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May 26, 2017

The Honorable Ryan Zinke
Secretary, U.S. Department of Interior
1849 C Street, N.W.
Washington, DC 20240

Docket No. DOI-2017-0002

Re: Executive Order 13792: Review of Designations Under the Antiquities Act

Dear Secretary Zinke:

The Pew Charitable Trusts has long sought permanent protection for Utah's world-renowned and culturally significant public lands. For the past decade, we have had staff visit the state, meet with county commissioners, hold discussions with stakeholders, embark upon field trips, work with staff of members of Utah's delegation, and meet with members of the delegation, both in state and in Washington. We have staff members whose involvement in trying to resolve nettlesome federal land management and conservation matters in Utah stretches back even further.

Three years ago, Pew joined with the Utah delegation and a variety of stakeholders in the Utah Public Lands Initiative (PLI) process in hopes of reaching an agreement that would preserve some of eastern Utah's most spectacular landscapes for future generations, deliver a steady revenue stream for the benefit of Utah's schoolchildren, and bolster the economic base in rural communities. Pew participated in this process because we believed that legislation provided the best opportunity to achieve those stated goals in a comprehensive manner, while honoring recommendations offered by a broad cross-section of public lands users, local elected officials, and interested stakeholders.

Pew remained with the PLI process long after other conservation groups had dropped out, in hopes that Congress could pass a measure that President Barack Obama could sign and enact into law during the 114th Congress. Unfortunately, a legislative solution proved impossible. While a version of the *Utah Public Lands Initiative Act*, H.R. 5780, was eventually reported by the House Natural Resources Committee, it did not represent a balanced approach to stakeholder concerns and ultimately could not be passed and signed into law. Not only was the legislation inadequate to the task, but time ran out in the previous Congress. However, H.R. 5780 did include language to establish two new national conservation areas to cover an almost equivalent area to that which is included today in the Bears Ears National Monument, one of the attributes of the legislation.

Pew was disappointed that a legislative solution could not be reached, given all the time and effort expended by so many. We believe that the Bears Ears region is worthy of protection and therefore we supported the designation of the Bears Ears National Monument. Underpinning that support was our knowledge of and experience with the extensive local participation and review that accompanied both the Utah Public Lands Initiative and the effort to designate the Bears Ears National Monument. We

contend that these broad and transparent processes more than sufficiently demonstrated deep support, provided stakeholders with the opportunity to express both support and opposition, and answered questions about the need to protect that landscape, including its more than 100,000 cultural sites, its wide range of plant and animal life, and its spectacular opportunities for outdoor recreation. National monument status protects all of these values along with the region's customs and culture, providing economic benefits to local communities, and guaranteeing access for traditional uses such as firewood gathering and grazing.

We write to urge you to maintain the current boundaries and management protections of the Bears Ears National Monument. Since President Theodore Roosevelt signed the Antiquities Act into law in 1906, 16 presidents – eight Republicans and eight Democrats – have used the authority to safeguard public lands, oceans, and historic sites in order to share America's story with future generations. Bears Ears National Monument is a worthy exercise of that authority that is consistent with the Act's original intent and the way in which it has been used throughout history. It protects a natural and cultural landscape worth safeguarding, and preserves a chapter in our nation's collective story that is worth sharing with our descendants. Our comments below speak to the specific feedback sought via the public notice for the official comment period.

The Bears Ears National Monument meets the requirements and objectives of the Antiquities Act and does not exceed the smallest area compatible with the proper care and management of the objects to be protected.

Bears Ears is home to sinuous canyons, towering red-rock formations, dramatic arches, pinyon-juniper forests, colorful mesas, and ephemeral rivers. These features create a scenic and ecological treasure that supports a host of plant and animal life, including several plant species that are endemic to the region and one species of moth, *Eucosma navajoensis*, that is unique to the Monument.¹ Additionally, there are very few places left in the U.S. where so many well-preserved cultural sites are found in the solitude of a beautiful backcountry setting. Yet until last year's proclamation, these resources remained unprotected, at risk of human damage. The Bureau of Land Management (BLM), which oversees Bears Ears, had only one law enforcement officer assigned to patrol the 1.9 million acres. Documented cases of looting, grave-robbing, vandalism and other serious damage to cultural resources are on the rise.

President Theodore Roosevelt signed the Antiquities Act into law in 1906 in part to try to end the problem of "pot hunting," or the digging up of ancient artifacts, which was causing irreversible damage to archaeological sites. The declaration of the Bears Ears National Monument is consistent with the use of the Antiquities Act to curtail destruction of special and sacred places. It also recognizes the whole of a cultural landscape that is rich in traditional ecological understanding and abundant in the medicinal plants and ceremonial herbs used by Native Americans. This traditional knowledge and cultural landscape is an archaeological treasure worth preserving unto itself.

The Navajo know Bears Ears as both the birthplace of modern leaders and the source of important origin stories. The Ute recognize it as a place of great healing, and the Hopi, Zuni, and other Pueblos still undertake pilgrimages to archeologically and culturally significant sites in the landscape, honoring a tradition that dates back many thousands of years. Tribal leaders and members go to the Bears Ears area

¹ <https://obamawhitehouse.archives.gov/the-press-office/2016/12/28/proclamation-establishment-bears-ears-national-monument>

to conduct ceremonies, practice healing rituals, and connect with their ancestral lands in many other ways. Its designation honors their connection to the land.

Bears Ears National Monument is so sacred to Native Americans that last year, 26 tribes joined together for the first time to request that the landscape be protected as a national monument. Those protections had first been proposed over 80 years ago, and have enjoyed the support of Secretaries of the Interior, state officials and tribal leaders, archeologists, paleontologists, and recreationists of all stripes. Upon its proclamation, Bears Ears National Monument became the first national monument to be protected at the behest of sovereign Tribal Nations, and though its 1.35 million acre footprint more closely mirrors the boundaries of the Utah Public Lands Initiative authored by the Utah delegation than the 1.9 million acre Inter-Tribal Coalition proposal, the language of its proclamation ensures that, for the first time in the history of the Antiquities Act, Tribal voices are prioritized in the management of a monument.

As the Tribes themselves have pointed out, traditional knowledge is “both a value to be protected by the monument, and a resource to be used in its management.”² Beyond the protections offered to threatened archeological sites, the proclamation preserves the Bears Ears landscape as a cultural site unto itself, honoring a way of life that has its beginnings deep in our history and is knotted tightly to Tribal way-of-life today. Any reduction in acreage would be an affront to that sacred history and to the people that draw on it today. Likewise, any effort to “shrink” the monument into an archipelago of smaller protected sites among a larger, unprotected landscape would similarly ignore the importance of the entire landscape to the story of the people who hold it sacred, and would further complicate local BLM officers’ existing management responsibilities.

The Bears Ears National Monument landscape contains appropriately classified objects of historic or scientific interest.

Thousands of years and hundreds of generations of human occupation in the Bears Ears landscape have left behind an abundant but extremely fragile record of human history in the area. These myriad historical and archaeological sites and artifacts require careful management, but also offer insight into the ways people cared for and interacted with the land for the past 13,000 years. The declaration of the Bears Ears National Monument honors President Roosevelt’s wish – and one of the purposes of the Act – to protect objects of historic or scientific interest from being damaged and stolen.

Since October 2011, The BLM’s field office in Monticello has reported 25 cases of looting, vandalism, and grave-robbing in the Bears Ears landscape. These incidents have targeted cultural antiquities like Navajo hogans that reflect the lifestyles of Native peoples in the 19th Century, 2,000-year-old pictographs that record life for ancestral Puebloans in the Archaic Period, and prehistoric ruins that tell scientists more about the peoples that lived in this area long ago.³

Despite these threats, Congress has been unable to take action to protect the Bears Ears area and the abundance of petroglyphs, pictographs, kivas, cliff dwellings, and ceremonial sites found there. These sites are of obvious cultural and scientific importance, and monument designation preserves them not only for study by future generations of paleontologists and archeologists, but also for those that care to respectfully seek them out today in order to marvel at the skill and artistry it took to create them.

² http://bearscoalition.org/wp-content/uploads/2017/04/Letter-to-Sec-Zinke-on-NM-Review_Signed_FINAL.pdf

³ <https://the-journal.com/articles/1670-reward-offered-to-catch-looters-in-se-utah>

The Bears Ears National Monument honors the policy of multiple use on federal lands.

The Bears Ears National Monument proclamation recognizes a history of uses on the landscape while anticipating future opportunities for recreation and scientific study. Hikers, climbers, hunters, paddlers, mountain bikers, and horseback riders are all welcome in the Monument, as are off-highway vehicles on designated motorized vehicles routes. As for wildlife, the Monument proclamation honors the State of Utah's jurisdiction concerning fish and wildlife management.

In addition to these uses of the landscape, the proclamation respects traditional tribal practices by allowing hunting, fishing, firewood collection, and the gathering of plants for medicinal uses. The proclamation achieves collaborative and coordinated management of the landscape through an innovative commission that honors "tribal expertise and traditional and historical knowledge," allowing tribes to offer direction on the management of the monument. Stakeholders like local elected officials, recreational users, small business owners, and private landowners are also able to participate in the management of the Monument through an advisory council.

The Bears Ears National Monument will positively impact the use and enjoyment of non-Federal lands within or beyond monument boundaries, and appropriately addresses concerns of state, tribal, and local governments affected by a designation, and will positively impact the economic development and fiscal condition of the same.

The Bears Ears National Monument proclamation contains mechanisms for state, tribal, and local governments to guide and collaborate on the management plan for the landscape. The designation of Bears Ears National Monument places a star on the map, naturally drawing Americans to its rugged beauty. That star also creates a significant economic benefit for the gateway communities that surround it. Studies show that by any measure – employment, personal income, or per-capita income – those communities are better off following the creation of a national monument. A recent study by Headwaters Economics concludes:

[A]ll of the regional economies adjacent to the studied national monuments experienced growth following a monument's designation. Nearby national monuments help communities to diversify economically while increasing quality of life and recreational opportunities that assist communities to become more attractive for new residents, businesses, and investment.⁴

Utah has benefitted from this growth. In the 22 years since the Grand Staircase-Escalante National Monument was declared in Utah, jobs in neighboring Kane and Garfield counties grew by 38 percent.⁵ Across the state, consumers spent \$12 billion on outdoor recreation, creating 122,000 direct jobs and contributing \$856 million to state and local tax revenues.⁶ The outdoor recreation economy is one of the fastest growing in the United States, outpacing many other industries, including extractive industries.⁷ Rescinding or adjusting the boundaries of Bears Ears National Monument jeopardizes that growth.

⁴ <https://headwaterseconomics.org/wp-content/uploads/monuments-summary-update-2014.pdf>

⁵ <https://headwaterseconomics.org/wp-content/uploads/Escalante.pdf>

⁶ <https://outdoorindustry.org/state/utah/>

⁷ https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf

Research commissioned by Pew in 2016 on the Grand Staircase-Escalante National monument demonstrated that vast majorities of Utah citizens believe that it has had a beneficial impact on the state's tourism industry (70 percent positive, 6 percent negative, and 15 percent no impact) and on Utah's wildlife and environment (62 percent positive, 7 percent negative, and 17 percent no impact).⁸

In addition, the Bears Ears National Monument designation is an opportunity to repeat the success of the land exchange brokered between the federal government and Utah's School and Institutional Trust Lands Administration (SITLA) that has resulted in revenues of more than \$310 million for the state of Utah and its school children since it was executed in 1999.⁹ Within the boundaries of the Bears Ears National Monument are 100,000 acres of SITLA land that are largely inaccessible and therefore difficult and costly to develop. An exchange of these inaccessible tracts for federal lands with higher revenue potential is appropriate, and would benefit not just San Juan County, from where the parcels would be traded, but any counties where new parcels were acquired.

Conclusion

Pew's long-time involvement in Utah public lands issues, constructive engagement in the *Utah Public Lands Initiative Act*, and collaboration with local partners and Tribes on the Bears Ears National Monument designation gives this institution a uniquely informed perspective

The Bears Ears National Monument preserves a vast and threatened array of cultural and historic sites in southeastern Utah, and offers world-class opportunities for outdoor recreation, including hunting. The monument designation presents an opportunity for local and state governments to tap into a large and sustainable tourism economy that exists around our nation's public lands, and allows SITLA to capitalize on its ability to manage lands to the benefit of Utah's schoolchildren. It is a National Monument that uniquely recognizes the history, culture, and contributions of tribal nations in a way no other designation before it has. We believe the integrity of this unit in the National Landscape Conservation System should be maintained.

For those reasons, we respectfully request that the boundaries and management of Bears Ears National Monument remain unchanged. Finally, we applaud your commitment to our nation's public lands and look forward to working with you in the future.

Sincerely,



Thomas A. Wathen
Vice President, Environment Americas
The Pew Charitable Trusts

⁸ <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/08/11/new-poll-utahans-support-protections-for-bears-ears-area>

⁹ <https://www.utah.gov/pmn/files/232569.pdf>