust status of lands within our Reservation. At first, the Congressmen directed us to work it out with the State, County and local governments—the very same governments who launch daily attacks on our sovereignty and jurisdiction over our Reservation. Finally, with barely a word of consultation, the Congressmen refused our proposal and released a draft bill proposing to take these lands for the State.

The Uncompahgre Reservation is the historic homeland of the Ute Indian Tribe's Uncompahgre Band. After being driven from reservation lands in Colorado, the United States relocated the Uncompahgre Band into what would become eastern Utah. Similar to the suffering of other tribes across the United States, this was our "trail of tears."

On January 5, 1882, a reservation was formally established for the Uncompahgre Band by President Chester A. Arthur pursuant to Executive Order. The Uncompahgre Reservation was unique in that the United States forced the Uncompahgre Band to buy their own reservation. The Uncompahgre Band purchased its Reservation through reductions in settlement monies owed by the United States to the Band for its land in Colorado. Despite this difficult history, the Uncompahgre Reservation became a homeland and safe haven for the Uncompahgre Band.

The draft bill now proposes to take our homelands, purchased by the Tribe, for the benefit of SITLA and the State of Utah. This proposal is unjust, counter to existing Federal law, and undermines modern Federal policies promoting tribal self-determination and economic development. The proposal also undermines the Tribe's role as a major energy producer and engine for economic growth in northeast Utah. Ultimately, the proposal is likely to result in long-term litigation which conflicts with the Congressmen's goal of bringing resolution and certainty to land disputes in Utah.

We also ask that you oppose the draft bill based on its impact on other tribal interests protected under Federal law. While we are continuing to review the draft bill, it appears that tribal interests and existing Federal laws were not considered in provisions related to tribal water rights, management of sacred sites, and disposal of other Federal lands.

Utah is home of a number of Indian tribes who lived, worked and prayed in this area long before Utah became a state. Now that a draft bill has been released implicating tribal lands and resources, we ask you to oppose the bill and formally request that the United States restore the trust status of our Reservation lands under the IRA. In addition, pursuant to our August 12, 2015 letter to you, we formally request that you issue a Presidential proclamation reaffirming the Uncompahgre Reservation boundaries. A Tribal Business Committee resolution in support of the Tribe's request is attached. Thank you for your attention to pressing matter.

Sincerely,



Shaun Chapoose, Chairman
Ute Tribal Business Committee

cc: Sally Jewell, Secretary of the Interior

UINTAH AND OURAY
TRIBAL BUSINESS COMMITTEE

Resolution No. _____

- WHEREAS:** The Tribal Business Committee (“Business Committee”) of the Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”) is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe; and
- WHEREAS:** On January 5, 1882, a reservation, known as the Uncompahgre Reservation, was formally established for the Uncompahgre Utes in Utah by President Chester A. Arthur pursuant to an Executive Order; and
- WHEREAS:** Congress passed two acts allotting the Uncompahgre Reservation, a Act of August 15, 1894, Act, 28 Stat. 286, 337-338, and an Act of June 7, 1897, 30 Stat. 62, 87; and
- WHEREAS:** As the 10th Circuit Court of Appeals found at *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir. 1985) (Ute III), *reaffirmed by Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1528 (10th Cir. 1997) (Ute V) neither Act disestablished or diminished the Uncompahgre Reservation; and
- WHEREAS:** In 1934, Congress passed the Indian Reorganization Act including Section 3, 25 U.S.C. § 463 which provides for the restoration of surplus lands within Indian reservations; and
- WHEREAS:** On November 2, 1934, Commissioner of Indian Affairs John Collier issued an Opinion, 54 I.D. 559, 563, affirming the Secretary’s authority to restore trust status of surplus lands within Indian reservations; and
- WHEREAS:** The Tribe’s Uintah and Ouray Reservation was included on the list, however lands with the historic Uncompahgre Reservation were not restored to trust status; and
- WHEREAS:** Furthermore, the Tribe strongly opposes provisions in the draft Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz that would give away the Tribe’s land and minerals within the Tribe’s Reservation due to the proposed land exchange between the Bureau of Land Management (BLM) and Utah’s School and Institutional Trust Lands Administration (SITLA); and
- WHEREAS:** According to the draft bill, SITLA would get land and minerals within the Tribe’s historic Uncompahgre Reservation making up the eastern half of the Tribe’s current Uintah and Ouray Reservation; and

WHEREAS: Lands within the Uncompahgre Reservation are currently managed by the BLM, but should have been restored to Indian trust status and managed by the Bureau Indian Affairs following the passage of the Indian Reorganization Act in 1934; and

WHEREAS: Until the mismanagement of the Tribe's lands is resolved, the Tribe is forced to oppose any changes to land use within the Uncompahgre Reservation; and

WHEREAS: The Business Committee has determined that it is in the best interest of the Tribe to request that the Secretary of the Interior restore the surplus lands located on the Uncompahgre Reservation and oppose the Utah Public Lands Initiative bill.

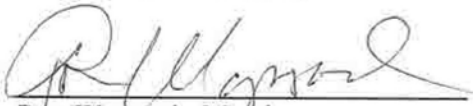
NOW, THEREFORE BE IT RESOLVED: the Business Committee formally requests that the Secretary of the Interior issue an Order of Restoration restoring all remaining surplus lands located on the Uncompahgre Reservation pursuant to 25 U.S.C. § 463.

BE IT FURTHER RESOLVED: the Business Committee formally requests that the Secretary of the Interior oppose the Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz.

BE IT FINALLY RESOLVED: that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

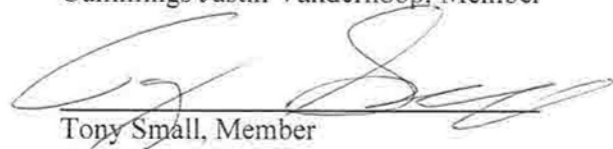

Shaun Chapoose, Chairman


Ed Secakuku, Vice-Chairman


Ron Wopsock, Member


Cummings Justin Vanderhoop, Member


Bruce Ignacio, Member


Tony Small, Member

CERTIFICATION

18-202

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah, on the 21 day of January, 2016, at which time a quorum was present and votes 6 for, 0 against, 0 abstaining and 0 absent.


Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation



UTE INDIAN TRIBE

P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

August 12, 2015

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Efforts to Disestablish our Reservation Homeland

Dear President Obama:

We are writing to alert you to efforts by the State of Utah and local Counties and municipalities (State Parties) to disestablish a portion of our Uintah and Ouray (U&O) Indian Reservation. We understand the State Parties approached the Secretary of the Interior and asked her to set in motion a process they hope will lead to the disestablishment of the Uncompahgre Reservation and possibly portions of the Uintah Valley Reservation within our U&O Reservation. We respectfully request that you take action to stop these efforts to disestablish our Reservation. In particular, we request that you issue a Presidential Proclamation reaffirming the continued legal existence of our entire U&O Reservation.

The timing of the State Parties' campaign to disestablish our Reservation is not coincidental. Just weeks ago, the U.S. Court of Appeals for the Tenth Circuit reaffirmed—for the *third* time—the continuing existence and legal validity of both the Uintah Valley and the Uncompahgre Reservations. *Ute Indian Tribe v. State of Utah, et al.*, 790 F.3d 1000 (10th Cir. 2015). In its order, the Tenth Circuit recounted the State of Utah's decades-long campaign to disestablish or diminish the U&O Reservation through the judicial branch of government. Referring to the State Parties, the Tenth Circuit said:

[a] system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already.

Now that the State Parties have failed for a third time to have the U&O Reservation disestablished though the courts, they are turning to the other branches of government to

FOR COMMITTEE USE ONLY

President Barack Obama

August 12, 2015

Page 2

achieve the same result. First, we are concerned about legislation being developed by Congressman Bishop to transfer lands and interests in lands within our Reservation to the State Parties. And, we are concerned about this recent meeting with Interior on the same issue. We ask that your Administration reject these efforts and take action to protect our Reservation homelands.

The U&O Reservation, located in the Uintah Basin of northeastern Utah, is a union of two reservations: the Uintah Valley Reservation, established by Executive Order in 1861 (and subsequently ratified by Congress), and the Uncompahgre Reservation, established by Executive Order in 1882. The U&O Reservation is home to three bands of the greater Ute Tribe: the Uintah, the White River, and the Uncompahgre Bands.

Before the Uintah Valley Reservation was established in 1861, Brigham Young, the Territorial Governor of the Territory of Utah and President of the Mormon Church, dispatched a survey team to determine whether the proposed reservation lands would instead be suitable for Mormon settlement. The team's "unanimous and firm" verdict was that the proposed reservation lands were "one vast 'contiguity of waste,' and measurably valueless, except for nomadic purposes, hunting grounds for Indians and to hold the world together." *Report of Utah Expedition, printed in Deseret News, Sept. 25, 1961, quoted in Charles Wilkinson, Fire on the Plateau, 150 (Island Press 2004).* However, today our "wasteland" Reservation lands, once so reviled by the first Governor of the Territory of Utah and non-Indian settlers, is now very desirable to the State of Utah and its political subdivisions and municipalities.

All three of our Ute Bands were required to remove to the Uintah Basin from other, more fertile lands in central Utah and western Colorado. Although the U&O Reservation was not our original, nor our preferred homeland, it is the only homeland we now have and we emphatically do not want any portion of it taken away from us.

The Tribe's Business Committee will be in Washington D.C. from September 22nd to the 25th and we would like to meet with you or your staff to discuss the concerns raised in our letter.

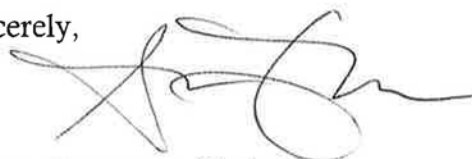
In addition, we would like to extend an invitation for you to visit our U&O Reservation to see for yourself what was once described as a "vast 'contiguity of waste.'" We have made these lands our homeland and work everyday to provide a stable and secure environment for our youth and economic opportunities for our members. The Tribe was not invited to attend any of the functions involved in your April, 2015, visit to Utah.

FOR COMMITTEE USE ONLY

President Barack Obama
August 12, 2015
Page 3

We appreciate your attention to this pressing matter. Please contact the Tribe's Washington, D.C. counsel, Rollie Wilson, at 202-340-8232 to follow up on this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Chapoose', written over a faint, light-colored background.

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Encl.

cc: Kevin Washburn, Assistant Secretary of Indian Affairs

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

KeyCite Yellow Flag - Negative Treatment
Distinguished by *Southern Ute Indian Tribe v. U.S. Department of the Interior*, D.Colo., June 22, 2015

790 F.3d 1000

Only the Westlaw citation is currently available.
United States Court of Appeals,
Tenth Circuit.

UTE INDIAN TRIBE OF THE UINTAH AND
OURAY RESERVATION, Plaintiff–Counterclaim
Defendant–Appellant/Cross–Appellee,
v.

State of UTAH; *Duchesne County*, a political
subdivision of the State of Utah,
Defendants–Counterclaimants–Appellees in No.
14–4028 and Defendants–Counterclaimants in
No. 14–4031,

Uintah County, a political subdivision of the State
of Utah,

Defendant–Counterclaimant–Third–Party
Plaintiff–Appellee/Cross–Appellant,
Roosevelt City, a municipal corporation; *Duchesne
City*, a municipal corporation; *Myton*, a municipal
corporation, Defendants,

Bruce Ignacio, Chairman of the Ute Tribal
Business Committee, in his official capacity,
Defendant–Third–Party Defendant,
and

Business Committee for the Ute Tribe of the
Uintah and Ouray Reservation; *Gordon Howell*,
Chairman of the Business Committee; *Ronald J.
Wopsock*, Vice Chairman of the Ute Tribal
Business Committee, in his official capacity;
Stewart Pike, member of the Ute Tribal Business
Committee, in his official capacity; *Tony Small*,
member of the Ute Tribal Business Committee, in
his official capacity; *Philip Chimburas*, member of
the Ute Tribal Business Committee, in his official
capacity; *Paul Tsosie*, Chief Judge of the Ute
Tribal Court, in his official capacity; *William
Reynolds*, Judge of the Ute Tribal Court, in his
official capacity, Third–Party Defendants.

Ute Indian Tribe of the Uintah and Ouray
Reservation, Utah, a federally recognized Indian
Tribe, Plaintiff–Appellant,

v.

State of Utah; *Wasatch County*, a political
subdivision of the State of Utah; *Gary Herbert*, in
his capacity as Governor of Utah; *Sean D. Reyes*,
in his capacity Attorney General of Utah; *Scott
Sweat*, in his capacity as County Attorney for
Wasatch County, Utah; *Tyler J. Berg*, in his
capacity Assistant County Attorney for *Wasatch*

County, Utah, Defendants–Appellees.
Uintah County, Amicus Curiae.

Nos. 14–4028, 14–4031, 14–4034. | June 16, 2015.

Synopsis

Background: Indian tribe brought action alleging that state and local governments were unlawfully trying to displace tribal authority on tribal lands. State and counties filed counterclaims alleging that tribe infringed their sovereignty. The United States District Court for the District of Utah denied tribe’s motion for preliminary injunction to halt tribal member’s prosecution for alleged traffic offenses on tribal land, tribe’s claim of immunity from counterclaims, and county’s claim of immunity from tribe’s suit.

Holdings: The Court of Appeals, *Gorsuch*, Circuit Judge, held that:

- ⁽¹⁾ county’s prosecution of tribal member constituted irreparable injury to tribal sovereignty;
- ⁽²⁾ Anti–Injunction Act did not bar federal court from issuing preliminary injunction;
- ⁽³⁾ *Younger* abstention was not warranted;
- ⁽⁴⁾ mutual assistance agreement between state and tribe did not waive tribe’s sovereign immunity from suit in state court;
- ⁽⁵⁾ doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims; and
- ⁽⁶⁾ county attorneys were not entitled to sovereign immunity.

Affirmed in part, reversed in part, and remanded.

West Headnotes (14)

- ⁽¹⁾ **Injunction**
Indians and tribal matters

Invasion of tribal sovereignty can constitute irreparable injury warranting injunctive relief.

Cases that cite this headnote

[2]

Injunction

Indians and tribal matters

County's prosecution of tribal member in state court for alleged traffic offenses on tribal land constituted irreparable injury to tribal sovereignty, thus warranting preliminary injunction barring prosecution, in light of state's failure to provide viable legal argument for its actions, and paramount federal policy of ensuring that Indians did not suffer interference with their efforts to develop strong self-government.

Cases that cite this headnote

[3]

Indians

State court or authorities

State and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country.

Cases that cite this headnote

[4]

Indians

State regulation

Indians

Jurisdiction and Power to Enforce Criminal

Laws

States may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country, and may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. 18 U.S.C.A. § 1151.

Cases that cite this headnote

[5]

Courts

Injunction by United States Court Against Proceedings in State Court

Anti-Injunction Act's relitigation exception allows federal court to prevent state litigation of issue that previously was presented to and decided by federal court. 28 U.S.C.A. § 2283.

Cases that cite this headnote

[6]

Courts

Criminal proceedings

Anti-Injunction Act did not bar federal court from issuing preliminary injunction barring county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where federal court had previously ruled that lands in question were Indian country. 28 U.S.C.A. § 2283.

Cases that cite this headnote

[7]

Federal Courts

Younger abstention

For *Younger* abstention to apply, there must be ongoing state judicial proceeding, presence of important state interest, and adequate opportunity to raise federal claims in state proceedings.

Cases that cite this headnote

[8]

Federal Courts

Injunctions

State and county lacked legitimate interest in relitigating boundary decisions by prosecuting

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

Indians for crimes in Indian country, and thus *Younger* abstention was not warranted in tribe's action to enjoin county's prosecution of tribal member in state court for alleged traffic offenses on tribal land.

provided that parties agreed to submit any disputes arising from agreement to federal district court, where agreement also stated that agreement did not waive any claims of sovereignty.

Cases that cite this headnote

Cases that cite this headnote

[9] **Indians**
Sovereign Immunity

Indian tribe is subject to suit only where Congress has authorized suit or tribe has waived its immunity.

[13] **Indians**
Sovereign Immunity

Doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims for injunction and declaratory relief in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where county and state did not seek money damages, or assert equitable recoupment as defense.

Cases that cite this headnote

Cases that cite this headnote

[10] **Indians**
Sovereign Immunity

Doctrine of tribal sovereign immunity extends to counterclaims lodged against plaintiff tribe, even compulsory counterclaims.

[14] **District and Prosecuting Attorneys**
Liabilities for official acts, negligence, or misconduct

Under Utah law, county attorneys were not arms of state, and thus were not entitled to sovereign immunity in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land; county attorneys were elected by county residents alone, and were paid not from state's coffers but out of county's general fund in amounts fixed by county legislative bodies. West's U.C.A. § 17-53-101.

Cases that cite this headnote

Cases that cite this headnote

[11] **Indians**
Sovereign Immunity

Indiana tribe's waiver of immunity must be expressed clearly and unequivocally.

Attorneys and Law Firms

Frances C. Bassett and Jeffrey S. Rasmussen (Sandra L. Denton, Thomas W. Fredericks, Todd K. Gravelle,

Cases that cite this headnote

[12] **Indians**
Sovereign Immunity

Mutual assistance agreement between state and Indian tribe did not waive tribe's sovereign immunity from suit, even though agreement

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

Matthew J. Kelly, and Jeremy J. Patterson with them on the briefs) of Fredericks Peebles & Morgan LLP, Louisville, CO, for the Ute Indian Tribe of the Uintah and Ouray Reservation.

Parker Douglas, Utah Federal Solicitor (Randy S. Hunter and Katharine H. Kinsman, Assistant Utah Attorneys General, and Bridget Romano, Utah Solicitor General, with him on the briefs), Salt Lake City, UT, for the State of Utah, Gary Herbert, and Sean D. Reyes.

Jesse C. Trentadue (Britton R. Butterfield, Carl F. Huefner, and Noah M. Hoagland, with him on the briefs) of Suitter Axland, PLLC, Salt Lake City, UT, for Duchesne County, Wasatch County, Scott Sweat, and Tyler J. Berg.

E. Blaine Rawson of Ray Quinney & Nebeker P.C., Salt Lake City, UT (Greggory J. Savage, Matthew M. Cannon, and Calvin R. Winder of Ray Quinney & Nebeker, Salt Lake City, UT, and G. Mark Thomas, Uintah County Attorney, and Jonathan A. Stearmer, Chief Deputy Uintah County Attorney—Civil, Vernal, UT, with him on the briefs), for Uintah County.

Before HARTZ, GORSUCH, and MORITZ, Circuit Judges.

Opinion

GORSUCH, Circuit Judge.

In our layered system of trial and appellate courts everyone's assured at least two chances to air a grievance. Add to this the possibility that a lawsuit might bounce back to the trial court on remand or even rebound its way to appeal yet again—or the possibility that an issue might win interlocutory review—and the opportunities to press a complaint grow abundantly. No doubt our complex and consuming litigation wringer has assumed the shape it has so courts might squeeze as much truth as possible out of the parties' competing narratives. But sooner or later every case must come to an end. After all, that's why people bring their disputes to court in the first place: because the legal system promises to resolve their differences without resort to violence and supply "peace and repose" at the end of it all. *S. Pac. R.R. Co. v. United States*, 168 U.S. 1, 49, 18 S.Ct. 18, 42 L.Ed. 355 (1897). For a legal system to meet this promise, of course, both sides must accept—or, if need be, they must be made to respect—the judgments it generates. Most people know and readily assent to all this. So it's pretty surprising when a State and several of its counties need a reminder. But that's what this appeal is all about.

*

Nearly forty years ago the Ute Tribe filed a lawsuit alleging that Utah and several local governments were unlawfully trying to displace tribal authority on tribal lands. After a decade of wrangling in the district court and on appeal, this court agreed to hear the case en banc. In the decision that followed, what the parties refer to as *Ute III*, the court ruled for the Tribe and rejected Utah's claim that congressional action had diminished three constituent parts of Ute tribal lands—the Uncompahgre Reservation, the Uintah Valley Reservation, and certain national forest areas. See *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir.1985) (en banc). When the Supreme Court then denied certiorari, that "should have been the end of the matter." United States' Mem. in Supp. of Ute Indian Tribe's Mot. for Injunctive Relief 3, Supplemental App. 8 (Nov. 23, 1992).

It wasn't. Instead, state officials chose "to disregard the binding effect of the Tenth Circuit decision in order to attempt to relitigate the boundary dispute in a friendlier forum." *Id.* As a vehicle for their effort, they decided to prosecute tribal members in state court for conduct occurring within the tribal boundaries recognized by *Ute III*. This, of course, the State had no business doing. *Ute III* held the land in question to be "Indian country." See 773 F.2d at 1093; 18 U.S.C. § 1151 (defining "Indian country"). And within Indian country, generally only the federal government or an Indian tribe may prosecute Indians for criminal offenses. See *DeCoteau v. Dist. County Court*, 420 U.S. 425, 427 & n. 2, 95 S.Ct. 1082, 43 L.Ed.2d 300 (1975); *Solem v. Bartlett*, 465 U.S. 463, 465 n. 2, 104 S.Ct. 1161, 79 L.Ed.2d 443 (1984). True, states sometimes may prosecute "crimes by non-Indians against non-Indians and victimless crimes by non-Indians." *Bartlett*, 465 U.S. at 465 n. 2, 104 S.Ct. 1161 (citation omitted). But unless Congress provides an exception to the rule—and it hasn't here—states possess "no authority" to prosecute Indians for offenses in Indian country. *Cheyenne-Arapaho Tribes v. Oklahoma*, 618 F.2d 665, 668 (10th Cir.1980); 18 U.S.C. § 1162 (allowing certain states but not Utah to exercise jurisdiction over crimes committed by Indians in Indian country).

Disregarding all of this, state officials proceeded with their prosecutions anyway and soon one wended its way to the Utah Supreme Court. Declining to acknowledge or abide "traditional ... principles of comity, ... *res judicata* and collateral estoppel," the State argued that the very

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same congressional actions *Ute III* said did *not* diminish tribal territory *did* diminish at least a part of the Uintah Valley Reservation. United States' Mem., *supra*, at 4, Supplemental App. 9. And with this much at least the Utah Supreme Court eventually agreed. See *State v. Perank*, 858 P.2d 927 (Utah 1992); *State v. Hagen*, 858 P.2d 925 (Utah 1992). Then the United States Supreme Court—despite having denied review in *Ute III* and despite the fact the mandate in that case had long since issued—granted certiorari and agreed too. See *Hagen v. Utah*, 510 U.S. 399, 421–22, 114 S.Ct. 958, 127 L.Ed.2d 252 (1994).

This strange turn of events raised the question: what to do with the mandate of *Ute III*? Keeping it in place could leave the United States Supreme Court's decision in *Hagen* to control only cases arising from Utah state courts and not federal district courts, a pretty unsavory possibility by anyone's reckoning. So in a decision the parties call *Ute V*, this court elected to recall and modify *Ute III*'s mandate. See *Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1527–28 (10th Cir.1997). Because *Hagen* addressed the Uintah Valley Reservation, *Ute V* deemed that particular portion of Ute tribal lands diminished—and diminished according to the terms *Hagen* dictated. So much relief was warranted, this court found, to “reconcile two inconsistent boundary determinations and to provide a uniform allocation of jurisdiction among separate sovereigns.” *Id.* at 1523.

Naturally, the State wanted more. It asked this court to extend *Hagen's* reasoning to the national forest and Uncompahgre lands and hold them diminished too. But *Ute V* rejected this request. Upsetting a final decision by recalling and modifying a mandate is and ought to be a rare and disfavored thing in a legal system that values finality. *Id.* at 1527. Though such extraordinary relief might have been warranted to give meaning to *Hagen's* holding, *Ute V* explained, it wasn't warranted to extend *Hagen's* reasoning to new terrain—even if doing so might happen to achieve a “more accurate” overall result. *Id.* at 1523. After all, by this point the parties' litigation was so old it had come of age and *Ute III* itself had been settled for years. “If relitigation were permitted whenever it might result in a more accurate determination, in the name of ‘justice,’ the very values served by preclusion would be quickly destroyed.” *Id.* (quoting 18 Charles A. Wright et al., *Federal Practice and Procedure* § 4426, at 265 (1981)). Following this court's decision in *Ute V*, the Supreme Court again denied certiorari and, really, that should have been the end of it.

But as you might have guessed by now, the State and its counties are back at it. Just as they did in the 1990s, they

are again prosecuting tribal members in state court for offenses occurring on tribal lands—indeed, on the very lands *Ute V* said remain Indian country even after *Hagen*. Seeking to avoid a replay of the “jurisdictional chaos” the State invited the last time around, United States' Mem., *supra*, at 4, Supplemental App. 9, this time the Tribe filed suit in federal court. As clarified at oral argument, the Tribe seeks from this suit a permanent injunction prohibiting the State and its counties from pursuing criminal prosecutions of Indians in state court for offenses arising in areas declared by *Ute III* and *V* to be Indian country—and prohibiting the State and its subdivisions from otherwise relitigating matters settled by those decisions. Toward these ends and as an initial matter, the Tribe asked the district court for a preliminary injunction against the State, Wasatch County, and various officials to halt the prosecution of a tribal member, Lesa Jenkins, in Wasatch County Justice Court for alleged traffic offenses in the national forest area that *Ute III* and *V* recognized as Indian country. A sort of test case, if you will. In return, the State and Uintah and Duchesne Counties fired off counterclaims of their own alleging that the Tribe has somehow improperly infringed on *their* sovereignty.

Before us now are three interlocutory but immediately appealable collateral orders this latest litigation has spawned. The first addresses the Tribe's request for a preliminary injunction. The latter two address claims of immunity: the Tribe's claim of immunity from the counterclaims and Uintah County's claim of immunity from the Tribe's suit. In all three decisions the district court denied the requested relief. But, as it turns out, the Tribe's arguments on all three points are well taken: the district court should have issued a preliminary injunction and must do so now; the Tribe is shielded by sovereign immunity; and Uintah County is not.

*

We begin with the Tribe's motion for a preliminary injunction barring the State and Wasatch County from prosecuting Ms. Jenkins in state court. In one sentence and without elaboration, the district court held that the Tribe failed to demonstrate that it would suffer an irreparable harm without an injunction and denied relief on that basis alone.

[1] [2] We cannot agree. The Tenth Circuit has “repeatedly stated that ... an invasion of tribal sovereignty can constitute irreparable injury.” *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1255 (10th Cir.2006). In *Wyandotte Nation* itself, this court upheld a preliminary

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injunction preventing Kansas from enforcing state gaming laws on a tract of tribal land because of the resulting infringement on tribal sovereignty. *Id.* at 1254–57; see also *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1250–51 (10th Cir.2001). And we can divine no reason or authority that might justify a different result here, where the invasion of tribal sovereignty is so much greater.

Indeed, the harm to tribal sovereignty in this case is perhaps as serious as any to come our way in a long time. Not only is the prosecution of Ms. Jenkins itself an infringement on tribal sovereignty, but the tortured litigation history that supplies its backdrop strongly suggests it is part of a renewed campaign to undo the tribal boundaries settled by *Ute III* and *V*. Neither do the defendants' briefs offer any reason to hope otherwise. The State supplies just two conclusory paragraphs in defense of the district court's conclusory irreparable injury conclusion. And when it comes to the Tribe's charge that the State is reviving its efforts to undo tribal boundaries, the State simply brushes off the worry as "speculative." But there's nothing speculative about Utah's past disregard of this court's decisions and nothing speculative about the fact Ms. Jenkins's prosecution amounts to the same thing now. For its part, Wasatch County exhibits even less subtlety about its intentions, going so far as to argue that the Tribe may not exercise authority over any lands in Utah because (in part) the State was once "a separate, independent nation, the State of Deseret" with "its own *Constitution*" that didn't recognize Indian lands or tribal authority. Wasatch Appellees' Br. 1011. Never mind *Ute III* and *V*. And never mind the United States Constitution and the authority that document provides the federal government to regulate Indian affairs. On the record before us, there's just no room to debate whether the defendants' conduct "create[s] the prospect of significant interference with [tribal] self-government" that this court has found sufficient to constitute "irreparable injury." *Prairie Band*, 253 F.3d at 1250–51 (second alteration in original) (internal quotation marks omitted). By any fair estimate, that appears to be the whole point and purpose of their actions.

What about the other considerations that traditionally inform preliminary injunction proceedings—the merits, the parties' claimed and competing harms, and the public interest? See *id.* at 1246. The State and County say these elements support them and provide alternative grounds on which we might affirm the district court and deny the Tribe's request for a preliminary injunction. But it turns out the district court didn't rest its decision on these other grounds for good reason.

¹⁴¹ Take the merits. At the risk of repetition, no one disputes that Ms. Jenkins is an enrolled member of the Tribe, that she is being prosecuted in Utah state court by local officials, or that her alleged offenses took place within the reservation boundaries established in *Ute III* and *V*. As we've seen too, it's long since settled that a state and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country. See *supra* at — — —. To be sure, and as the defendants point out, Ms. Jenkins was stopped and cited for committing a traffic offense on a right-of-way running through Indian lands. But both federal statutory law and *Ute V* expressly hold—and the defendants themselves don't dispute—that "rights-of-way running through [a] reservation" are themselves part of Indian country. 18 U.S.C. § 1151; *Ute V*, 114 F.3d at 1529. Of course, and as the State and County also observe, states may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country. See *Strate v. A-1 Contractors*, 520 U.S. 438, 442, 117 S.Ct. 1404, 137 L.Ed.2d 661 (1997). And they may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. See *Nevada v. Hicks*, 533 U.S. 353, 366, 121 S.Ct. 2304, 150 L.Ed.2d 398 (2001). But these observations are beside the point as well, for the preliminary injunction request in this case concerns only the criminal prosecution of Indians in state court for crimes committed in Indian country. In the end, then, the defendants offer no legal authority for their position and face a considerable and uniform body of authority stacked against it. Any consideration of the merits would seem to favor the Tribe—and favor it strongly.

Lacking a viable legal argument the defendants reply with a policy concern. The Tribe's position, they say, would require state officers patrolling rights-of-way to engage in racial profiling because they would have to hazard a guess about whether a driver is or isn't an Indian before pulling her over. But even assuming the relevance of this concern, it is misplaced. After all, officers could just as easily (and lawfully) inquire into a motorist's tribal membership *after* she is stopped for a suspected offense. See *United States v. Patch*, 114 F.3d 131, 133–34 (9th Cir.1997). Indeed, it seems Utah's law enforcement agencies are *already* doing just that. See *Jones v. Norton*, 3 F.Supp.3d 1170, 1192 (D.Utah 2014). And, in any event, the Tribe's preliminary injunction request doesn't complain about Ms. Jenkins's *stop*, but seeks only to halt her continued *prosecution* now that the State and County know she's a tribal member.¹

That brings us to the last two elements of the preliminary injunction test: a comparison of the potential harms that would result with and without the injunction and a

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consideration of public policy interests. *Prairie Band*, 253 F.3d at 1250. Here again there's no question who has the better of it. On the Tribe's side of the ledger lies what this court has described as the "paramount federal policy" of ensuring that Indians do not suffer interference with their efforts to "develop ... strong self-government." *Seneca-Cayuga Tribe v. Oklahoma ex rel. Thompson*, 874 F.2d 709, 716 (10th Cir.1989); see also *Prairie Band*, 253 F.3d at 1253. Against this, the State and Wasatch County argue an injunction would impede their ability to ensure safety on public rights-of-way. But this concern "is not as portentous as [they] would have it." *Prairie Band*, 253 F.3d at 1253. It isn't because nothing in the requested temporary injunction would prevent the State and County from patrolling roads like the ones on which Ms. Jenkins was stopped, from stopping motorists suspected of traffic offenses to verify their tribal membership status, from ticketing and prosecuting non-Indians for offenses committed on those roads, from referring suspected offenses by Indians to tribal law enforcement, or from adjudicating disputes over the Indian status of accused traffic offenders when meaningful reasons exist to question that status. Instead, the temporary injunction would simply prohibit the State and County from prosecuting Ms. Jenkins and perhaps other tribal members for offenses in Indian country—something they have no legal entitlement to do in the first place. In this light, the defendants' claims to injury should an injunction issue shrink to all but "the vanishing point." *Seneca-Cayuga*, 874 F.2d at 716.

¹⁵¹ ¹⁶¹ Though the traditional injunction considerations favor the Tribe, even this doesn't end the matter. Wasatch County (without support from the State) argues that—whatever those considerations might suggest—the Anti-Injunction Act forbids the issuance of any injunction in this case. The County notes, quite rightly, that out of respect for comity and federalism the AIA usually precludes federal courts from enjoining ongoing state court proceedings like Ms. Jenkins's Wasatch County prosecution. 28 U.S.C. § 2283. But this overlooks an important exception to the rule: the AIA also expressly authorizes federal courts to enjoin state proceedings when it's necessary "to protect or effectuate" a previous federal judgment. *Id.* This "relitigation exception," as it's called, allows "a federal court to prevent state litigation of an issue that previously was presented to and decided by the federal court." *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 147, 108 S.Ct. 1684, 100 L.Ed.2d 127 (1988). And that, of course, is exactly what the Tribe asks us to do here. In *Ute III* and *V* this court held that certain national forest lands remain part of the Tribe's reservation—and thus Indian country. See *Ute V*, 114 F.3d at 1528–29; *Ute III*, 773 F.2d at 1089–90. The prosecution of Ms. Jenkins

seeks to reopen that judgment and contest whether the same national forest lands, in which her alleged traffic offenses occurred, are Indian country. So relief isn't just called for under traditional preliminary injunction principles, it's statutorily authorized by the AIA. Admittedly, the County tries to suggest that the current prosecution raises at least one "new" issue—whether it possesses the authority to try Indians for crimes on rights-of-way running through tribal lands. But this issue is no new issue at all for, as we've seen, *Ute V* expressly resolved it. See *supra* at ———; *Ute V*, 114 F.3d at 1529; 18 U.S.C. § 1151.

Eventually accepting as it must that it really does want to relitigate settled issues, the County replies that it's entitled to do so because it wasn't a party to *Ute III* or *V*. But here we encounter another sort of problem. It's not just parties who are bound by prior decisions: those in privity with them often are too, and counties are usually thought to be in privity with their states for preclusion purposes when the state has lost an earlier suit.² Of course "privity is but a label," but it is a useful label "convey[ing] the existence of a relationship sufficient to give courts confidence that the party in the former litigation was an effective representative of the current party's interests." *Entek GRB, LLC v. Stull Ranches, LLC*, 763 F.3d 1252, 1258 (10th Cir.2014). Many courts have already applied these preclusion principles in the AIA context.³ And the County offers no reason to think it should be immune from their force and no reason to think Utah failed to serve as an effective representative of its interests in *Ute III* and *V*. In saying this much we don't mean to exclude the possibility that a county and state sometimes lack a sufficient identity of interests to warrant the application of preclusion principles; we mean to suggest only that nobody has given us any reason to think that possibility is realized here.

¹⁷¹ ¹⁸¹ Where the County fails with the AIA the State suggests it might succeed with *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971). As Utah observes, the AIA isn't the only legal authority that can induce a federal court to abstain from enjoining ongoing state court proceedings; freestanding federalism principles, like those embodied in *Younger*, often counsel the same course. But for *Younger* abstention to apply, there must be "an ongoing state judicial ... proceeding, the presence of an important state interest, and an adequate opportunity to raise federal claims in the state proceedings." *Seneca-Cayuga*, 874 F.2d at 711. And the second of these conditions is where Utah falters in this case because, again, it hasn't identified any legitimate state interest advanced by its attempt to relitigate boundary decisions by prosecuting Indians for crimes in

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Indian country. Indeed, much like the AIA, *Younger* doctrine expressly authorizes federal courts to enjoin the relitigation of settled federal decisions in cases, like ours, of “proven harassment.” *Perez v. Ledesma*, 401 U.S. 82, 85, 91 S.Ct. 674, 27 L.Ed.2d 701 (1971). And even absent a campaign of relitigation, this court in *Seneca–Cayuga* held that where, as here, states seek to enforce state law against Indians in Indian country “[t]he presumption and the reality ... are that federal law, federal policy, and federal authority are paramount” and the state’s interests are insufficient “to warrant *Younger* abstention.” 874 F.2d at 713–14. Neither does Utah offer any means by which we might fairly distinguish or disregard the teachings of *Younger*, *Perez*, or *Seneca–Cayuga*.

With all the defendants’ efforts to defend the district court’s decision on alternative grounds now fully explained and explored they seem to us to have more nearly the opposite of their intended effect. We finish persuaded that all of the traditional preliminary injunction factors favor not the defendants but the Tribe, that the federalism concerns embodied in the AIA and *Younger* do not direct otherwise, and that a remand to the district court with instructions to enter a preliminary injunction is warranted.

*

^[9] ^[10] Only the two questions of sovereign immunity remain for resolution and neither requires so much elaboration. We begin with the Tribe’s motion to dismiss the counterclaims brought by Utah and Duchesne and Uintah Counties. It’s long since settled that “an Indian tribe is subject to suit only where Congress has authorized the suit or the tribe has waived its immunity.” *Kiowa Tribe v. Mfg. Techs., Inc.*, 523 U.S. 751, 754, 118 S.Ct. 1700, 140 L.Ed.2d 981 (1998). This principle extends to counterclaims lodged against a plaintiff tribe—even compulsory counterclaims. *Oklahoma Tax Comm’n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505, 509–10, 111 S.Ct. 905, 112 L.Ed.2d 1112 (1991). And it applies with just as much force to claims or counterclaims brought by states as by anyone else. See *Michigan v. Bay Mills Indian Cmty.*, — U.S. —, 134 S.Ct. 2024, 2031, 188 L.Ed.2d 1071 (2014). No one before us suggests that Congress has authorized the counterclaims here, so everything turns on whether the Tribe itself has waived its immunity.

^[11] The State and Counties argue that the Tribe did just that in three agreements the parties signed in the aftermath of *Ute V*: the Disclaimer, Referral, and Mutual

Assistance Agreements, to use the parties’ shorthand. But we don’t see how that’s the case. A tribe’s waiver of immunity must be expressed “clearly and unequivocally.” *Nanomantube v. Kickapoo Tribe*, 631 F.3d 1150, 1152 (10th Cir.2011). Yet the Referral Agreement expired by its own terms in 2008 and the Tribe terminated the Disclaimer Agreement in 2011—well before the defendants brought their counterclaims. Neither do the State and Counties explain how these agreements, even assuming they might once have authorized suit, continue to do so much so long after they’ve expired. Instead, the defendants leave that possibility to the court’s imagination—and that’s never a substitute for a clear and unequivocal waiver of immunity.

^[12] What about the Mutual Assistance Agreement? Far from waiving immunity, it contains a section entitled “No Waiver of Sovereignty or Jurisdiction Intended.” According to that provision, “no acquiescence in or waiver of claims of rights, sovereignty, authority, boundaries, jurisdiction, or other beneficial interests is intended by this Agreement,” and “no rights or jurisdiction shall be gained or lost at the expense of the other parties to this Agreement.” Yes, the State and Counties point to another section of the agreement that says “[o]riginal jurisdiction to hear and decide any disputes or litigation arising pursuant to or as a result of this Agreement shall be in the United States District Court for the District of Utah.” And, yes, this language is similar to language courts have sometimes held sufficient to waive tribal immunity. See, e.g., *C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe*, 532 U.S. 411, 415, 418–23, 121 S.Ct. 1589, 149 L.Ed.2d 623 (2001); *Ninigret Dev. Corp. v. Narragansett Indian Wetuomuck Hous. Auth.*, 207 F.3d 21, 30–31 (1st Cir.2000). But none of those cases confronted agreements with a separate section expressly asserting sovereign immunity like the one here. And trying to make sense of the whole document before us without rendering any portion of it a nullity—always our aspiration when interpreting contracts—we cannot say it clearly and unequivocally waives sovereign immunity. Instead, the language the defendants cite seems to us best understood as a forum selection clause. Cf. *Santana v. Muscogee (Creek) Nation ex rel. River Spirit Casino*, 508 Fed.Appx. 821, 823 (10th Cir.2013) (holding that a compact provision “waiv [ing] tribal immunity ... in a ‘court of competent jurisdiction’ ” did not “alone confer jurisdiction on state courts because states are generally presumed to lack jurisdiction in Indian Country”). So the agreement both refuses to waive sovereign immunity and proceeds to designate the District of Utah as the venue for any disputes should immunity ever be overcome. This arrangement may not seem the most intuitive but it’s hardly incongruous: after all, the

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Tribe is always free to consent to a particular suit arising under the Mutual Assistance Agreement and allow it to proceed in the designated forum even as the Tribe chooses to stand on its claim of immunity in most cases. See *Jicarilla Apache Tribe v. Hodel*, 821 F.2d 537, 539–40 (10th Cir.1987) (holding that a tribe's potential waiver of immunity in one suit did not waive its immunity in a subsequent suit); cf. *Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense Bd.*, 527 U.S. 666, 675, 119 S.Ct. 2219, 144 L.Ed.2d 605 (1999) (“[A] State’s sovereign immunity is ‘a personal privilege which it may waive at pleasure.’” (quoting *Clark v. Barnard*, 108 U.S. 436, 447, 2 S.Ct. 878, 27 L.Ed. 780 (1883))).

If the agreements don’t help their cause, the State and Counties suggest their counterclaims can proceed anyway because they implicate the Tribe’s UTERO (or Ute Tribal Employment Rights Office) ordinance. Under the terms of that ordinance, the Tribe has indeed “agree[d] to waive its sovereign immunity.” But the ordinance explains that this “waiver is not, and should not be construed as a blanket waiver of the Tribe’s sovereign immunity.” Instead, the waiver exists “for the sole and limited purpose of enforcement of the terms of [the] Ordinance,” which requires employers on the reservation, including the Tribe itself, to “extend a preference to qualified Indians ... in all aspects of employment.” And even assuming without granting that the defendants’ counterclaims could somehow be described as an effort to “enforce” the ordinance—itself a seriously questionable notion—the ordinance is enforceable only before tribal courts and the Tribe’s UTERO Commission. Nowhere does the waiver permit other parties to hale the Tribe before a nontribal tribunal and this court enjoys no authority to rewrite for the defendants the waiver the Tribe has written for itself. *Seneca-Cayuga*, 874 F.2d at 715 (“[W]aivers of sovereign immunity are strictly construed.”).

Having failed to identify any language in a statute, agreement, or other document in which the Tribe has waived its immunity, the State and Counties take us even further afield and in some curious directions. For example, the State and Duchesne County argue we shouldn’t dismiss the counterclaims before us because of *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908). *Young*, of course, held that claims for prospective injunctive relief against state officials may proceed even though states themselves are generally immune from identical claims. And the Supreme Court has extended *Young’s* application to the tribal context, allowing claims against tribal officials that wouldn’t be allowable against the tribe itself. See *Bay Mills*, 134 S.Ct. at 2035. But that principle has no application to this appeal: the counterclaims before us seek relief not from tribal

officials but from the Tribe itself, sued in its own name.

¹³ The defendants’ invocation of the doctrine of equitable recoupment is no more helpful to their cause. Traditionally, this court has treated recoupment as “an equitable defense that applies only to suits for money damages.” *Citizen Band Potawatomi Indian Tribe v. Okla. Tax Comm’n*, 888 F.2d 1303, 1305 (10th Cir.1989), *rev’d in part on other grounds*, 498 U.S. 505, 111 S.Ct. 905.² Meanwhile, the defendants’ counterclaims in this case seek just injunctive and declaratory relief. And even assuming the doctrine might operate in cases like this, “recoupment is in the nature of a defense” to defeat a plaintiff’s claims, not a vehicle for pursuing an affirmative judgment. *Bull v. United States*, 295 U.S. 247, 262, 55 S.Ct. 695, 79 L.Ed. 1421 (1935); see also *Jicarilla Apache Tribe v. Andrus*, 687 F.2d 1324, 1344 (10th Cir.1982). Yet an affirmative judgment is exactly what the defendants desire. As clarified at oral argument, the Tribe’s suit seeks to bar relitigation of issues settled in *Ute III* and *V* and to enjoin the prosecution of Indians for offenses committed on tribal lands. In reply, the counterclaims ask us to do much more than deny that relief—they demand, among other things, the affirmative relief of an injunction barring the Tribe from bringing lawsuits against county officials in federal or tribal courts.

Along different but no more persuasive lines, Uintah County argues that the Tribe waived its immunity by bringing the original *Ute* litigation some forty years ago. But Supreme Court precedent couldn’t be clearer on this point: a tribe’s decision to go to court doesn’t automatically open it up to counterclaims—even compulsory ones. See *Citizen Band*, 498 U.S. at 509–10, 111 S.Ct. 905. The County contends that an out-of-circuit decision, *Rupp v. Omaha Indian Tribe*, 45 F.3d 1241 (8th Cir.1995), somehow undermines this principle. But it does no such thing. The tribe in *Rupp* explicitly invited the defendants’ counterclaims, “affirmatively ... asking the defendants to assert any right, title, interest or estate they may have [had] in the disputed lands.” *Id.* at 1245. And even Uintah County doesn’t suggest it’s ever received an invitation like that from the Ute Tribe.

By now the point is plain. The State and Counties haven’t identified a clear and unequivocal waiver of sovereign immunity and none of their—often inventive—arguments can substitute for one. The Tribe is entitled to dismissal of the counterclaims.

*

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That leaves Uintah County's claim that it's entitled to immunity too. Neither the State nor any of Uintah's sister counties join this argument, and it faces a seriously uphill battle from the start. That's because the Supreme Court "has repeatedly refused to extend sovereign immunity to counties." *N. Ins. Co. of N.Y. v. Chatham County*, 547 U.S. 189, 193, 126 S.Ct. 1689, 164 L.Ed.2d 367 (2006).

¹⁴¹ Uintah County tries to avoid that conclusion in this case by insisting its county attorneys are the main focus of the Tribe's suit and those officials are entitled to immunity because they are "arms of the state." See, e.g., *Watson v. Univ. of Utah Med. Ctr.*, 75 F.3d 569, 574 (10th Cir.1996). But even assuming that county attorneys are the proper focus of our attention (the Tribe's suit is against Uintah County, not its attorneys), a problem still persists. For a county official to qualify as an "arm of the state," it's not enough that he "exercise a slice of state power" by carrying out prosecutorial functions. *N. Ins. Co.*, 547 U.S. at 193–94, 126 S.Ct. 1689 (quoting *Lake Country Estates, Inc. v. Tahoe Reg'l Planning Agency*, 440 U.S. 391, 401, 99 S.Ct. 1171, 59 L.Ed.2d 401 (1979)) (internal quotation marks omitted). Instead, our case law directs us to examine both the "degree of autonomy" that the county official enjoys under state law and the extent to which the finances of his office are "independent of the state treasury." *Watson*, 75 F.3d at 574–75 (quoting *Haldeman v. Wyo. Farm Loan Bd.*, 32 F.3d 469, 473 (10th Cir.1994)). And both considerations suggest an insufficient connection between Uintah County attorneys and the State of Utah to call them arms of the state. In Utah, county attorneys are elected by county residents alone and the state code refers to them as "elected officers of a county." Utah Code Ann. § 17–53–101; see also *id.* § 17–18a–202. When it comes to finances, county attorneys are paid not from the State's coffers but out of the county's general fund in amounts fixed by county legislative bodies. *Id.* § 17–16–14, –18. Neither has Uintah County pointed to any countervailing features of state law or practice that might favor it and suggest a different result here.

To be clear, we hardly mean to suggest that county attorneys can never qualify as arms of the state. The inquiry turns on an analysis of state law and financial arrangements so the answer may well differ from state to state and agency to agency and epoch to epoch. We can surely imagine a different structure to state law, one in which a county prosecutor's office is a good deal more intimately associated with the state. Indeed, that currently may be the case elsewhere. See, e.g., *Slinger v. New Jersey*, No. 07–CV–5561, 2008 WL 4126181, at *9–10 (D.N.J. Sept. 4, 2008), *rev'd in part on other grounds*, 366 Fed.Appx. 357 (3d Cir.2010). But there's just no

evidence before us suggesting that's currently the case in Utah.

*

A system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already. Though we are mindful of the importance of comity and cooperative federalism and keenly sensitive to our duty to provide appropriate respect for and deference to state proceedings, we are equally aware of our obligation to defend the law's promise of finality. And the case for finality here is overwhelming. The defendants may fervently believe that *Ute V* drew the wrong boundaries, but that case was resolved nearly twenty years ago, the Supreme Court declined to disturb its judgment, and the time has long since come for the parties to accept it.

The district court's decision denying the preliminary injunction request is reversed and that court is directed to enter appropriate preliminary injunctive relief forthwith. Its decision denying tribal immunity is also reversed and it is instructed to dismiss the counterclaims against the Tribe. The district court's decision denying immunity to Uintah County is affirmed. Before oral argument, we provisionally granted Uintah County's motions for leave to file an amicus brief and supplemental appendix, a decision we do not disturb. All other motions are denied. Though we see some merit in the Tribe's motion for sanctions against Uintah County given the highly doubtful grounds of some of its arguments to this court, we hope this opinion will send the same message: that the time has come to respect the peace and repose promised by settled decisions. In the event our hope proves misplaced and the defendants persist in failing to respect the rulings of *Ute V*, they may expect to meet with sanctions in the district court or in this one. See *Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir.1990).

Similarly, the State and County raise the possibility that Ms. Jenkins's alleged offenses (driving without an ignition interlock, for example) are "continuing" offenses that might have occurred both on and off tribal lands. But whatever other problems this argument might confront, it fails on its facts. It's undisputed that Ms. Jenkins stands charged in state court for conduct

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that occurred within tribal lands and no one has pointed to any evidence in the record indicating that any part of the offense continued off-reservation.

² See, e.g., *County of Boyd v. U.S. Ecology, Inc.*, 48 F.3d 359, 361–62 (8th Cir.1995); *Nash County Bd. of Ed. v. Biltmore Co.*, 640 F.2d 484, 493–97 (4th Cir.1981); 18A Charles Alan Wright et al., *Federal Practice and Procedure* § 4458, at 558–59 n. 9 (2d ed.2002) (collecting cases).

³ See, e.g., *Vasquez v. Bridgestone/Firestone, Inc.*, 325 F.3d 665, 675–77 (5th Cir.2003); *First Ala. Bank of Montgomery, N.A. v. Parsons Steel, Inc.*, 825 F.2d 1475, 1486 (11th Cir.1987); *Kerr-McGee Chem. Corp. v. Hartigan*, 816 F.2d 1177, 1180 (7th Cir.1987).

⁴ See also *Bolduc v. Beal Bank, SSB*, 167 F.3d 667, 672 n. 4 (1st Cir.1999); *Black's Law Dictionary* 618 (9th ed.2009) (“[Equitable recoupment] is ordinarily a defensive remedy going only to mitigation of damages.”). See generally Thomas W. Waterman, *A Treatise on the Law of Set-Off, Recoupment, and Counter-Claim* ch. 10 (1869).

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UTE INDIAN TRIBE

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January 26, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Oppose Utah Public Lands Initiative and Restore Tribal Lands

Dear President Obama:

The Ute Indian Tribe respectfully requests that you oppose a bill for a Utah Public Lands Initiative recently released by Congressmen Bishop and Chaffetz as a discussion draft. The Congressmen promote their draft bill as “a locally driven effort to bring resolution and certainty to some of the most challenging land disputes in Utah.” However, Utah’s oldest residents with the most local interests, the Ute Indian Tribe and other Utah tribes, were left out of the draft bill.

The Tribe and our proposal to resolve long-standing Federal mismanagement of our lands were never welcomed into the discussion. Instead, the Congressmen propose to take about 100,000 acres of land within our Uintah and Ouray Reservation for use by the Utah School and Institutional Trust Lands Administration (SITLA) that manages State lands for the benefit of Utah public schools. We ask you to affirm that the era of Indian land grabs for the benefit of non-Indians is over.

The lands in question are a part of our Uncompahgre Reservation making up the eastern half of our Uintah and Ouray Reservation. The lands within the Uncompahgre Reservation are currently managed by the Bureau of Land Management (BLM) and should have been restored to trust status long ago as provided in Section 3 of the Indian Reorganization Act of 1934 (IRA).

Following passage of the IRA, the Commissioner of Indian Affairs and the Secretary of the Interior approved restoring the trust status of surplus lands within the Uintah and Ouray Reservation, and many other reservations, under Section 3 of the Act, 25 U.S.C. § 463. Then, in 1945, the Secretary of the Interior issued an “Order of Restoration” for lands within our Uintah and Ouray Reservation. However, implementing the order the Secretary only restored lands within our Uintah Reservation making up the western half of our Reservation. Meanwhile, without any explanation, the BLM assumed management of lands within our Uncompahgre Reservation.

With a draft bill threatening to give away lands and minerals within our Reservation, it is time to restore all the surplus lands within our Reservation to trust status. We first contacted the Congressmen about a year ago with our proposal to resolve almost a century of mismanagement

by directing the Secretary to use authority under the IRA to restore the trust status of lands within our Reservation. At first, the Congressmen directed us to work it out with the State, County and local governments—the very same governments who launch daily attacks on our sovereignty and jurisdiction over our Reservation. Finally, with barely a word of consultation, the Congressmen refused our proposal and released a draft bill proposing to take these lands for the State.

The Uncompahgre Reservation is the historic homeland of the Ute Indian Tribe's Uncompahgre Band. After being driven from reservation lands in Colorado, the United States relocated the Uncompahgre Band into what would become eastern Utah. Similar to the suffering of other tribes across the United States, this was our "trail of tears."

On January 5, 1882, a reservation was formally established for the Uncompahgre Band by President Chester A. Arthur pursuant to Executive Order. The Uncompahgre Reservation was unique in that the United States forced the Uncompahgre Band to buy their own reservation. The Uncompahgre Band purchased its Reservation through reductions in settlement monies owed by the United States to the Band for its land in Colorado. Despite this difficult history, the Uncompahgre Reservation became a homeland and safe haven for the Uncompahgre Band.

The draft bill now proposes to take our homelands, purchased by the Tribe, for the benefit of SITLA and the State of Utah. This proposal is unjust, counter to existing Federal law, and undermines modern Federal policies promoting tribal self-determination and economic development. The proposal also undermines the Tribe's role as a major energy producer and engine for economic growth in northeast Utah. Ultimately, the proposal is likely to result in long-term litigation which conflicts with the Congressmen's goal of bringing resolution and certainty to land disputes in Utah.

We also ask that you oppose the draft bill based on its impact on other tribal interests protected under Federal law. While we are continuing to review the draft bill, it appears that tribal interests and existing Federal laws were not considered in provisions related to tribal water rights, management of sacred sites, and disposal of other Federal lands.

Utah is home of a number of Indian tribes who lived, worked and prayed in this area long before Utah became a state. Now that a draft bill has been released implicating tribal lands and resources, we ask you to oppose the bill and formally request that the United States restore the trust status of our Reservation lands under the IRA. In addition, pursuant to our August 12, 2015 letter to you, we formally request that you issue a Presidential proclamation reaffirming the Uncompahgre Reservation boundaries. A Tribal Business Committee resolution in support of the Tribe's request is attached. Thank you for your attention to pressing matter.

Sincerely,



Shaun Chapoose, Chairman
Ute Tribal Business Committee

cc: Sally Jewell, Secretary of the Interior

UINTAH AND OURAY
TRIBAL BUSINESS COMMITTEE

Resolution No. _____

WHEREAS: The Tribal Business Committee (“Business Committee”) of the Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”) is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe; and

WHEREAS: On January 5, 1882, a reservation, known as the Uncompahgre Reservation, was formally established for the Uncompahgre Utes in Utah by President Chester A. Arthur pursuant to an Executive Order; and

WHEREAS: Congress passed two acts allotting the Uncompahgre Reservation, a Act of August 15, 1894, Act, 28 Stat. 286, 337-338, and an Act of June 7, 1897, 30 Stat. 62, 87; and

WHEREAS: As the 10th Circuit Court of Appeals found at *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir. 1985) (Ute III), *reaffirmed by Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1528 (10th Cir. 1997) (Ute V) neither Act disestablished or diminished the Uncompahgre Reservation; and

WHEREAS: In 1934, Congress passed the Indian Reorganization Act including Section 3, 25 U.S.C. § 463 which provides for the restoration of surplus lands within Indian reservations; and

WHEREAS: On November 2, 1934, Commissioner of Indian Affairs John Collier issued an Opinion, 54 I.D. 559, 563, affirming the Secretary’s authority to restore trust status of surplus lands within Indian reservations; and

WHEREAS: The Tribe’s Uintah and Ouray Reservation was included on the list, however lands with the historic Uncompahgre Reservation were not restored to trust status; and

WHEREAS: Furthermore, the Tribe strongly opposes provisions in the draft Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz that would give away the Tribe’s land and minerals within the Tribe’s Reservation due to the proposed land exchange between the Bureau of Land Management (BLM) and Utah’s School and Institutional Trust Lands Administration (SITLA); and

WHEREAS: According to the draft bill, SITLA would get land and minerals within the Tribe’s historic Uncompahgre Reservation making up the eastern half of the Tribe’s current Uintah and Ouray Reservation; and

WHEREAS: Lands within the Uncompahgre Reservation are currently managed by the BLM, but should have been restored to Indian trust status and managed by the Bureau Indian Affairs following the passage of the Indian Reorganization Act in 1934; and

WHEREAS: Until the mismanagement of the Tribe's lands is resolved, the Tribe is forced to oppose any changes to land use within the Uncompahgre Reservation; and

WHEREAS: The Business Committee has determined that it is in the best interest of the Tribe to request that the Secretary of the Interior restore the surplus lands located on the Uncompahgre Reservation and oppose the Utah Public Lands Initiative bill.

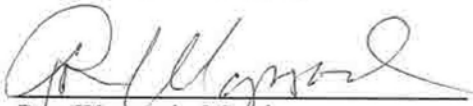
NOW, THEREFORE BE IT RESOLVED: the Business Committee formally requests that the Secretary of the Interior issue an Order of Restoration restoring all remaining surplus lands located on the Uncompahgre Reservation pursuant to 25 U.S.C. § 463.

BE IT FURTHER RESOLVED: the Business Committee formally requests that the Secretary of the Interior oppose the Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz.

BE IT FINALLY RESOLVED: that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

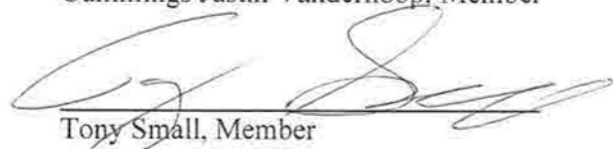

Shaun Chapoose, Chairman


Ed Secakuku, Vice-Chairman


Ron Wopsock, Member


Cummings Justin Vanderhoop, Member


Bruce Ignacio, Member


Tony Small, Member

CERTIFICATION

18-000

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah, on the 21 day of January, 2016, at which time a quorum was present and votes 6 for, 0 against, 0 abstaining and 0 absent.


Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation



UTE INDIAN TRIBE

P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

August 12, 2015

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Efforts to Disestablish our Reservation Homeland

Dear President Obama:

We are writing to alert you to efforts by the State of Utah and local Counties and municipalities (State Parties) to disestablish a portion of our Uintah and Ouray (U&O) Indian Reservation. We understand the State Parties approached the Secretary of the Interior and asked her to set in motion a process they hope will lead to the disestablishment of the Uncompahgre Reservation and possibly portions of the Uintah Valley Reservation within our U&O Reservation. We respectfully request that you take action to stop these efforts to disestablish our Reservation. In particular, we request that you issue a Presidential Proclamation reaffirming the continued legal existence of our entire U&O Reservation.

The timing of the State Parties' campaign to disestablish our Reservation is not coincidental. Just weeks ago, the U.S. Court of Appeals for the Tenth Circuit reaffirmed—for the *third* time—the continuing existence and legal validity of both the Uintah Valley and the Uncompahgre Reservations. *Ute Indian Tribe v. State of Utah, et al.*, 790 F.3d 1000 (10th Cir. 2015). In its order, the Tenth Circuit recounted the State of Utah's decades-long campaign to disestablish or diminish the U&O Reservation through the judicial branch of government. Referring to the State Parties, the Tenth Circuit said:

[a] system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already.

Now that the State Parties have failed for a third time to have the U&O Reservation disestablished though the courts, they are turning to the other branches of government to

FOR COMMITTEE USE ONLY

President Barack Obama

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achieve the same result. First, we are concerned about legislation being developed by Congressman Bishop to transfer lands and interests in lands within our Reservation to the State Parties. And, we are concerned about this recent meeting with Interior on the same issue. We ask that your Administration reject these efforts and take action to protect our Reservation homelands.

The U&O Reservation, located in the Uintah Basin of northeastern Utah, is a union of two reservations: the Uintah Valley Reservation, established by Executive Order in 1861 (and subsequently ratified by Congress), and the Uncompahgre Reservation, established by Executive Order in 1882. The U&O Reservation is home to three bands of the greater Ute Tribe: the Uintah, the White River, and the Uncompahgre Bands.

Before the Uintah Valley Reservation was established in 1861, Brigham Young, the Territorial Governor of the Territory of Utah and President of the Mormon Church, dispatched a survey team to determine whether the proposed reservation lands would instead be suitable for Mormon settlement. The team's "unanimous and firm" verdict was that the proposed reservation lands were "one vast 'contiguity of waste,' and measurably valueless, except for nomadic purposes, hunting grounds for Indians and to hold the world together." *Report of Utah Expedition, printed in Deseret News, Sept. 25, 1961, quoted in Charles Wilkinson, Fire on the Plateau, 150 (Island Press 2004).* However, today our "wasteland" Reservation lands, once so reviled by the first Governor of the Territory of Utah and non-Indian settlers, is now very desirable to the State of Utah and its political subdivisions and municipalities.

All three of our Ute Bands were required to remove to the Uintah Basin from other, more fertile lands in central Utah and western Colorado. Although the U&O Reservation was not our original, nor our preferred homeland, it is the only homeland we now have and we emphatically do not want any portion of it taken away from us.

The Tribe's Business Committee will be in Washington D.C. from September 22nd to the 25th and we would like to meet with you or your staff to discuss the concerns raised in our letter.

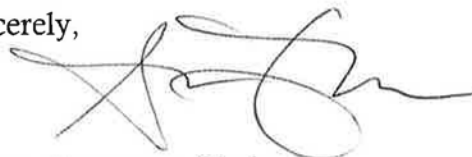
In addition, we would like to extend an invitation for you to visit our U&O Reservation to see for yourself what was once described as a "vast 'contiguity of waste.'" We have made these lands our homeland and work everyday to provide a stable and secure environment for our youth and economic opportunities for our members. The Tribe was not invited to attend any of the functions involved in your April, 2015, visit to Utah.

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We appreciate your attention to this pressing matter. Please contact the Tribe's Washington, D.C. counsel, Rollie Wilson, at 202-340-8232 to follow up on this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Chapoose', written over a faint, light-colored background.

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Encl.

cc: Kevin Washburn, Assistant Secretary of Indian Affairs

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

KeyCite Yellow Flag - Negative Treatment
 Distinguished by *Southern Ute Indian Tribe v. U.S. Department of the Interior*, D.Colo., June 22, 2015

790 F.3d 1000

Only the Westlaw citation is currently available.
 United States Court of Appeals,
 Tenth Circuit.

UTE INDIAN TRIBE OF THE UINTAH AND
 OURAY RESERVATION, Plaintiff–Counterclaim
 Defendant–Appellant/Cross–Appellee,
 v.

State of UTAH; *Duchesne County*, a political
 subdivision of the State of Utah,
 Defendants–Counterclaimants–Appellees in No.
 14–4028 and Defendants–Counterclaimants in
 No. 14–4031,

Uintah County, a political subdivision of the State
 of Utah,

Defendant–Counterclaimant–Third–Party
 Plaintiff–Appellee/Cross–Appellant,
 Roosevelt City, a municipal corporation; *Duchesne*
 City, a municipal corporation; *Myton*, a municipal
 corporation, Defendants,
 Bruce Ignacio, Chairman of the Ute Tribal
 Business Committee, in his official capacity,
 Defendant–Third–Party Defendant,
 and

Business Committee for the Ute Tribe of the
 Uintah and Ouray Reservation; *Gordon Howell*,
 Chairman of the Business Committee; *Ronald J.*
Wopsock, Vice Chairman of the Ute Tribal
 Business Committee, in his official capacity;
Stewart Pike, member of the Ute Tribal Business
 Committee, in his official capacity; *Tony Small*,
 member of the Ute Tribal Business Committee, in
 his official capacity; *Philip Chimburas*, member of
 the Ute Tribal Business Committee, in his official
 capacity; *Paul Tsosie*, Chief Judge of the Ute
 Tribal Court, in his official capacity; *William*
Reynolds, Judge of the Ute Tribal Court, in his
 official capacity, Third–Party Defendants.

Ute Indian Tribe of the Uintah and Ouray
 Reservation, Utah, a federally recognized Indian
 Tribe, Plaintiff–Appellant,

v.

State of Utah; *Wasatch County*, a political
 subdivision of the State of Utah; *Gary Herbert*, in
 his capacity as Governor of Utah; *Sean D. Reyes*,
 in his capacity Attorney General of Utah; *Scott*
Sweat, in his capacity as County Attorney for
Wasatch County, Utah; *Tyler J. Berg*, in his
 capacity Assistant County Attorney for *Wasatch*

County, Utah, Defendants–Appellees.
Uintah County, Amicus Curiae.

Nos. 14–4028, 14–4031, 14–4034. | June 16, 2015.

Synopsis

Background: Indian tribe brought action alleging that state and local governments were unlawfully trying to displace tribal authority on tribal lands. State and counties filed counterclaims alleging that tribe infringed their sovereignty. The United States District Court for the District of Utah denied tribe's motion for preliminary injunction to halt tribal member's prosecution for alleged traffic offenses on tribal land, tribe's claim of immunity from counterclaims, and county's claim of immunity from tribe's suit.

Holdings: The Court of Appeals, *Gorsuch*, Circuit Judge, held that:

⁽¹⁾ county's prosecution of tribal member constituted irreparable injury to tribal sovereignty;

⁽²⁾ Anti–Injunction Act did not bar federal court from issuing preliminary injunction;

⁽³⁾ *Younger* abstention was not warranted;

⁽⁴⁾ mutual assistance agreement between state and tribe did not waive tribe's sovereign immunity from suit in state court;

⁽⁵⁾ doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims; and

⁽⁶⁾ county attorneys were not entitled to sovereign immunity.

Affirmed in part, reversed in part, and remanded.

West Headnotes (14)

⁽¹⁾ **Injunction**
 ← Indians and tribal matters

Invasion of tribal sovereignty can constitute irreparable injury warranting injunctive relief.

Cases that cite this headnote

[2]

Injunction

Indians and tribal matters

County's prosecution of tribal member in state court for alleged traffic offenses on tribal land constituted irreparable injury to tribal sovereignty, thus warranting preliminary injunction barring prosecution, in light of state's failure to provide viable legal argument for its actions, and paramount federal policy of ensuring that Indians did not suffer interference with their efforts to develop strong self-government.

Cases that cite this headnote

[3]

Indians

State court or authorities

State and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country.

Cases that cite this headnote

[4]

Indians

State regulation

Indians

Jurisdiction and Power to Enforce Criminal

Laws

States may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country, and may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. 18 U.S.C.A. § 1151.

Cases that cite this headnote

[5]

Courts

Injunction by United States Court Against Proceedings in State Court

Anti-Injunction Act's relitigation exception allows federal court to prevent state litigation of issue that previously was presented to and decided by federal court. 28 U.S.C.A. § 2283.

Cases that cite this headnote

[6]

Courts

Criminal proceedings

Anti-Injunction Act did not bar federal court from issuing preliminary injunction barring county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where federal court had previously ruled that lands in question were Indian country. 28 U.S.C.A. § 2283.

Cases that cite this headnote

[7]

Federal Courts

Younger abstention

For *Younger* abstention to apply, there must be ongoing state judicial proceeding, presence of important state interest, and adequate opportunity to raise federal claims in state proceedings.

Cases that cite this headnote

[8]

Federal Courts

Injunctions

State and county lacked legitimate interest in relitigating boundary decisions by prosecuting

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Indians for crimes in Indian country, and thus *Younger* abstention was not warranted in tribe's action to enjoin county's prosecution of tribal member in state court for alleged traffic offenses on tribal land.

provided that parties agreed to submit any disputes arising from agreement to federal district court, where agreement also stated that agreement did not waive any claims of sovereignty.

Cases that cite this headnote

Cases that cite this headnote

[9] **Indians**
Sovereign Immunity

Indian tribe is subject to suit only where Congress has authorized suit or tribe has waived its immunity.

[13] **Indians**
Sovereign Immunity

Doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims for injunction and declaratory relief in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where county and state did not seek money damages, or assert equitable recoupment as defense.

Cases that cite this headnote

Cases that cite this headnote

[10] **Indians**
Sovereign Immunity

Doctrine of tribal sovereign immunity extends to counterclaims lodged against plaintiff tribe, even compulsory counterclaims.

[14] **District and Prosecuting Attorneys**
Liabilities for official acts, negligence, or misconduct

Under Utah law, county attorneys were not arms of state, and thus were not entitled to sovereign immunity in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land; county attorneys were elected by county residents alone, and were paid not from state's coffers but out of county's general fund in amounts fixed by county legislative bodies. West's U.C.A. § 17-53-101.

Cases that cite this headnote

Cases that cite this headnote

[11] **Indians**
Sovereign Immunity

Indiana tribe's waiver of immunity must be expressed clearly and unequivocally.

Attorneys and Law Firms

Frances C. Bassett and Jeffrey S. Rasmussen (Sandra L. Denton, Thomas W. Fredericks, Todd K. Gravelle,

Cases that cite this headnote

[12] **Indians**
Sovereign Immunity

Mutual assistance agreement between state and Indian tribe did not waive tribe's sovereign immunity from suit, even though agreement

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

Matthew J. Kelly, and Jeremy J. Patterson with them on the briefs) of Fredericks Peebles & Morgan LLP, Louisville, CO, for the Ute Indian Tribe of the Uintah and Ouray Reservation.

Parker Douglas, Utah Federal Solicitor (Randy S. Hunter and Katharine H. Kinsman, Assistant Utah Attorneys General, and Bridget Romano, Utah Solicitor General, with him on the briefs), Salt Lake City, UT, for the State of Utah, Gary Herbert, and Sean D. Reyes.

Jesse C. Trentadue (Britton R. Butterfield, Carl F. Huefner, and Noah M. Hoagland, with him on the briefs) of Suitter Axland, PLLC, Salt Lake City, UT, for Duchesne County, Wasatch County, Scott Sweat, and Tyler J. Berg.

E. Blaine Rawson of Ray Quinney & Nebeker P.C., Salt Lake City, UT (Greggory J. Savage, Matthew M. Cannon, and Calvin R. Winder of Ray Quinney & Nebeker, Salt Lake City, UT, and G. Mark Thomas, Uintah County Attorney, and Jonathan A. Stearmer, Chief Deputy Uintah County Attorney—Civil, Vernal, UT, with him on the briefs), for Uintah County.

Before HARTZ, GORSUCH, and MORITZ, Circuit Judges.

Opinion

GORSUCH, Circuit Judge.

In our layered system of trial and appellate courts everyone's assured at least two chances to air a grievance. Add to this the possibility that a lawsuit might bounce back to the trial court on remand or even rebound its way to appeal yet again—or the possibility that an issue might win interlocutory review—and the opportunities to press a complaint grow abundantly. No doubt our complex and consuming litigation wringer has assumed the shape it has so courts might squeeze as much truth as possible out of the parties' competing narratives. But sooner or later every case must come to an end. After all, that's why people bring their disputes to court in the first place: because the legal system promises to resolve their differences without resort to violence and supply "peace and repose" at the end of it all. *S. Pac. R.R. Co. v. United States*, 168 U.S. 1, 49, 18 S.Ct. 18, 42 L.Ed. 355 (1897). For a legal system to meet this promise, of course, both sides must accept—or, if need be, they must be made to respect—the judgments it generates. Most people know and readily assent to all this. So it's pretty surprising when a State and several of its counties need a reminder. But that's what this appeal is all about.

*

Nearly forty years ago the Ute Tribe filed a lawsuit alleging that Utah and several local governments were unlawfully trying to displace tribal authority on tribal lands. After a decade of wrangling in the district court and on appeal, this court agreed to hear the case en banc. In the decision that followed, what the parties refer to as *Ute III*, the court ruled for the Tribe and rejected Utah's claim that congressional action had diminished three constituent parts of Ute tribal lands—the Uncompahgre Reservation, the Uintah Valley Reservation, and certain national forest areas. See *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir.1985) (en banc). When the Supreme Court then denied certiorari, that "should have been the end of the matter." United States' Mem. in Supp. of Ute Indian Tribe's Mot. for Injunctive Relief 3, Supplemental App. 8 (Nov. 23, 1992).

It wasn't. Instead, state officials chose "to disregard the binding effect of the Tenth Circuit decision in order to attempt to relitigate the boundary dispute in a friendlier forum." *Id.* As a vehicle for their effort, they decided to prosecute tribal members in state court for conduct occurring within the tribal boundaries recognized by *Ute III*. This, of course, the State had no business doing. *Ute III* held the land in question to be "Indian country." See 773 F.2d at 1093; 18 U.S.C. § 1151 (defining "Indian country"). And within Indian country, generally only the federal government or an Indian tribe may prosecute Indians for criminal offenses. See *DeCoteau v. Dist. County Court*, 420 U.S. 425, 427 & n. 2, 95 S.Ct. 1082, 43 L.Ed.2d 300 (1975); *Solem v. Bartlett*, 465 U.S. 463, 465 n. 2, 104 S.Ct. 1161, 79 L.Ed.2d 443 (1984). True, states sometimes may prosecute "crimes by non-Indians against non-Indians and victimless crimes by non-Indians." *Bartlett*, 465 U.S. at 465 n. 2, 104 S.Ct. 1161 (citation omitted). But unless Congress provides an exception to the rule—and it hasn't here—states possess "no authority" to prosecute Indians for offenses in Indian country. *Cheyenne-Arapaho Tribes v. Oklahoma*, 618 F.2d 665, 668 (10th Cir.1980); 18 U.S.C. § 1162 (allowing certain states but not Utah to exercise jurisdiction over crimes committed by Indians in Indian country).

Disregarding all of this, state officials proceeded with their prosecutions anyway and soon one wended its way to the Utah Supreme Court. Declining to acknowledge or abide "traditional ... principles of comity, ... *res judicata* and collateral estoppel," the State argued that the very

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same congressional actions *Ute III* said did *not* diminish tribal territory *did* diminish at least a part of the Uintah Valley Reservation. United States' Mem., *supra*, at 4, Supplemental App. 9. And with this much at least the Utah Supreme Court eventually agreed. See *State v. Perank*, 858 P.2d 927 (Utah 1992); *State v. Hagen*, 858 P.2d 925 (Utah 1992). Then the United States Supreme Court—despite having denied review in *Ute III* and despite the fact the mandate in that case had long since issued—granted certiorari and agreed too. See *Hagen v. Utah*, 510 U.S. 399, 421–22, 114 S.Ct. 958, 127 L.Ed.2d 252 (1994).

This strange turn of events raised the question: what to do with the mandate of *Ute III*? Keeping it in place could leave the United States Supreme Court's decision in *Hagen* to control only cases arising from Utah state courts and not federal district courts, a pretty unsavory possibility by anyone's reckoning. So in a decision the parties call *Ute V*, this court elected to recall and modify *Ute III*'s mandate. See *Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1527–28 (10th Cir.1997). Because *Hagen* addressed the Uintah Valley Reservation, *Ute V* deemed that particular portion of Ute tribal lands diminished—and diminished according to the terms *Hagen* dictated. So much relief was warranted, this court found, to “reconcile two inconsistent boundary determinations and to provide a uniform allocation of jurisdiction among separate sovereigns.” *Id.* at 1523.

Naturally, the State wanted more. It asked this court to extend *Hagen's* reasoning to the national forest and Uncompahgre lands and hold them diminished too. But *Ute V* rejected this request. Upsetting a final decision by recalling and modifying a mandate is and ought to be a rare and disfavored thing in a legal system that values finality. *Id.* at 1527. Though such extraordinary relief might have been warranted to give meaning to *Hagen's* holding, *Ute V* explained, it wasn't warranted to extend *Hagen's* reasoning to new terrain—even if doing so might happen to achieve a “more accurate” overall result. *Id.* at 1523. After all, by this point the parties' litigation was so old it had come of age and *Ute III* itself had been settled for years. “If relitigation were permitted whenever it might result in a more accurate determination, in the name of ‘justice,’ the very values served by preclusion would be quickly destroyed.” *Id.* (quoting 18 Charles A. Wright et al., *Federal Practice and Procedure* § 4426, at 265 (1981)). Following this court's decision in *Ute V*, the Supreme Court again denied certiorari and, really, that should have been the end of it.

But as you might have guessed by now, the State and its counties are back at it. Just as they did in the 1990s, they

are again prosecuting tribal members in state court for offenses occurring on tribal lands—indeed, on the very lands *Ute V* said remain Indian country even after *Hagen*. Seeking to avoid a replay of the “jurisdictional chaos” the State invited the last time around, United States' Mem., *supra*, at 4, Supplemental App. 9, this time the Tribe filed suit in federal court. As clarified at oral argument, the Tribe seeks from this suit a permanent injunction prohibiting the State and its counties from pursuing criminal prosecutions of Indians in state court for offenses arising in areas declared by *Ute III* and *V* to be Indian country—and prohibiting the State and its subdivisions from otherwise relitigating matters settled by those decisions. Toward these ends and as an initial matter, the Tribe asked the district court for a preliminary injunction against the State, Wasatch County, and various officials to halt the prosecution of a tribal member, Lesa Jenkins, in Wasatch County Justice Court for alleged traffic offenses in the national forest area that *Ute III* and *V* recognized as Indian country. A sort of test case, if you will. In return, the State and Uintah and Duchesne Counties fired off counterclaims of their own alleging that the Tribe has somehow improperly infringed on *their* sovereignty.

Before us now are three interlocutory but immediately appealable collateral orders this latest litigation has spawned. The first addresses the Tribe's request for a preliminary injunction. The latter two address claims of immunity: the Tribe's claim of immunity from the counterclaims and Uintah County's claim of immunity from the Tribe's suit. In all three decisions the district court denied the requested relief. But, as it turns out, the Tribe's arguments on all three points are well taken: the district court should have issued a preliminary injunction and must do so now; the Tribe is shielded by sovereign immunity; and Uintah County is not.

*

We begin with the Tribe's motion for a preliminary injunction barring the State and Wasatch County from prosecuting Ms. Jenkins in state court. In one sentence and without elaboration, the district court held that the Tribe failed to demonstrate that it would suffer an irreparable harm without an injunction and denied relief on that basis alone.

[1] [2] We cannot agree. The Tenth Circuit has “repeatedly stated that ... an invasion of tribal sovereignty can constitute irreparable injury.” *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1255 (10th Cir.2006). In *Wyandotte Nation* itself, this court upheld a preliminary

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injunction preventing Kansas from enforcing state gaming laws on a tract of tribal land because of the resulting infringement on tribal sovereignty. *Id.* at 1254–57; see also *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1250–51 (10th Cir.2001). And we can divine no reason or authority that might justify a different result here, where the invasion of tribal sovereignty is so much greater.

Indeed, the harm to tribal sovereignty in this case is perhaps as serious as any to come our way in a long time. Not only is the prosecution of Ms. Jenkins itself an infringement on tribal sovereignty, but the tortured litigation history that supplies its backdrop strongly suggests it is part of a renewed campaign to undo the tribal boundaries settled by *Ute III* and *V*. Neither do the defendants' briefs offer any reason to hope otherwise. The State supplies just two conclusory paragraphs in defense of the district court's conclusory irreparable injury conclusion. And when it comes to the Tribe's charge that the State is reviving its efforts to undo tribal boundaries, the State simply brushes off the worry as "speculative." But there's nothing speculative about Utah's past disregard of this court's decisions and nothing speculative about the fact Ms. Jenkins's prosecution amounts to the same thing now. For its part, Wasatch County exhibits even less subtlety about its intentions, going so far as to argue that the Tribe may not exercise authority over any lands in Utah because (in part) the State was once "a separate, independent nation, the State of Deseret" with "its own *Constitution*" that didn't recognize Indian lands or tribal authority. Wasatch Appellees' Br. 1011. Never mind *Ute III* and *V*. And never mind the United States Constitution and the authority that document provides the federal government to regulate Indian affairs. On the record before us, there's just no room to debate whether the defendants' conduct "create[s] the prospect of significant interference with [tribal] self-government" that this court has found sufficient to constitute "irreparable injury." *Prairie Band*, 253 F.3d at 1250–51 (second alteration in original) (internal quotation marks omitted). By any fair estimate, that appears to be the whole point and purpose of their actions.

What about the other considerations that traditionally inform preliminary injunction proceedings—the merits, the parties' claimed and competing harms, and the public interest? See *id.* at 1246. The State and County say these elements support them and provide alternative grounds on which we might affirm the district court and deny the Tribe's request for a preliminary injunction. But it turns out the district court didn't rest its decision on these other grounds for good reason.

¹⁴¹ Take the merits. At the risk of repetition, no one disputes that Ms. Jenkins is an enrolled member of the Tribe, that she is being prosecuted in Utah state court by local officials, or that her alleged offenses took place within the reservation boundaries established in *Ute III* and *V*. As we've seen too, it's long since settled that a state and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country. See *supra* at — — —. To be sure, and as the defendants point out, Ms. Jenkins was stopped and cited for committing a traffic offense on a right-of-way running through Indian lands. But both federal statutory law and *Ute V* expressly hold—and the defendants themselves don't dispute—that "rights-of-way running through [a] reservation" are themselves part of Indian country. 18 U.S.C. § 1151; *Ute V*, 114 F.3d at 1529. Of course, and as the State and County also observe, states may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country. See *Strate v. A-1 Contractors*, 520 U.S. 438, 442, 117 S.Ct. 1404, 137 L.Ed.2d 661 (1997). And they may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. See *Nevada v. Hicks*, 533 U.S. 353, 366, 121 S.Ct. 2304, 150 L.Ed.2d 398 (2001). But these observations are beside the point as well, for the preliminary injunction request in this case concerns only the criminal prosecution of Indians in state court for crimes committed in Indian country. In the end, then, the defendants offer no legal authority for their position and face a considerable and uniform body of authority stacked against it. Any consideration of the merits would seem to favor the Tribe—and favor it strongly.

Lacking a viable legal argument the defendants reply with a policy concern. The Tribe's position, they say, would require state officers patrolling rights-of-way to engage in racial profiling because they would have to hazard a guess about whether a driver is or isn't an Indian before pulling her over. But even assuming the relevance of this concern, it is misplaced. After all, officers could just as easily (and lawfully) inquire into a motorist's tribal membership *after* she is stopped for a suspected offense. See *United States v. Patch*, 114 F.3d 131, 133–34 (9th Cir.1997). Indeed, it seems Utah's law enforcement agencies are *already* doing just that. See *Jones v. Norton*, 3 F.Supp.3d 1170, 1192 (D.Utah 2014). And, in any event, the Tribe's preliminary injunction request doesn't complain about Ms. Jenkins's *stop*, but seeks only to halt her continued *prosecution* now that the State and County know she's a tribal member.¹

That brings us to the last two elements of the preliminary injunction test: a comparison of the potential harms that would result with and without the injunction and a

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consideration of public policy interests. *Prairie Band*, 253 F.3d at 1250. Here again there's no question who has the better of it. On the Tribe's side of the ledger lies what this court has described as the "paramount federal policy" of ensuring that Indians do not suffer interference with their efforts to "develop ... strong self-government." *Seneca-Cayuga Tribe v. Oklahoma ex rel. Thompson*, 874 F.2d 709, 716 (10th Cir.1989); see also *Prairie Band*, 253 F.3d at 1253. Against this, the State and Wasatch County argue an injunction would impede their ability to ensure safety on public rights-of-way. But this concern "is not as portentous as [they] would have it." *Prairie Band*, 253 F.3d at 1253. It isn't because nothing in the requested temporary injunction would prevent the State and County from patrolling roads like the ones on which Ms. Jenkins was stopped, from stopping motorists suspected of traffic offenses to verify their tribal membership status, from ticketing and prosecuting non-Indians for offenses committed on those roads, from referring suspected offenses by Indians to tribal law enforcement, or from adjudicating disputes over the Indian status of accused traffic offenders when meaningful reasons exist to question that status. Instead, the temporary injunction would simply prohibit the State and County from prosecuting Ms. Jenkins and perhaps other tribal members for offenses in Indian country—something they have no legal entitlement to do in the first place. In this light, the defendants' claims to injury should an injunction issue shrink to all but "the vanishing point." *Seneca-Cayuga*, 874 F.2d at 716.

¹⁵¹ ¹⁶¹ Though the traditional injunction considerations favor the Tribe, even this doesn't end the matter. Wasatch County (without support from the State) argues that—whatever those considerations might suggest—the Anti-Injunction Act forbids the issuance of any injunction in this case. The County notes, quite rightly, that out of respect for comity and federalism the AIA usually precludes federal courts from enjoining ongoing state court proceedings like Ms. Jenkins's Wasatch County prosecution. 28 U.S.C. § 2283. But this overlooks an important exception to the rule: the AIA also expressly authorizes federal courts to enjoin state proceedings when it's necessary "to protect or effectuate" a previous federal judgment. *Id.* This "relitigation exception," as it's called, allows "a federal court to prevent state litigation of an issue that previously was presented to and decided by the federal court." *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 147, 108 S.Ct. 1684, 100 L.Ed.2d 127 (1988). And that, of course, is exactly what the Tribe asks us to do here. In *Ute III* and *V* this court held that certain national forest lands remain part of the Tribe's reservation—and thus Indian country. See *Ute V*, 114 F.3d at 1528–29; *Ute III*, 773 F.2d at 1089–90. The prosecution of Ms. Jenkins

seeks to reopen that judgment and contest whether the same national forest lands, in which her alleged traffic offenses occurred, are Indian country. So relief isn't just called for under traditional preliminary injunction principles, it's statutorily authorized by the AIA. Admittedly, the County tries to suggest that the current prosecution raises at least one "new" issue—whether it possesses the authority to try Indians for crimes on rights-of-way running through tribal lands. But this issue is no new issue at all for, as we've seen, *Ute V* expressly resolved it. See *supra* at ———; *Ute V*, 114 F.3d at 1529; 18 U.S.C. § 1151.

Eventually accepting as it must that it really does want to relitigate settled issues, the County replies that it's entitled to do so because it wasn't a party to *Ute III* or *V*. But here we encounter another sort of problem. It's not just parties who are bound by prior decisions: those in privity with them often are too, and counties are usually thought to be in privity with their states for preclusion purposes when the state has lost an earlier suit.² Of course "privity is but a label," but it is a useful label "convey[ing] the existence of a relationship sufficient to give courts confidence that the party in the former litigation was an effective representative of the current party's interests." *Entek GRB, LLC v. Stull Ranches, LLC*, 763 F.3d 1252, 1258 (10th Cir.2014). Many courts have already applied these preclusion principles in the AIA context.³ And the County offers no reason to think it should be immune from their force and no reason to think Utah failed to serve as an effective representative of its interests in *Ute III* and *V*. In saying this much we don't mean to exclude the possibility that a county and state sometimes lack a sufficient identity of interests to warrant the application of preclusion principles; we mean to suggest only that nobody has given us any reason to think that possibility is realized here.

¹⁷¹ ¹⁸¹ Where the County fails with the AIA the State suggests it might succeed with *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971). As Utah observes, the AIA isn't the only legal authority that can induce a federal court to abstain from enjoining ongoing state court proceedings; freestanding federalism principles, like those embodied in *Younger*, often counsel the same course. But for *Younger* abstention to apply, there must be "an ongoing state judicial ... proceeding, the presence of an important state interest, and an adequate opportunity to raise federal claims in the state proceedings." *Seneca-Cayuga*, 874 F.2d at 711. And the second of these conditions is where Utah falters in this case because, again, it hasn't identified any legitimate state interest advanced by its attempt to relitigate boundary decisions by prosecuting Indians for crimes in

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Indian country. Indeed, much like the AIA, *Younger* doctrine expressly authorizes federal courts to enjoin the relitigation of settled federal decisions in cases, like ours, of “proven harassment.” *Perez v. Ledesma*, 401 U.S. 82, 85, 91 S.Ct. 674, 27 L.Ed.2d 701 (1971). And even absent a campaign of relitigation, this court in *Seneca-Cayuga* held that where, as here, states seek to enforce state law against Indians in Indian country “[t]he presumption and the reality ... are that federal law, federal policy, and federal authority are paramount” and the state’s interests are insufficient “to warrant *Younger* abstention.” 874 F.2d at 713–14. Neither does Utah offer any means by which we might fairly distinguish or disregard the teachings of *Younger*, *Perez*, or *Seneca-Cayuga*.

With all the defendants’ efforts to defend the district court’s decision on alternative grounds now fully explained and explored they seem to us to have more nearly the opposite of their intended effect. We finish persuaded that all of the traditional preliminary injunction factors favor not the defendants but the Tribe, that the federalism concerns embodied in the AIA and *Younger* do not direct otherwise, and that a remand to the district court with instructions to enter a preliminary injunction is warranted.

*

¹⁰⁹ ^[10] Only the two questions of sovereign immunity remain for resolution and neither requires so much elaboration. We begin with the Tribe’s motion to dismiss the counterclaims brought by Utah and Duchesne and Uintah Counties. It’s long since settled that “an Indian tribe is subject to suit only where Congress has authorized the suit or the tribe has waived its immunity.” *Kiowa Tribe v. Mfg. Techs., Inc.*, 523 U.S. 751, 754, 118 S.Ct. 1700, 140 L.Ed.2d 981 (1998). This principle extends to counterclaims lodged against a plaintiff tribe—even compulsory counterclaims. *Oklahoma Tax Comm’n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505, 509–10, 111 S.Ct. 905, 112 L.Ed.2d 1112 (1991). And it applies with just as much force to claims or counterclaims brought by states as by anyone else. See *Michigan v. Bay Mills Indian Cmty.*, — U.S. —, 134 S.Ct. 2024, 2031, 188 L.Ed.2d 1071 (2014). No one before us suggests that Congress has authorized the counterclaims here, so everything turns on whether the Tribe itself has waived its immunity.

¹¹¹ The State and Counties argue that the Tribe did just that in three agreements the parties signed in the aftermath of *Ute V*: the Disclaimer, Referral, and Mutual

Assistance Agreements, to use the parties’ shorthand. But we don’t see how that’s the case. A tribe’s waiver of immunity must be expressed “clearly and unequivocally.” *Nanomantube v. Kickapoo Tribe*, 631 F.3d 1150, 1152 (10th Cir.2011). Yet the Referral Agreement expired by its own terms in 2008 and the Tribe terminated the Disclaimer Agreement in 2011—well before the defendants brought their counterclaims. Neither do the State and Counties explain how these agreements, even assuming they might once have authorized suit, continue to do so much so long after they’ve expired. Instead, the defendants leave that possibility to the court’s imagination—and that’s never a substitute for a clear and unequivocal waiver of immunity.

¹¹² What about the Mutual Assistance Agreement? Far from waiving immunity, it contains a section entitled “No Waiver of Sovereignty or Jurisdiction Intended.” According to that provision, “no acquiescence in or waiver of claims of rights, sovereignty, authority, boundaries, jurisdiction, or other beneficial interests is intended by this Agreement,” and “no rights or jurisdiction shall be gained or lost at the expense of the other parties to this Agreement.” Yes, the State and Counties point to another section of the agreement that says “[o]riginal jurisdiction to hear and decide any disputes or litigation arising pursuant to or as a result of this Agreement shall be in the United States District Court for the District of Utah.” And, yes, this language is similar to language courts have sometimes held sufficient to waive tribal immunity. See, e.g., *C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe*, 532 U.S. 411, 415, 418–23, 121 S.Ct. 1589, 149 L.Ed.2d 623 (2001); *Ninigret Dev. Corp. v. Narragansett Indian Wetuomuck Hous. Auth.*, 207 F.3d 21, 30–31 (1st Cir.2000). But none of those cases confronted agreements with a separate section expressly asserting sovereign immunity like the one here. And trying to make sense of the whole document before us without rendering any portion of it a nullity—always our aspiration when interpreting contracts—we cannot say it clearly and unequivocally waives sovereign immunity. Instead, the language the defendants cite seems to us best understood as a forum selection clause. Cf. *Santana v. Muscogee (Creek) Nation ex rel. River Spirit Casino*, 508 Fed.Appx. 821, 823 (10th Cir.2013) (holding that a compact provision “waiv [ing] tribal immunity ... in a ‘court of competent jurisdiction’ ” did not “alone confer jurisdiction on state courts because states are generally presumed to lack jurisdiction in Indian Country”). So the agreement both refuses to waive sovereign immunity and proceeds to designate the District of Utah as the venue for any disputes should immunity ever be overcome. This arrangement may not seem the most intuitive but it’s hardly incongruous: after all, the

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Tribe is always free to consent to a particular suit arising under the Mutual Assistance Agreement and allow it to proceed in the designated forum even as the Tribe chooses to stand on its claim of immunity in most cases. See *Jicarilla Apache Tribe v. Hodel*, 821 F.2d 537, 539–40 (10th Cir.1987) (holding that a tribe's potential waiver of immunity in one suit did not waive its immunity in a subsequent suit); cf. *Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense Bd.*, 527 U.S. 666, 675, 119 S.Ct. 2219, 144 L.Ed.2d 605 (1999) (“[A] State’s sovereign immunity is ‘a personal privilege which it may waive at pleasure.’” (quoting *Clark v. Barnard*, 108 U.S. 436, 447, 2 S.Ct. 878, 27 L.Ed. 780 (1883))).

If the agreements don’t help their cause, the State and Counties suggest their counterclaims can proceed anyway because they implicate the Tribe’s UTERO (or Ute Tribal Employment Rights Office) ordinance. Under the terms of that ordinance, the Tribe has indeed “agree[d] to waive its sovereign immunity.” But the ordinance explains that this “waiver is not, and should not be construed as a blanket waiver of the Tribe’s sovereign immunity.” Instead, the waiver exists “for the sole and limited purpose of enforcement of the terms of [the] Ordinance,” which requires employers on the reservation, including the Tribe itself, to “extend a preference to qualified Indians ... in all aspects of employment.” And even assuming without granting that the defendants’ counterclaims could somehow be described as an effort to “enforce” the ordinance—itself a seriously questionable notion—the ordinance is enforceable only before tribal courts and the Tribe’s UTERO Commission. Nowhere does the waiver permit other parties to hale the Tribe before a nontribal tribunal and this court enjoys no authority to rewrite for the defendants the waiver the Tribe has written for itself. *Seneca-Cayuga*, 874 F.2d at 715 (“[W]aivers of sovereign immunity are strictly construed.”).

Having failed to identify any language in a statute, agreement, or other document in which the Tribe has waived its immunity, the State and Counties take us even further afield and in some curious directions. For example, the State and Duchesne County argue we shouldn’t dismiss the counterclaims before us because of *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908). *Young*, of course, held that claims for prospective injunctive relief against state officials may proceed even though states themselves are generally immune from identical claims. And the Supreme Court has extended *Young’s* application to the tribal context, allowing claims against tribal officials that wouldn’t be allowable against the tribe itself. See *Bay Mills*, 134 S.Ct. at 2035. But that principle has no application to this appeal: the counterclaims before us seek relief not from tribal

officials but from the Tribe itself, sued in its own name.

¹³ The defendants’ invocation of the doctrine of equitable recoupment is no more helpful to their cause. Traditionally, this court has treated recoupment as “an equitable defense that applies only to suits for money damages.” *Citizen Band Potawatomi Indian Tribe v. Okla. Tax Comm’n*, 888 F.2d 1303, 1305 (10th Cir.1989), *rev’d in part on other grounds*, 498 U.S. 505, 111 S.Ct. 905.² Meanwhile, the defendants’ counterclaims in this case seek just injunctive and declaratory relief. And even assuming the doctrine might operate in cases like this, “recoupment is in the nature of a defense” to defeat a plaintiff’s claims, not a vehicle for pursuing an affirmative judgment. *Bull v. United States*, 295 U.S. 247, 262, 55 S.Ct. 695, 79 L.Ed. 1421 (1935); see also *Jicarilla Apache Tribe v. Andrus*, 687 F.2d 1324, 1344 (10th Cir.1982). Yet an affirmative judgment is exactly what the defendants desire. As clarified at oral argument, the Tribe’s suit seeks to bar relitigation of issues settled in *Ute III* and *V* and to enjoin the prosecution of Indians for offenses committed on tribal lands. In reply, the counterclaims ask us to do much more than deny that relief—they demand, among other things, the affirmative relief of an injunction barring the Tribe from bringing lawsuits against county officials in federal or tribal courts.

Along different but no more persuasive lines, Uintah County argues that the Tribe waived its immunity by bringing the original *Ute* litigation some forty years ago. But Supreme Court precedent couldn’t be clearer on this point: a tribe’s decision to go to court doesn’t automatically open it up to counterclaims—even compulsory ones. See *Citizen Band*, 498 U.S. at 509–10, 111 S.Ct. 905. The County contends that an out-of-circuit decision, *Rupp v. Omaha Indian Tribe*, 45 F.3d 1241 (8th Cir.1995), somehow undermines this principle. But it does no such thing. The tribe in *Rupp* explicitly invited the defendants’ counterclaims, “affirmatively ... asking the defendants to assert any right, title, interest or estate they may have [had] in the disputed lands.” *Id.* at 1245. And even Uintah County doesn’t suggest it’s ever received an invitation like that from the Ute Tribe.

By now the point is plain. The State and Counties haven’t identified a clear and unequivocal waiver of sovereign immunity and none of their—often inventive—arguments can substitute for one. The Tribe is entitled to dismissal of the counterclaims.

*

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That leaves Uintah County's claim that it's entitled to immunity too. Neither the State nor any of Uintah's sister counties join this argument, and it faces a seriously uphill battle from the start. That's because the Supreme Court "has repeatedly refused to extend sovereign immunity to counties." *N. Ins. Co. of N.Y. v. Chatham County*, 547 U.S. 189, 193, 126 S.Ct. 1689, 164 L.Ed.2d 367 (2006).

¹⁴¹ Uintah County tries to avoid that conclusion in this case by insisting its county attorneys are the main focus of the Tribe's suit and those officials are entitled to immunity because they are "arms of the state." See, e.g., *Watson v. Univ. of Utah Med. Ctr.*, 75 F.3d 569, 574 (10th Cir.1996). But even assuming that county attorneys are the proper focus of our attention (the Tribe's suit is against Uintah County, not its attorneys), a problem still persists. For a county official to qualify as an "arm of the state," it's not enough that he "exercise a slice of state power" by carrying out prosecutorial functions. *N. Ins. Co.*, 547 U.S. at 193–94, 126 S.Ct. 1689 (quoting *Lake Country Estates, Inc. v. Tahoe Reg'l Planning Agency*, 440 U.S. 391, 401, 99 S.Ct. 1171, 59 L.Ed.2d 401 (1979)) (internal quotation marks omitted). Instead, our case law directs us to examine both the "degree of autonomy" that the county official enjoys under state law and the extent to which the finances of his office are "independent of the state treasury." *Watson*, 75 F.3d at 574–75 (quoting *Haldeman v. Wyo. Farm Loan Bd.*, 32 F.3d 469, 473 (10th Cir.1994)). And both considerations suggest an insufficient connection between Uintah County attorneys and the State of Utah to call them arms of the state. In Utah, county attorneys are elected by county residents alone and the state code refers to them as "elected officers of a county." Utah Code Ann. § 17–53–101; see also *id.* § 17–18a–202. When it comes to finances, county attorneys are paid not from the State's coffers but out of the county's general fund in amounts fixed by county legislative bodies. *Id.* § 17–16–14, –18. Neither has Uintah County pointed to any countervailing features of state law or practice that might favor it and suggest a different result here.

To be clear, we hardly mean to suggest that county attorneys can never qualify as arms of the state. The inquiry turns on an analysis of state law and financial arrangements so the answer may well differ from state to state and agency to agency and epoch to epoch. We can surely imagine a different structure to state law, one in which a county prosecutor's office is a good deal more intimately associated with the state. Indeed, that currently may be the case elsewhere. See, e.g., *Slinger v. New Jersey*, No. 07–CV–5561, 2008 WL 4126181, at *9–10 (D.N.J. Sept. 4, 2008), *rev'd in part on other grounds*, 366 Fed.Appx. 357 (3d Cir.2010). But there's just no

evidence before us suggesting that's currently the case in Utah.

*

A system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already. Though we are mindful of the importance of comity and cooperative federalism and keenly sensitive to our duty to provide appropriate respect for and deference to state proceedings, we are equally aware of our obligation to defend the law's promise of finality. And the case for finality here is overwhelming. The defendants may fervently believe that *Ute V* drew the wrong boundaries, but that case was resolved nearly twenty years ago, the Supreme Court declined to disturb its judgment, and the time has long since come for the parties to accept it.

The district court's decision denying the preliminary injunction request is reversed and that court is directed to enter appropriate preliminary injunctive relief forthwith. Its decision denying tribal immunity is also reversed and it is instructed to dismiss the counterclaims against the Tribe. The district court's decision denying immunity to Uintah County is affirmed. Before oral argument, we provisionally granted Uintah County's motions for leave to file an amicus brief and supplemental appendix, a decision we do not disturb. All other motions are denied. Though we see some merit in the Tribe's motion for sanctions against Uintah County given the highly doubtful grounds of some of its arguments to this court, we hope this opinion will send the same message: that the time has come to respect the peace and repose promised by settled decisions. In the event our hope proves misplaced and the defendants persist in failing to respect the rulings of *Ute V*, they may expect to meet with sanctions in the district court or in this one. See *Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir.1990).

Similarly, the State and County raise the possibility that Ms. Jenkins's alleged offenses (driving without an ignition interlock, for example) are "continuing" offenses that might have occurred both on and off tribal lands. But whatever other problems this argument might confront, it fails on its facts. It's undisputed that Ms. Jenkins stands charged in state court for conduct

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that occurred within tribal lands and no one has pointed to any evidence in the record indicating that any part of the offense continued off-reservation.

² See, e.g., *County of Boyd v. U.S. Ecology, Inc.*, 48 F.3d 359, 361–62 (8th Cir.1995); *Nash County Bd. of Ed. v. Biltmore Co.*, 640 F.2d 484, 493–97 (4th Cir.1981); 18A Charles Alan Wright et al., *Federal Practice and Procedure* § 4458, at 558–59 n. 9 (2d ed.2002) (collecting cases).

³ See, e.g., *Vasquez v. Bridgestone/Firestone, Inc.*, 325 F.3d 665, 675–77 (5th Cir.2003); *First Ala. Bank of Montgomery, N.A. v. Parsons Steel, Inc.*, 825 F.2d 1475, 1486 (11th Cir.1987); *Kerr-McGee Chem. Corp. v. Hartigan*, 816 F.2d 1177, 1180 (7th Cir.1987).

⁴ See also *Bolduc v. Beal Bank, SSB*, 167 F.3d 667, 672 n. 4 (1st Cir.1999); *Black's Law Dictionary* 618 (9th ed.2009) (“[Equitable recoupment] is ordinarily a defensive remedy going only to mitigation of damages.”). See generally Thomas W. Waterman, *A Treatise on the Law of Set-Off, Recoupment, and Counter-Claim* ch. 10 (1869).

All Citations

790 F.3d 1000

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BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

January 26, 2016

Michael Degnan
Council on Environmental Quality

Leslie Jones
Department of Agriculture

Nikki Buffa
Department of the Interior

Dear Michael, Leslie, and Nikki;

Thank you for your efforts, during terrible weather conditions, on our hour-long conference call on Friday. While we are anxious to begin discussions with you, we recognize that this is a complicated matter in a number of respects. Our goal in writing this letter is to propose an approach that meets the needs of both parties and can be carried out in a reasonable, efficient, and informal way

We propose seven hours of meetings, spread over two days. On the first day, a Thursday, we would meet from 2:30 PM through 5 PM. For the second day, on the following Friday, we recommend starting at 8:30 AM and finishing up by Noon.

Our idea for the first meeting is for our tribal leaders to present the full context for our formal proposal submitted to President Obama. This includes a discussion of who these five tribes are-- their histories, cultures, and sovereignties. They would also express the challenges their tribes face and dreams they hold for their peoples, including the role of a Bears Ears National Monument in those dreams. This first session would also include ample opportunity for Administration representatives to ask questions and make observations.

We believe that this kind of approach is called for by the government-to-government circumstances presented here. Our proposal is thick with ancestral history, treaties, removal from a homeland, and the historic and modern sovereignty of these tribes. Only then, by comprehending the entire, unique context, can the Administration, in making its decisions, understand in full the many reasons why we are seeking, in a way never done before, to exercise decision making authority in order to insure access to the monument for healing and many other purposes and to infuse our deepest values into the management and public enjoyment of this arresting landscape.

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The session on the second day, a Friday, would allow both parties to discuss any and all issues presented by our proposal. We have provided you with a draft agenda that addresses several issues, but we welcome you to identify additional ones. Further, at this meeting it would be appropriate for Administration representatives to raise issues that are not specifically referred to in the draft agenda.

We discussed potential dates for these meetings during our last conference call and now propose to you February 11-12, February 18-19, or February 25-26. As you know, we are anxious to have these meetings as soon as reasonably possible. You have explained, and we fully accept, the many reasons why it is difficult to schedule busy administration people. We have similar scheduling problems, aggravated for most of us because this meeting schedule calls for a three-day commitment of time. In addition, our tribal leaders are also faced with institutional reasons for not letting this drag on. They are all elected leaders and must be responsive to their constituents. There is widespread enthusiasm in all five tribes for this initiative, but rightly or not, tribal members are increasingly impatient.

As you mentioned during our conference call, it is important for both parties to identify the right people, in the judgment of each party, and try to see that they are able to attend these meetings. But that is difficult, nearly impossible, under these circumstances. The ideal is to have all the right people present all the time, but sometimes that just can't be done. We urge you, then, to identify the best of these dates and, as we will, do everything possible to have all, or nearly all, the right people there.

Importantly, this proposed schedule allows all of us to discuss the entire spectrum of issues in considerable detail. Our expectation is that if we proceed in this way there will likely be no need for further meetings of this size. To be sure, there will be a need to discuss various details in the months to come, but we expect that can be done through conference calls and one-on-one and small-group discussions.

We will look forward to talking with you at your earliest convenience.

Sincerely,



Alfred Lomahquahu
Hopi Tribe Vice-Chairman &
Co-Chair Bears Ears
Inter-Tribal Coalition



Eric Descheenie
Executive Staff Assistant to Navajo Nation Office
President and Vice President & Co-Chair, Bears
Ears Inter-Tribal Coalition



BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

Draft--January 25,2016

AGENDA

Thursday, February 11 and Friday, February 12

or

Thursday, February 18 and Friday, February 19

or

Thursday, February 25 and Friday, February 26

Washington, DC

Objectives : (1) To engage in comprehensive, candid discussions of the context for, and terms of, the Coalition proposal and Administration reactions to it; and (2) To determine next steps.

First Day

2:30 PM Introductions by Participants

2:45 PM Perspectives on Tribal Histories, Cultures, and Sovereignties
and their Relationship to the Bears Ears National Monument
--Presentations by Tribal Leaders

4:00 PM Questions and Discussion

5:00 PM Adjourn

Second Day

8:30 AM Opening Comments
--Coalition Co-chairs
-- Administration Representative

8:45 AM MONUMENT BOUNDARIES
-- Tribal Presentation with Maps and Computer Displays (20 minutes)
--Questions and discussion (25 minutes)

9:30 AM COLLABORATIVE MANAGEMENT
-- Tribal Presentation (30 minutes)

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--Questions and discussion (one hour)

11:00 AM MONUMENT USES: MINERAL WITHDRAWAL, CLIMBING, ROADS, ORVs

-- Tribal Presentation (10 minutes)

--Questions and discussion (20 minutes)

11:30 AM LOCATION OF MONUMENT HEADQUARTERS IN BLUFF, UTAH

--Brief Tribal Presentation; Questions and Discussion

11:45 AM IDENTIFICATION OF NEXT STEPS

Noon Adjourn

###

Conversation Contents

Utah PLI Update

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Wed Jan 20 2016 09:01:45 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Utah PLI Update

All,

After three years, 1,200 meetings, and receipt of 65 detailed proposals, Reps. Bishop and Chaffetz have unveiled the first draft of the Public Lands Initiative. This version has been released in "draft" form and comments will continue to be accepted. In total, 4.3 million acres of lands in eastern Utah would receive a conservation designation while 1 million acres would be made available for recreation and economic development purposes. This bill represents a compromise that includes many important provisions that boost recreation, land conservation, economic development, and certainty in our eastern Utah communities.

Please visit www.UtahPLI.com to view the draft language, maps, and other summaries regarding the draft Utah PLI Act.

Thanks and look forward to hearing from you.

Best,
Fred

Fred Ferguson
Chief of Staff
Rep. Jason Chaffetz (UT-03)
2236 Rayburn House Office Building
Washington D.C. 20515
[202-225-7751](tel:202-225-7751)
www.chaffetz.house.gov

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Jan 20 2016 13:23:24 GMT-0700 (MST)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Utah PLI Update

FYI

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----- Forwarded message -----

From: **Ferguson, Fred** <Fred.Ferguson@mail.house.gov>
Date: Wed, Jan 20, 2016 at 3:15 PM
Subject: Re: Utah PLI Update
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Snider, Casey" <Casey.Snider@mail.house.gov>

Thanks Nikki. We appreciate the well wishes. We're ready to collect feedback and make this the best it can be.

And No surprise, but the tribal coalition opposes the draft. Main concern is what you and I have discussed (tribal council management). Their words are below as an FYI.

The PLI does not elevate the voice of Native Americans as co-equals alongside federal land managers in the management of the Bears Ears NCA. Instead, the PLI offers Tribes only a consultative role in advising on the area's management;

Fred Ferguson
Chief of Staff
Rep. Chaffetz (UT-03)
202-631-0560 cell

On Jan 20, 2016, at 09:09, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

This must have felt good to send!! Looking forward to diving in.

thanks again,
Nikki

On Wed, Jan 20, 2016 at 11:01 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

All,

After three years, 1,200 meetings, and receipt of 65 detailed proposals, Reps. Bishop and Chaffetz have unveiled the first draft of the Public Lands Initiative. This version has been released in "draft" form and comments will continue to be accepted. In total, 4.3 million acres of lands in eastern Utah would receive a conservation designation while 1 million acres would be made available for recreation and economic development purposes. This bill represents a compromise that includes many important provisions that boost recreation, land conservation, economic development, and certainty in our eastern Utah communities.

Please visit www.UtahPLI.com to view the draft language, maps, and other summaries regarding the draft Utah PLI Act.

Thanks and look forward to hearing from you.

Best,
Fred

Fred Ferguson
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Rep. Jason Chaffetz (UT-03)
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Conversation Contents

LEGISLATIVE REFERRAL: (DUE 1/26/16 @ 2 PM) MISC #157 - REVISED INTERIOR Request for Views Re: H.R. __, Utah Public Lands Initiative Act

Attachments:

/54. LEGISLATIVE REFERRAL: (DUE 1/26/16 @ 2 PM) MISC #157 - REVISED INTERIOR Request for Views Re: H.R. __, Utah Public Lands Initiative Act/1.1 HR __, Utah Public Lands Initiative (Revised).pdf

"Nevils, Joseph" <joseph_nevils@ios.doi.gov>

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Sent: Wed Jan 20 2016 12:32:20 GMT-0700 (MST)
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CC: OIG (b) (7)(C), (b) (6), OIG
(b) (7)(C), (b) (6) OIG
(b) (7)(C), (b) (6)

Subject: LEGISLATIVE REFERRAL: (DUE 1/26/16 @ 2 PM) MISC #157 - REVISED INTERIOR Request for Views Re: H.R. __, Utah Public Lands Initiative Act

Attachments: HR __, Utah Public Lands Initiative (Revised).pdf

DEADLINE: TUESDAY, JANUARY 26, 2016 @ 2 PM
DEPARTMENT OF THE INTERIOR
LEGISLATIVE COUNSEL REFERRAL

Date: January 20, 2016
To: Legislative Liaison
From: Dominic Maione (208-4092)
Contact: Joe Nevils (208-4580)
Subject: MISC #157 - REVISED INTERIOR Request for Views
Re: H.R. __, Utah Public Lands Initiative Act

Please see the revised version, dated 1/20/16, of the Bishop Discussion Draft Utah Public Lands Initiative Act:
http://robbishop.house.gov/uploadedfiles/discussion_draft_20jan16.pdf

Please send agency comments or respond with a "no comment" to [Dominic Maione@ios.doi.gov](mailto:Dominic_Maione@ios.doi.gov) and [Joseph Nevils@ios.doi.gov](mailto:Joseph_Nevils@ios.doi.gov) by the deadline above.

Attachment(s): 1

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Joseph Nevils
Legislative Assistant

Department of the Interior
1849 C St, NW 20240
(202) 208-4580 (O)
(202) 208-7619 (F)

[DISCUSSION DRAFT]

114th CONGRESS

2nd 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

Title VII – Ashley Creek National Recreational and Special Management Area

Division B – Opportunity

Title I – School Trust Land Consolidations

Title II – Goblin Valley State Park

Title III – Price Canyon State Forest

Title IV – Deer Lodge Land Exchange

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Title VII – Land Disposals

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 12,330 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 473,272 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 26,701 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 95,605 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mancos Mesa Wilderness.”
- (E) CHEESEBOX CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 14,441 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Cheesebox Canyon Wilderness.”
- (F) BUTLER WASH.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 27,813 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Butler Wash Wilderness.”
- (G) DARK CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 72,990 acres, as

generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Dark Canyon Wilderness.”

- (H) BEHIND THE ROCKS.—Certain federal land in San Juan and Grand Counties in Utah managed by the Bureau of Land Management comprising approximately 13,025 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Behind the Rocks Wilderness.”
- (I) BRIDGER JACK MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 6,333 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Bridger Jack Mesa Wilderness.”
- (J) CEDAR MESA.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 223,566 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Cedar Mesa Wilderness.”
- (K) MIKES CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management and the National Park Service comprising approximately 30,549 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mikes Canyon Wilderness.”
- (L) MULE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 5,859 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mule Canyon Wilderness.”
- (M) MARSH PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 15,032 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Marsh Peak Wilderness.”
- (N) CLIFF PEAK.—Certain federal land in Uintah County, Utah managed by the United States Forest Service comprising approximately 9,154 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Cliff Peak Wilderness.”
- (O) BULL CANYON.—Certain federal land in Uintah County, Utah managed by the Bureau of Land Management comprising approximately 599 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Bull Canyon Wilderness.”
- (P) WHITE CANYON.—Certain federal land in San Juan County, Utah managed by the Bureau of Land Management comprising approximately 18,886 acres, as

generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “White Canyon Wilderness.”

- (Q) MEXICAN MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 85,150 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mexican Mountain Wilderness.”
- (R) SIDS MOUNTAIN.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 82,406 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Sids Mountain Wilderness.”
- (S) MUDDY CREEK.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 72,400 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Muddy Creek Wilderness.”
- (T) SAN RAFAEL REEF.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 65,146 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “San Rafael Reef Wilderness.”
- (U) CRACK CANYON WILDERNESS.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 27,191 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Crack Canyon Wilderness.”
- (V) DEVILS CANYON.—Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 8,652 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Devils Canyon Wilderness.”
- (W) NELSON MOUNTAIN.—Certain federal land in Emery County, Utah managed by the United States Forest Service comprising approximately 12,856 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Nelson Mountain Wilderness.”
- (X) WILLIAM GRANSTAFF CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 8,983 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “William Granstaff Canyon Wilderness.”
- (Y) MILL CREEK CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 12,358

acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mill Creek Canyon Wilderness.”

(Z) LABYRINTH CANYON.—Certain federal land in Grand and Emery Counties in the state of Utah managed by the Bureau of Land Management comprising approximately 52,969 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Labyrinth Canyon Wilderness.”

(AA) CANYONLANDS.—Certain federal land in San Juan and Grand Counties in the State of Utah managed by the National Park Service comprising approximately 257,607 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Canyonlands Wilderness.”

(BB) ARCHES.—Certain federal land in Grand County, Utah managed by the National Park Service comprising approximately 76,259 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Arches Wilderness.”

(CC) FISHER TOWERS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 1,190 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Fisher Towers Wilderness.”

(DD) MARY JANE CANYON.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 13,574 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mary Jane Canyon Wilderness.”

(EE) GRANITE CREEK.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 25,104 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Granite Creek Wilderness.”

(FF) BOOK CLIFFS.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 175,491 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Book Cliffs Wilderness.”

(GG) WESTWATER.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 32,955 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Westwater Wilderness.”

(HH) BEAVER CREEK.—Certain federal land in Grand County, Utah managed by the Bureau of Land Management comprising approximately 48,514 acres, as

generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Beaver Creek Wilderness.”

(II) MOUNT PEALE.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,302 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Mount Peale Wilderness.”

(JJ) HAMMOND CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 7,594 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Hammond Canyon Wilderness.”

(KK) ARCH CANYON.—Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 4,376 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Arch Canyon Wilderness.”

(LL) RANGE CREEK.—Certain federal land in Carbon County, Utah managed by the Bureau of Land Management comprising approximately 4,062 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Range Creek Wilderness.”

(MM) DINOSAUR.—Certain federal land in Uintah County, Utah managed by the National Park Service comprising approximately 52,349 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Dinosaur Wilderness.”

(NN) CEDAR MOUNTAIN. - Certain federal land in Emery County, Utah managed by the Bureau of Land Management comprising approximately 17,355 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Cedar Mountain Wilderness.”

(OO) INDIAN CREEK. - Certain federal land in San Juan County, Utah managed by the United States Forest Service comprising approximately 6,562 acres, as generally depicted on the Utah PLI Wilderness Map and dated _____, which shall be known as the “Indian Creek 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 in accordance with the grazing permit 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 as 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 prescribed in the grazing permit in effect at the time an area enters the wilderness system. If range condition and monitoring studies and an analysis determine that increased livestock

numbers and/or animal unit months (AUMs) can be made available with no adverse impact on wilderness values, increases in stock numbers and/or AUMs shall be authorized.

C) the maintenance of supporting facilities existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and pipelines, stock tanks and ponds, etc.), shall continue. Such maintenance shall include the use of motorized and/or mechanized tools and equipment where such use is the most reasonable means of accomplishing maintenance.

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 areas, 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 grazing areas, locations, or use.

(e) OUTFITTING AND GUIDE ACTIVITIES.—In accordance with section 4(d)(6) 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 or 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.

(k) TRAIL AND FENCE MAINTENANCE. – The Secretary of the Interior and Secretary of Agriculture shall work to ensure that existing trails and fence lines located in the lands identified in this title are adequately cleared and maintained, including through the use of chainsaws as appropriate and necessary.

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, or the state’s right to define uses, 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) EFFECTS ON STATE WATER RIGHTS. – The Secretary of the Interior and Secretary of Agriculture shall not take any action that adversely affects –

(1) any water rights granted by the State;

(2) the authority of the State in adjudicating water rights;

(3) definitions established by the State with respect to the term “beneficial use” or “priority of rights”;

(4) terms and conditions for groundwater withdrawal;

(5) the use of groundwater resources that are in accordance with State law; or

(6) other rights or obligations of the State as established under State law.

(d) EXISTING WATER INFRASTRUCTURE.—

(1) Nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities and other water right holders 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.

(2) Nothing in this Act shall be construed to encumber, transfer, impair, or limit any water right, or recognized beneficial use, including access to, development, and use of livestock water rights as defined by State law.

(e) 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) 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. 43,323-acre area known as Winter Ridge Wilderness Study Area;
- B. 7,051-acre area known as Jack Canyon Wilderness Study Area;
- C. 6,557-acre area known as Squaw and Papoose Wilderness Study Area;
- D. 20,404-acre area known as Desolation Canyon Wilderness Study Area included within the Desolation Canyon National Conservation Area as designated by this Act and as depicted on the map;
- E. 2,517-acre area known as Daniels Canyon Wilderness Study Areas; and
- F. 945-acre known as Cross Canyon Wilderness Study Area.

(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 16,785 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 659 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 30,391 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 8,544 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 2,284 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 329,933 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 35,049 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 55,208 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 116,156 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 8,770 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 41,301 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 established under sections 201, 205, and 206, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue in accordance with the grazing permit 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 as 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 prescribed in the grazing permit in effect at the time an area is designated. If range condition and monitoring studies and an analysis determine that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, increases in stock numbers and/or AUMs shall be authorized.

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 pipelines, stock tanks and ponds, etc.), shall continue. Such maintenance includes the use of motorized or mechanized tools and equipment.

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 areas, 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 grazing areas 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 or managed by the Department of the Interior or Department of Agriculture before the date of enactment of this Act, shall continue.

(m). –

(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, or the state’s right to define uses, existing on date of enactment, 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) EFFECTS ON STATE WATER RIGHTS. – The Secretary of the Interior and Secretary of Agriculture shall not take any action that adversely affects –

(1) any water rights granted by the State;

(2) the authority of the State in adjudicating water rights;

(3) definitions established by the State with respect to the term “beneficial use” or “priority of rights”;

(4) terms and conditions for groundwater withdrawal;

(5) the use of groundwater resources that are in accordance with State law;

or

(6) other rights or obligations of the State as established under State law.

(d) EXISTING WATER INFRASTRUCTURE.—

(1) 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 .

(2) Nothing in this Act shall be construed to encumber, transfer, impair, or limit any water right, or recognized beneficial use, including access to, development, and use of livestock water rights as defined by State law.

(e) 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, including project construction and maintenance, 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 42,352 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 1,145,238 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”.

(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 while maintaining access via motorized and non-motorized uses to sacred sites, historical and recreational places, and gathering and hunting grounds.

(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.
- (C) Advise the Secretaries on ongoing management and implementation actions.

(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 who is a resident of San Juan County, Utah; 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 designated by the Governor of Utah; and
- (iv) a designee, and resident of San Juan County, Utah, 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 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 NCA consistent with the stated purposes of the NCA;

(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 areas 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;

(f) enhance recreation;

(g) promote scientific research;

(h) promote traditional knowledge;

(i) promote and continue lifestyles and activities, including motorized access; and

(j) be adopted by a majority vote of the Bears Ears Management Commission

(3) 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 10,951 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 9,641 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 20,683 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 34,248 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 8,025 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 3,178 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 _____.
- (7) LITTLE WEST FORK BLACKS.—The “Little West Forks Blacks Special Management Area”, consisting of approximately 8,232 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 as 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) BIGHORN SHEEP VIABILITY

Ranchers, conservation groups, and other involved stakeholders shall work cooperatively with the Utah Division of Wildlife Resources (UDWR) to achieve bighorn sheep management in the Uinta Mountains that is consistent with the following principles:

(a) Bighorn sheep populations east of the ridge running northeast from Gilbert Peak will be maintained.

(b) Bighorn sheep will not be reintroduced west of the ridge.

(c) If bighorn sheep migrate west of the ridge, UDWR will determine whether the sheep are threatened with disease transmission through interaction with domestic livestock. If no threat exists, the bighorn sheep may be permitted to remain west of the ridge, and if threat of disease transmission does exist, UDWR may relocate the bighorn sheep back to the east side of the ridge and/or issue depredation tag(s).

(5) 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, or the state’s right to define uses, 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) EFFECTS ON STATE WATER RIGHTS. – The Secretary of the Interior and Secretary of Agriculture shall not take any action that adversely affects –

- (1) any water rights granted by the State;
- (2) the authority of the State in adjudicating water rights;
- (3) definitions established by the State with respect to the term “beneficial use” or “priority of rights”;
- (4) terms and conditions for groundwater withdrawal;
- (5) the use of groundwater resources that are in accordance with State law;
- or
- (6) other rights or obligations of the State as established under State law.

(d) EXISTING WATER INFRASTRUCTURE.—

(1) 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.

(2) Nothing in this Act shall be construed to encumber, transfer, impair, or limit any water right, or recognized beneficial use, including access to, development, and use of livestock water rights as defined by State law.

(e) 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 62 miles from the northern border of the Desolation Canyon Wilderness, designated under this Act, in Uintah County, Utah to the Carbon County line as a scenic river.

“(216) DARK CANYON, UTAH. The approximately 18.7 miles of the Dark Canyon River from the forest boundary to the Lake Powell below Young’s Canyon 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) OUTFITTING AND GUIDE ACTIVITIES.— Commercial services (including authorized outfitting and guide activities) within the wild and scenic rivers are authorized.

(f) 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 110,839 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 701 and 704 .

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 or 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, or the state’s right to define uses, 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) EFFECTS ON STATE WATER RIGHTS. – The Secretary of the Interior and Secretary of Agriculture shall not take any action that adversely affects –
 - (1) any water rights granted by the State;

- (2) the authority of the State in adjudicating water rights;
 - (3) definitions established by the State with respect to the term “beneficial use” or “priority of rights”;
 - (4) terms and conditions for groundwater withdrawal;
 - (5) the use of groundwater resources that are in accordance with State law;
 - or
 - (6) other rights or obligations of the State as established under State law.
- (d) EXISTING WATER INFRASTRUCTURE.—
- (1) 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.
 - (2) Nothing in this Act shall be construed to encumber, transfer, impair, or limit any water right, or recognized beneficial use, including access to, development, and use of livestock water rights as defined by State law.
- (e) 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.
- (w) PRIORITY TRAILS – Marsh Peak South Road and South Fork Trail, as depicted on the Utah PLI Special Management Area Map, shall be open for motorized use.

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 title 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 479 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 160 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 4,596 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.

(22) EMERY INFORMATION CENTER. – The approximately 80 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____, as “Emery County Information Center,” to Emery County, Utah for an information and visitor center to promote public lands.

(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 CIRCLE.—Certain federal land, comprising approximately 7,040 acres administered by the Bureau of Land Management in San Juan 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 San Juan 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 stocking levels prescribed in the grazing permit in effect 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 as 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 prescribed in the grazing permit in effect at the time an area is designated. If range condition and monitoring studies and an analysis determine that increased livestock numbers and/or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, increases in stock numbers and/or AUMs shall be authorized.

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 pipelines, stock tanks and ponds, etc.), shall continue.

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 areas, 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 grazing, 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) ADMINISTRATION.---

(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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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) ADMINISTRATION.---

- (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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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) ADMINISTRATION.---
- (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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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, including off-highway vehicle use of Sovereign Trail System.

(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) ADMINISTRATION.---

(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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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 and non-motorized trails.

SEC. 808 MINERAL CANYON RECREATION ZONE ADDITIONAL PROVISIONS.

(a) PURPOSES.---The purposes of the Mineral Canyon 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) ADMINISTRATION.---

(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 off-highway vehicle recreation and to provide for the construction of new motorized trails and non-motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINISTRATION.---

(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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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 off-highway vehicle use and to provide for the construction of new motorized and non-motorized trails, and to promote energy and mineral leasing and development.

(b) ADMINISTRATION.---

(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, off-highway vehicle use, including motorcycling, ATV riding, and four-wheeling, 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 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 and San Juan Counties, 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 and San Juan Counties, 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 federal land adjacent to Monticello, Utah through the Cameo Cliffs Recreation Zone;

(E) utilizes existing routes, where feasible, which may include the Kokopelli's Trail and the Orange Trail and Trail 1, 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;

(iii) connections to other existing trail systems or trails; and

(iv) motorized singletrack and doubletrack options where feasible.

(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 RELOCATING-

(i) IN GENERAL- A designated route may be temporarily closed or detoured, 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 given area.

(IV) all other options, other than a temporary closure or rerouting, have been exhausted.

(V) a new alternative route, which can include routes previously closed, has been provided to effectively relocate the trail.

(C) NOTICE- The Secretary of the Interior shall provide information to the public regarding any designated routes that are open, have been relocated, 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) McCracken Mesa Mineral Transfer. The federal minerals located within the Aneth Extension of the Navajo Nation shall be transferred to the Utah Navajo Trust Fund.

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, lands managed by the Bureau of Land Management and identified on January 1, 2016 as being open with standard stipulations to oil, gas, oil shale, bituminous sands, wind, solar, geothermal, potash, coal, uranium and other locatable and saleable 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.

(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 2010-117 shall have no force or effect within the counties referenced in subsection 1103 (2).

(i) Limitation on lease restrictions for wildlife shall pertain only to specific wildlife laws.

(j) Cultural resource mitigation within the immediate covered energy project planning area should be prioritized.

SEC. 1102. LEASING OUTSIDE OF THE ENERGY PLANNING AREAS

Nothing in this title precludes leasing or resource development of BLM managed 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. – FUTURE LAND STATUS DETERMINATIONS.

Future land status determinations by the Bureau of Land Management regarding lands identified as open with standard stipulations shall be developed pursuant to this title.

SEC.1104. DEFINITIONS

(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 and saleable minerals, and any action under such a lease.

(2) the term “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 in which BLM land management experts have identified lands as being open with standard stipulations to covered energy projects. Covered lands do not include lands designated in Division A of this Act.

Title XII – Long-Term Travel Management Certainty

SEC. 1201. RIGHTS-OF-WAY FOR CERTAIN ROADS.

(a) **IN GENERAL.**— Subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant a right-of-way to the state for public travel and access upon the following roads:

(1) all roads claimed as Class B identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties.

(2) all roads claimed as Class D highways identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties, 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, excluding those roads which are cherry-stemmed, including lands designated as wilderness or National Conservation Area 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.

(c) **ADMINISTRATION**

(i) Each right-of-way granted by the Secretary under the provisions of this Title shall be perpetual, and shall consist of the full geographic extent authorized by Utah state law in effect as of January 1, 2016.

- (ii) The appropriate holder of each right-of-way granted pursuant to this Title may be abandoned pursuant to state law.
- (d) FUTURE CLAIMS. – Nothing in this section precludes the state or county from applying for future or existing rights-of-way on existing or new roads.

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, with the seasonal closures beginning the Tuesday following Memorial Day through Labor Day.

Title XIII – Long-Term Land Use Certainty

Conversation Contents

Fwd: FYI: Joint Conservation Group Statement on Rep. Bishop's Draft Utah Public Lands Initiative

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Jan 20 2016 11:17:00 GMT-0700 (MST)
To: Kate P Kelly <Kate_Kelly@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: FYI: Joint Conservation Group Statement on Rep. Bishop's Draft Utah Public Lands Initiative

Groups' joint statement here:

----- Forwarded message -----

From: Jen Ujifusa <jen@suwa.org>
Date: Wed, Jan 20, 2016 at 1:08 PM
Subject: FYI: Joint Conservation Group Statement on Rep. Bishop's Draft Utah Public Lands Initiative
To: Jen Ujifusa <jen@suwa.org>

Please see the below joint statement on Rob Bishop's Public Lands Initiative from the Southern Utah Wilderness Alliance, Grand Canyon Trust, The Wilderness Society, Natural Resources Defense Council and Sierra Club. Rep. Bishop is holding his press unveiling of the draft today. It has not been introduced.

JOINT STATEMENT ON DRAFT PUBLIC LANDS INITIATIVE

CONTACT:

Scott Groene, Southern Utah Wilderness Alliance, 435-259-7049

Tim Peterson, Grand Canyon Trust, 801-550-9861

Paul Spitler, The Wilderness Society, 202-360-1912

Sharon Buccino, Natural Resources Defense Council, 202-607-4780

Wayne Hoskisson, Sierra Club, 435-260-9045

January 20, 2016

For more than three years we have worked in good faith to reach a compromise on public lands issues in eastern Utah through the Public Lands Initiative (PLI). The proposed legislation released by Representatives Rob Bishop and Jason Chaffetz does not protect the world-renowned redrock scenery of the national public lands in Utah—including the spectacular Bears Ears cultural landscape—and instead imposes unprecedented and controversial proposals that would adversely affect wildlife, recreation, and watersheds in key areas across eastern Utah.

“The draft PLI is an un-wilderness bill,” explained Scott Groene, executive director of the Southern Utah Wilderness Alliance. “Effectively, less wilderness would be protected in Utah if this bill passed than what is currently managed for the public. The wilderness it designates includes unprecedented loopholes and caveats, like enshrining grazing. This proposal does not do justice to these world-class landscapes.”

“The draft PLI weakens existing protections for important natural and cultural resources inside the proposed Bears Ears National Monument,” said Bill Hedden of the Grand Canyon Trust. “It neglects hundreds of thousands of acres of deserving wilderness and turns public lands over to county ownership that have already been subject to looting and grave robbing. San Juan County entirely dismissed local concerns by rejecting a home-grown proposal to fully protect Bears Ears—one that garnered 64% local support. San Juan also excluded everyone living outside the county in crafting their proposal; one which is a wholly inadequate substitute for a Bears Ears National Monument.”

“We are disappointed that after years of good faith effort to identify common ground with counties, conservation organizations, tribes, and others, the proposed bill neither honors important agreements that were forged during the PLI process nor offers a reasonable path forward on many issues of critical importance,” remarked The Wilderness Society’s

Paul Spitler. "The draft PLI includes many controversial proposals that lack support and would damage scenic public lands in Utah."

"This is really a fossil fuels bill," observed Sharon Buccino, director of the land and wildlife program at the Natural Resources Defense Council. "It opens up areas managed as wilderness for coal mining, tar sands, oil shale, and oil and gas and dedicates millions of acres to energy development."

"The draft PLI substitutes easily-modified national conservation area designations for lands deserving and needing wilderness designation," commented Wayne Hoskisson from the Sierra Club. "The draft PLI includes provisions that are incompatible with any real conservation efforts. The delegation is already attempting to undermine the Red Cliffs National Conservation Area in Washington County, created only seven years ago."

We remain hopeful that all sides can find the political will to work together in counties where consensus among stakeholders is within reach. While we are disappointed that consensus compromise has failed here, we know that win-win solutions are possible which truly serve the best interests of future generations and Utah's exceptional landscapes.

Jen Beasley Ujifusa

Legislative Director

Southern Utah Wilderness Alliance

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--

Nikki Buffa

Deputy Chief of Staff

US Department of the Interior

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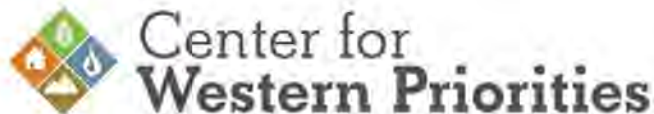
nicole_buffa@ios.doi.gov

Conversation Contents

Six Poison Pills in Rob Bishop's Public Lands Initiative Bill

Center for Western Priorities <info@westernpriorities.org>

From: Center for Western Priorities <info@westernpriorities.org>
Sent: Wed Jan 20 2016 10:41:15 GMT-0700 (MST)
To: <tommy_beaudreau@ios.doi.gov>
Subject: Six Poison Pills in Rob Bishop's Public Lands Initiative Bill



CONTACT

Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

FOR IMMEDIATE RELEASE

JANUARY 20, 2016

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Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

From: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 20 2016 10:43:43 GMT-0700 (MST)
To: Kate P Kelly <Kate_Kelly@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Fwd: Six Poison Pills in Rob Bishop's Public Lands Initiative Bill

TPB

Begin forwarded message:

From: Center for Western Priorities <info@westernpriorities.org>

Date: January 20, 2016 at 12:41:15 PM EST

To: <tommy_beaudreau@ios.doi.gov>

Subject: Six Poison Pills in Rob Bishop's Public Lands Initiative Bill

Reply-To: Center for Western Priorities <info@westernpriorities.org>



Center for
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"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

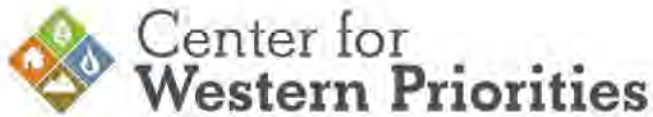
From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 20 2016 11:30:09 GMT-0700 (MST)
To: Michael Connor <michael_connor@ios.doi.gov>
Subject: Fwd: Six Poison Pills in Rob Bishop's Public Lands Initiative Bill

----- Forwarded message -----

From: Center for Western Priorities <info@westernpriorities.org>
Date: Wed, Jan 20, 2016 at 12:41 PM

Subject: Six Poison Pills in Rob Bishop's Public Lands Initiative Bill

To: tommy_beaudreau@ios.doi.gov



CONTACT

Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

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As nikki said, for discussion Tuesday!

Attachments:

/57. As nikki said, for discussion Tuesday!/2.1 PLI Section by Section.pdf

/57. As nikki said, for discussion Tuesday!/2.2 PLI XII 011916.docx

"Kelly, Katherine" <kate_kelly@ios.doi.gov>

From: "Kelly, Katherine" <kate_kelly@ios.doi.gov>
Sent: Fri Jan 15 2016 15:11:40 GMT-0700 (MST)
Nikki Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, "Androff, Blake J" <Blake_Androff@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>
To:
Subject: As nikki said, for discussion Tuesday!

PUBLIC LANDS:

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Phil Taylor, E&E reporter

Published: Friday, January 15, 2016

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It's a major juncture in the congressmen's long-running negotiations with several counties, environmental groups, American Indians, energy interests, off-highway vehicle groups and the state. Bishop's legislative effort could cover 18 million acres, much of it managed by the Bureau of Land Management, surrounding some of the state's most iconic national parks -- Arches and Canyonlands.

BLM's land-use plans for the region were challenged by environmental groups and partially overturned by a federal judge.

The effort seeks to resolve long-standing feuds over how to divide the lands among a

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The effort has taken far longer than Bishop and many supporters originally anticipated and has hit some political snags along the way.

Earlier this month, the Bears Ears Inter-Tribal Coalition, which consists of a handful of Southwest tribes pushing for 1.9 million acres of land protections in the Cedar Mesa area of southeast Utah, formally abandoned the PLI, saying it felt its views were being ignored (*E&E Daily*, Jan. 5). Bears Ears refers to a pair of buttes that rise thousands of feet above the juniper-speckled mesa.

The coalition is now asking President Obama to designate Bears Ears as a national monument, a move that is fiercely opposed by the congressmen and most local officials in eastern Utah.

--

Kate Kelly
Senior Advisor
Department of the Interior
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kate_kelly@ios.doi.gov

"Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>

From: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
Sent: Wed Jan 20 2016 08:21:41 GMT-0700 (MST)
To: "Kelly, Katherine" <kate_kelly@ios.doi.gov>
Nikki Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, "Androff, Blake J" <Blake_Androff@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>
CC:
Subject: Re: As nikki said, for discussion Tuesday!
Attachments: PLI Section by Section.pdf PLI XII 011916.docx

rec'd anonymously - embargoed until 11am EST

On Fri, Jan 15, 2016 at 5:11 PM, Kelly, Katherine <kate_kelly@ios.doi.gov> wrote:

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Jessica Kershaw
Senior Adviser & Press Secretary
U.S. Dept of the Interior
@DOIPressSec
202-208-6416

The Public Lands Initiative

The Public Lands Initiative (PLI) is a locally-driven effort to bring resolution to some of the most challenging land disputes in the State of Utah. The initiative is rooted in the belief that conservation and economic development can coexist and make Utah a better place to live, work, and visit.

The purpose of this document is to summarize the 20 different sections of the draft legislation, known as the Utah Public Lands Initiative Act.

The PLI Region

The PLI Region covers 7 eastern Utah counties, encompassing approximately 18 million acres of federal land. Member of the Utah Congressional Delegation, local officials, and stakeholders have met over 1,200 times in an effort to craft a comprehensive land-use plan for the entire region.

PLI Process

Congressmen Rob Bishop and Jason Chaffetz launched PLI in February 2013. Since that time, more than 120 different stakeholders have submitted more than 65 detailed proposals regarding land management in eastern Utah. Altogether, their offices have held more than 1,200 meetings with local and tribal leaders, interested parties, and subject matter experts.

For more information, please visit www.UtahPLI.com.

Division A – Conservation

The first half of the legislation covers land protection and conservation. This section of the bill offers protection for places like the Bears Ears, Arches, Labyrinth Canyon, and the Book Cliffs (among many many others). In total, the Conservation Division of PLI would designate 4,336,289 acres of federal land and 406 miles of rivers.

Title I – Wilderness

PLI will create 40 wilderness areas covering 2,202,400 acres of federal land. Wilderness is the most restrictive federal land designation and ensures that rugged landscapes will remain intact for future generations to enjoy. PLI will bring the total wilderness acreage in the participating counties to 2,707,443 acres, larger than the entire states of Delaware and Rhode Island combined.

Title II – National Conservation Areas

PLI creates 14 National Conservation Areas covering 1,916,206 acres of federal land. Like wilderness, NCAs offer protection to worthy landscapes found on federal land. But where NCAs differ from wilderness is that they offer greater flexibility for multiple-uses and opportunities for local involvement in the land management process.

Title III - Special Management Areas

PLI creates five Special Management Areas covering 197,558 acres of federal land. SMA's are located on National Forest System lands and offer similar protection and flexibility of National Conservation Areas.

Title IV – Arches National Park Expansion

The Delicate Arch, one of Utah's most recognizable landmarks, will be further protected under PLI. Arches National Park will be expanded by 19,255 acres, ensuring the area behind Delicate Arch remains untouched and protected.

Title V – Jurassic National Monument

The Cleveland-Lloyd Dinosaur Quarry is home to the largest concentration of Jurassic-era dinosaur fossils in the world. With seasonal closures and limited resources at the current BLM site, a bottom-up process of local stakeholders determined that this site warrants National Monument status as part of the PLI legislative effort. This enhanced status will help to increase visitation and support the mission of this world-class, 867-acre area.

Title VI – Wild and Scenic River Designations

PLI will designate 406 miles of five different Utah rivers as wild, scenic and recreation.

This equals the approximate distance between New York City and Norfolk, Virginia.

Ujufi!VWJ!≈!Bti rfz!Dsf f l !Sf dsf bjpopbrtboe!Tqf djbrtN bobhf n fouBsf b!

Ashley Creek Recreational and Special Management area will facilitate all-season outdoor recreation and forest product development in the vast 110,838 acre area. Mineral development and extraction will be prohibited in order to promote and protect the outdoor recreation experience.

Division B – Opportunity

The second half of the legislation covers recreation and economic development opportunities. Maximizing Utah's education trust fund, local park management, and long-term certainty are accomplished through the various titles of the Opportunity Division. In total, this section would provide for new recreation and economic development opportunities on 1,041,786 acres of land.

Title I – School Trust Land Consolidations

Utah's public education system is supported by a little known state agency called SITLA. SITLA's mission is to manage remote parcels of state land for the benefit of the state's education trust fund. PLI would consolidate roughly 336,441 acres of state land in locations that would maximize revenue for Utah's school kids.

Title IA – Book Cliffs Roadless Area

SITLA will also swap minerals in the Book Cliffs Roadless Area for more accessible minerals in the Uintah Basin. This swap will support the education trust fund while also providing for the 35,891 acre Book Cliffs Roadless Area to be protected and managed by the state of Utah for its scenic and wildlife values.

Title IB – Wilderness Release

PLI will release from temporary wilderness study status five different units totaling 68,370 acres. These lands do not merit wilderness status and will be returned to multiple-use.

Title II – Goblin Valley State Park

The greater Goblin Valley State Park area has experienced a large increase in recreators, campers, and general visitors. A bottom-up process involving BLM, Emery County, and Utah State Parks has identified a solution that would expand Goblin Valley State Park and create a co-management area within the greater park region. PLI expands the park by 9,994 acres and creates a 166,829 acre co-management area that protects resources and manages recreation.

Title III – Price Canyon State Forest

PLI creates Utah's first state forest. Scattered parcels of state lands will be reconsolidated into one location in Carbon County, Utah, creating the 13,321 acre Price Canyon State Forest.

Title IV – Deer Lodge Land Exchange

There are 233 acres of Land Exchanges in the Deer Lodge Exchange.

Title V – Scofield Land Transfers

Land ownership records in and around Scofield State Park are incomplete. Various administrative errors, dating back more than 50 years in some instances, have left homeowners and the federal government at odds over who owns what land. This section seeks to remedy the confusion by creating a framework for the homeowners and the federal government to resolve the disputes.

Title VI – Land Conveyances

PLI empowers state and local land management through the conveyance of 22 parcels of federal land totaling 40,290 acres. The purpose of the conveyances is to facilitate and enhance recreation and public use of local lands. Expansion of the Canyonlands Field Airport, transfer of the historic Hole-in-the-Rock Trail, and creation of the Fantasy Canyon State Park are among some of the conveyances authorized in this section.

Title VII – Land Disposals

There are over 30 Land Disposals in Emery County covering 5,094 acres of land identified in PLI.

Title VIII – Canyon Country Recreation Zones

The Big Flat Working Group divided portions of Grand County into seven different recreation-planning zones. Within each zone, various objectives were outlined, from mineral lease retirement to expanded motorized and mechanized use. This section codifies the work done by the Grand County group.

PLI also creates two recreation zones in San Juan County to facilitate motorized and mechanized recreation. In total, PLI creates 375,689 acres of recreation zones between the two counties.

Title IX – Red Rock County Off-Highway Vehicle Trail

Motorized recreation enthusiasts have long searched for a trail system that connects Grand Junction, Colorado to Moab, Utah to Green River, Utah. The 93 mile Red Rock Country OHV Trail created by PLI would connect these western recreation towns and boost local economic activity.

Title X – Long-term Native American Economic Development

Native American tribes are active participants in the PLI process. The Navajo Nation, Ute Tribe, and Ute Mountain Ute are among the many tribes that must gain economic development advantages under PLI. Mineral transfers at McCracken Mesa, land transfers along the San Juan River, and other provisions should be included to enhance economic

opportunities for Native Americans. This title needs more work; more ideas from tribal leaders are needed to help enhance economic development opportunities in the tribal communities.

Title XI – Long-term Energy Development Certainty

Geologic experts within the Bureau of Land Management have categorized certain federal lands as being “open” to energy development. Lands determined to be open do not merit protective status. The highest and best use of this land is energy development. PLI ensures that lands identified by experts as being “open” will be leased and developed in a streamlined, timely manner.

Title XII – Long-term Travel Management Certainty

The State of Utah has gained ownership of approximately 78 miles of R.S. 2477 claims through litigation and settlement over the past 19 years. Nearly 36,000 miles remain unresolved. This section seeks to strike a balance that would result in the State of Utah gaining ownership over a large majority of unresolved claims within the PLI counties.

Title XIII– Long-term Land Use Certainty

Lincoln County, Nevada is home to the Basin and Range National Monument. President Obama created this monument just 10 years after the local community enacted the Lincoln County lands bill. This lands bill was created in a process very similar to PLI. The fact the president doubled the size of the Lincoln County lands bill after an exhaustive, locally-driven process is troubling. The Utah Congressional delegation and many local leaders do not want this unilateral action to be repeated. The final PLI bill must include language that guarantees long-term land use certainty. The delegation has language it prefers, but is instead asking PLI participants to craft language that ensures a large-scale national monument is not created within the PLI counties.

[DISCUSSION DRAFT]

114th CONGRESS

2nd 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 Mesa 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) HAMMOND 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 “Hammond 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 in accordance with the grazing permit 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 as 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 prescribed in the grazing permit in effect at the time an area enters the wilderness system. If range condition and monitoring studies and an analysis determine that increased livestock numbers and/or animal unit months (AUMs) can be made available with no adverse impact on wilderness values, increases in stock numbers and/or AUMs shall be authorized.

C) the maintenance of supporting facilities existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and pipelines, stock tanks and ponds, etc.), shall continue. Such maintenance shall include the use of motorized and/or mechanized tools and equipment where such use is the most reasonable means of accomplishing maintenance.

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 areas, 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 grazing areas, locations, or use.

(e) OUTFITTING AND GUIDE ACTIVITIES .—In accordance with section 4(d)(6) 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 or 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.

(k) TRAIL AND FENCE MAINTENANCE. – The Secretary of the Interior and Secretary of Agriculture shall work to ensure that existing trails and fence lines located in the lands identified in this title are adequately cleared and maintained, including through the use of chainsaws as appropriate and necessary.

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 and other water right holders 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) 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;
 - E. 2,516-acre area known as Daniels Canyon Wilderness Study Areas; and
 - D. 1,008-acre known as Cross Canyon Wilderness Study Area.
- (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 established under sections 201, 205, and 206, the grazing of livestock in which grazing is established before the date of enactment of this Act shall continue in accordance with the grazing permit 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 as 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 prescribed in the grazing permit in effect at the time an area is designated. If range condition and monitoring studies and an analysis determine that increased livestock numbers or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, increases in stock numbers and/or AUMs shall be authorized.

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 pipelines, stock tanks and ponds, etc.), shall continue. Such maintenance includes the use of motorized or mechanized tools and equipment.

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 areas, 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 grazing areas 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 or 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, including project construction and maintenance, 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”.

(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 while maintaining access via motorized and non-motorized uses to sacred sites, historical and recreational places, and gathering and hunting grounds.

(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.

(C) Advise the Secretaries on ongoing management and implementation actions.

(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 who is a resident of San Juan County, Utah; 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 designated by the Governor of Utah; and

(iv) a designee, and resident of San Juan County, Utah, 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 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 NCA consistent with the stated purposes of the NCA;

(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 areas 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;

(f) enhance recreation;

(g) promote scientific research;

(h) promote traditional knowledge;

(i) promote and continue lifestyles and activities, including motorized access; and

(j) be adopted by a majority vote of the Bears Ears Management Commission

(3) 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 _____.

(7) LITTLE WEST FORK BLACKS.—The “Little West Forks Blacks Special Management Area”, consisting of approximately 8,231 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 as 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) BIGHORN SHEEP VIABILITY

Ranchers, conservation groups, and other involved stakeholders shall work cooperatively with the Utah Division of Wildlife Resources (UDWR) and United States Forest Service to achieve bighorn sheep management in the Uinta Mountains that is consistent with the following principle:

- (a) Bighorn sheep populations east of the ridge running northeast from Gilbert Peak will be maintained.
- (b) Bighorn sheep will not be reintroduced west of the ridge.
- (c) If bighorn sheep migrate west of the ridge, UDWR will determine whether the sheep are threatened with disease transmission through interaction with domestic livestock. If no threat exists, the bighorn sheep may be permitted to remain west of the ridge, and if threat of disease transmission does exist, UDWR may relocate the bighorn sheep back to the east side of the ridge and/or issue depredation tag(s).

(5) 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 as 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 title 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 CIRCLE.—Certain federal land, comprising approximately 7,040 acres administered by the Bureau of Land Management in San Juan 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 San Juan 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 stocking levels prescribed in the grazing permit in effect 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 as 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 prescribed in the grazing permit in effect at the time an area is designated. If range condition and monitoring studies and an analysis determine that increased livestock numbers and/or animal unit months (AUMs) can be made available with no adverse impact on the areas designated by this title, increases in stock numbers and/or AUMs shall be authorized.

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 pipelines, stock tanks and ponds, etc.), shall continue.

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 areas, 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 grazing, 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) ADMINISTRATION,---

(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) ADMINISTRATION.---

(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) ADMINISTRATION.---

(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) ADMINISTRATION.---

(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 motorized and non motorized trails, and to promote energy and mineral leasing and development.
- (b) ADMINISTRATION.---
- (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 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.

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) McCracken 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 managed 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 and saleable 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 2010-117 shall have no force or effect within the counties referenced in subsection 1103 (2).
- (i) Limitation on lease restrictions for wildlife shall pertain only to specific wildlife laws.
- (j) Cultural resource mitigation within the immediate covered energy project planning area.

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. DEFINITIONS

(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 and saleable 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 identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties.

(2) all roads claimed as Class D highways identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties, 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, excluding those roads which are cherry-stemmed, including lands designated as wilderness or National Conservation Area 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.

(c) ADMINISTRATION

(i) Each right-of-way granted by the Secretary under the provisions of this Title shall be perpetual, and shall consist of the full geographic extent authorized by Utah state law in effect as of January 1, 2016.

(ii) The appropriate holder of each right-of-way granted pursuant to this Title may be abandoned pursuant to state law.

(d) FUTURE CLAIMS. – Nothing in this section precludes the state or county from applying for future or existing rights-of-way on exiting or new roads.

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

Conversation Contents

Fwd: FW: Meeting with Tommy Beaudreau

Attachments:

/58. Fwd: FW: Meeting with Tommy Beaudreau/1.1 PLI - Nikki.pdf

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Jan 14 2016 15:39:34 GMT-0700 (MST)
To: Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: FW: Meeting with Tommy Beaudreau
Attachments: PLI - Nikki.pdf

See attached from Fred. He asked that I not share this except with you two.

—
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

The Public Lands Initiative

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The purpose of this document is to summarize the 20 different sections of the draft legislation, known as the Utah Public Lands Initiative Act.

The PLI Region

The PLI Region covers 7 eastern Utah counties, encompassing approximately 18 million acres of federal land. Member of the Utah Congressional Delegation, local officials, and stakeholders have met over 1,200 times in an effort to craft a comprehensive land-use plan for the entire region.

PLI Process

Congressmen Rob Bishop and Jason Chaffetz launched PLI in February 2013. Since that time, more than 120 different stakeholders have submitted more than 65 detailed proposals regarding land management in eastern Utah. Altogether, their offices have held more than 1,200 meetings with local and tribal leaders, interested parties, and subject matter experts.

For more information, please visit www.UtahPLI.com.

Division A – Conservation

The first half of the legislation covers land protection and conservation. This section of the bill offers protection for places like the Bears Ears, Arches, Labyrinth Canyon, and the Book Cliffs (among many many others). In total, the Conservation Division of PLI would designate 4,336,289 acres of federal land and 406 miles of rivers.

Title I – Wilderness

PLI will create 40 wilderness areas covering 2,202,400 acres of federal land. Wilderness is the most restrictive federal land designation and ensures that rugged landscapes will remain intact for future generations to enjoy. PLI will bring the total wilderness acreage in the participating counties to 2,707,443 acres, larger than the entire states of Delaware and Rhode Island combined.

Title II – National Conservation Areas

PLI creates 14 National Conservation Areas covering 1,916,206 acres of federal land. Like wilderness, NCAs offer protection to worthy landscapes found on federal land. But where NCAs differ from wilderness is that they offer greater flexibility for multiple-uses and opportunities for local involvement in the land management process.

Title III - Special Management Areas

PLI creates five Special Management Areas covering 197,558 acres of federal land. SMA's are located on National Forest System lands and offer similar protection and flexibility of National Conservation Areas.

Title IV – Arches National Park Expansion

The Delicate Arch, one of Utah's most recognizable landmarks, will be further protected under PLI. Arches National Park will be expanded by 19,255 acres, ensuring the area behind Delicate Arch remains untouched and protected.

Title V – Jurassic National Monument

The Cleveland-Lloyd Dinosaur Quarry is home to the largest concentration of Jurassic-era dinosaur fossils in the world. With seasonal closures and limited resources at the current BLM site, a bottom-up process of local stakeholders determined that this site warrants National Monument status as part of the PLI legislative effort. This enhanced status will help to increase visitation and support the mission of this world-class, 867-acre area.

Title VI – Wild and Scenic River Designations

PLI will designate 406 miles of five different Utah rivers as wild, scenic and recreation.

This equals the approximate distance between New York City and Norfolk, Virginia.

Title VII – Ashley Creek Recreational and Special Management Area

Ashley Creek Recreational and Special Management area will facilitate all-season outdoor recreation and forest product development in the vast 110,838 acre area. Mineral development and extraction will be prohibited in order to promote and protect the outdoor recreation experience.

Division B – Opportunity

The second half of the legislation covers recreation and economic development opportunities. Maximizing Utah's education trust fund, local park management, and long-term certainty are accomplished through the various titles of the Opportunity Division. In total, this section would provide for new recreation and economic development opportunities on 1,041,786 acres of land.

Title I – School Trust Land Consolidations

Utah's public education system is supported by a little known state agency called SITLA. SITLA's mission is to manage remote parcels of state land for the benefit of the state's education trust fund. PLI would consolidate roughly 336,441 acres of state land in locations that would maximize revenue for Utah's school kids.

Title IA – Book Cliffs Roadless Area

SITLA will also swap minerals in the Book Cliffs Roadless Area for more accessible minerals in the Uintah Basin. This swap will support the education trust fund while also providing for the 35,891 acre Book Cliffs Roadless Area to be protected and managed by the state of Utah for its scenic and wildlife values.

Title IB – Wilderness Release

PLI will release from temporary wilderness study status five different units totaling 68,370 acres. These lands do not merit wilderness status and will be returned to multiple-use.

Title II – Goblin Valley State Park

The greater Goblin Valley State Park area has experienced a large increase in recreators, campers, and general visitors. A bottom-up process involving BLM, Emery County, and Utah State Parks has identified a solution that would expand Goblin Valley State Park and create a co-management area within the greater park region. PLI expands the park by 9,994 acres and creates a 166,829 acre co-management area that protects resources and manages recreation.

Title III – Price Canyon State Forest

PLI creates Utah's first state forest. Scattered parcels of state lands will be reconsolidated into one location in Carbon County, Utah, creating the 13,321 acre Price Canyon State Forest.

Title IV – Deer Lodge Land Exchange

There are 233 acres of Land Exchanges in the Deer Lodge Exchange.

Title V – Scofield Land Transfers

Land ownership records in and around Scofield State Park are incomplete. Various administrative errors, dating back more than 50 years in some instances, have left homeowners and the federal government at odds over who owns what land. This section seeks to remedy the confusion by creating a framework for the homeowners and the federal government to resolve the disputes.

Title VI – Land Conveyances

PLI empowers state and local land management through the conveyance of 22 parcels of federal land totaling 40,290 acres. The purpose of the conveyances is to facilitate and enhance recreation and public use of local lands. Expansion of the Canyonlands Field Airport, transfer of the historic Hole-in-the-Rock Trail, and creation of the Fantasy Canyon State Park are among some of the conveyances authorized in this section.

Title VII – Land Disposals

There are over 30 Land Disposals in Emery County covering 5,094 acres of land identified in PLI.

Title VIII – Canyon Country Recreation Zones

The Big Flat Working Group divided portions of Grand County into seven different recreation-planning zones. Within each zone, various objectives were outlined, from mineral lease retirement to expanded motorized and mechanized use. This section codifies the work done by the Grand County group.

PLI also creates two recreation zones in San Juan County to facilitate motorized and mechanized recreation. In total, PLI creates 375,689 acres of recreation zones between the two counties.

Title IX – Red Rock County Off-Highway Vehicle Trail

Motorized recreation enthusiasts have long searched for a trail system that connects Grand Junction, Colorado to Moab, Utah to Green River, Utah. The 93 mile Red Rock Country OHV Trail created by PLI would connect these western recreation towns and boost local economic activity.

Title X – Long-term Native American Economic Development

Native American tribes are active participants in the PLI process. The Navajo Nation, Ute Tribe, and Ute Mountain Ute are among the many tribes that must gain economic development advantages under PLI. Mineral transfers at McCracken Mesa, land transfers along the San Juan River, and other provisions should be included to enhance economic

opportunities for Native Americans. This title needs more work; more ideas from tribal leaders are needed to help enhance economic development opportunities in the tribal communities.

Title XI – Long-term Energy Development Certainty

Geologic experts within the Bureau of Land Management have categorized certain federal lands as being “open” to energy development. Lands determined to be open do not merit protective status. The highest and best use of this land is energy development. PLI ensures that lands identified by experts as being “open” will be leased and developed in a streamlined, timely manner.

Title XII – Long-term Travel Management Certainty

The State of Utah has gained ownership of approximately 78 miles of R.S. 2477 claims through litigation and settlement over the past 19 years. Nearly 36,000 miles remain unresolved. This section seeks to strike a balance that would result in the State of Utah gaining ownership over a large majority of unresolved claims within the PLI counties.

Title XIII– Long-term Land Use Certainty

Lincoln County, Nevada is home to the Basin and Range National Monument. President Obama created this monument just 10 years after the local community enacted the Lincoln County lands bill. This lands bill was created in a process very similar to PLI. The fact the president doubled the size of the Lincoln County lands bill after an exhaustive, locally-driven process is troubling. The Utah Congressional delegation and many local leaders do not want this unilateral action to be repeated. The final PLI bill must include language that guarantees long-term land use certainty. The delegation has language it prefers, but is instead asking PLI participants to craft language that ensures a large-scale national monument is not created within the PLI counties.



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 PH1 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 trip 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

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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

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
1849 C STREET, NW
WASHINGTON, DC 20240

OFFICIAL BUSINESS

County of Emery Commissioners
c/o Chairman Brady

(b) (6)



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

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WASHINGTON, DC 20240

OFFICIAL BUSINESS

Jenna Whitlock
BLM- Utah State Office

(b) (6)



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

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WASHINGTON, DC 20240

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Mr. Ahmed Mohsen
BLM - Price Field Office

(b) (6)



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
to Chairman Tubbs

(b) (6)



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

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Ms. Beth Ransel
BLM - Moab Field Office

(b) (6)



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

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Mr. David Ure
Director, SITLA

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SALLY JEWELL
SECRETARY OF THE INTERIOR

July 30, 2016

Dear Chairman Lyman & San Juan Co. Commission-

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.

Sincerely, Sally Jewell

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San Juan County Commissioners
40 Phil Lyman, Chairman

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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

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Mr. Don Hathorns

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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 opportunity 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

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Bears Ears Intertribal Coalition

/s/ Natasha Hale

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SALLY JEWELL
SECRETARY OF THE INTERIOR

August 6, 2016

Dear Chief Deputy Freestone -

Many thanks to you and your team for the hard work and support of our large public meeting in Bluff and meetings in Monticello.

My trip to the region and opportunity to hear from so many people with roots in this beautiful part of our Nation was very helpful in understanding the hopes and concerns of citizens of San Juan County and beyond. I listened carefully..

Thanks also for working with your L.E. counterparts in the BLM, National Park Service and other agencies in keeping people and resources protected. I pray for all of your ongoing safety. Warmly, Sally Jewell

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Chief Deputy Alan Freestone
San Juan County Sheriff's Office

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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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Ms. Heidi Redd

(b) (6)



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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Mr. Tom Cors
Director, Government Relations
The Nature Conservancy

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SALLY JEWELL
SECRETARY OF THE INTERIOR

July 31, 2016

Dear Vaughn -

Many thanks for leading our hike up Couls 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

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Vaughn Hadenfeldt

(b) (6)



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

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OFFICIAL BUSINESS

Amy Joi
Deseret News, Reporter
55 North 300 West
Salt Lake City, UT
84101



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

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OFFICIAL BUSINESS

Matt Piper
The Salt Lake Tribune
90 S. 400 West, Ste. 700
Salt Lake City, UT
84101



SALLY JEWELL
SECRETARY OF THE INTERIOR

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 Monticello 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

and treaty obligations. (over)

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 in 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

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 Dine and Blue Mountain Dine 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
(over)

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 Dine and Blue Mountain Dine will be carefully considered.

Warmly,
Sally Jewell

Mr. Denton Ben

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