

Pre-Obama Protections in Bears Ears

The lands within President Obama's Bears Ears National Monument, proclaimed in December 2016, were protected under a host of environmental protections long before Obama's proclamation. **All of those protections are still in effect today**, regardless of monument status. President Trump's reduction of the Bears Ears National Monument's boundaries in December 2017 had no impact on those longstanding environmental protections. A summary of those protections is included below.

Protections under the BLM's 2008 Monticello Field Office Resource Management Plan (RMP)

The majority of President Obama's 1.3 million acre designation fell within the boundaries of the Monticello Field Office which administers 1.8 million acres of land. The BLM's 2008 Monticello RMP administers former Bears Ears lands and includes dozens of environmental and cultural resource protections. Lands excluded from President Obama's monument reverted back to the 2008 RMP and continue to be managed by the following protections. Although these numbers represent protections throughout the entire Monticello Field Office planning area, they are a good representation of the protections that exist on former monument lands.

Wilderness Areas

- 11 Wilderness Study Areas – 380,759 acres
- 5 Protected Lands with Wilderness Characteristics – 88,871

Cross-Country OHV Travel

- 0 acres open to cross-country OHV travel
- Approximately 370,000 acres closed to all OHV travel
- OHV use limited to designated roads and trails (if not already closed to motorized use)

Oil and Gas Leasing

- Approximately 490,000 acres, are **closed** to oil and gas leasing
- Approximately 60,000 acres open only to **"no surface occupancy"** drilling*
 - i.e. horizontal drilling from a remote location
- Lands not protected as "closed" or "no surface occupancy" remain protected by strict environmental controls on the timing and surface occupancy for oil and gas development

Areas of Critical Environmental Concern

- 5 Areas of Critical Environmental Concern – 31,857

Special Recreation Management Areas:

- 7 Special Recreation Management Areas – 562,824 acres

Rights-of-Ways

- Approximately 400,000 acres in exclusion areas (new ROWs prohibited)
- Approximately 130,000 acres in avoidance areas (new ROWs highly disfavored)

Grazing

- 133,318 acres unavailable to grazing.
- 6,518 acres restricted to livestock trailing only.

Visual Resources

- VRM Class I – approximately 420,000 acres (high protective of visual resources)
- VRM Class II – approximately 220,000 acres (protective of visual resources)

Protections under the Manti-La Sal National Forest Management Plan

The Manti La-Sal National Forest Management Plan was adopted in 1986 and includes 8 roadless areas (essentially managed as wilderness), in what later became part of Obama Bears Ears National Monument. The protections in the Forest Management Plan are still in effect subsequent to President Trump's reduction of the Bears Ears National Monument.

Forest Service Roadless Areas

- 8 Inventoried Roadless Areas – 89,396
- 1 Wilderness Area (Dark Canyon Wilderness Area) – 46,348 acres

Protections for Archeological Resources under Federal Law

These federal laws have always applied to all federal lands since enactment, both inside and outside of President Obama's Bears Ears National Monument.

- National Historic Preservation Act of 1966
- Paleontological Resources Preservation Act (2009)¹
- Archaeological Resources Protection Act of 1979
- Native American Graves Protection and Repatriation Act of 1990

*Existing looting and vandalism is due to a lack of federal law enforcement and funding, not a lack of legal protections.

* Some of the links below might not work. If so, copy and paste them into your browser.

Hot Monument Topics In The News

Oil Was Central in Decision to Shrink Bears Ears Monument, Emails Show

This New York Times article claims that even before the department of the interior officially began its review of Bears Ears National Monument, the area's potential for oil and gas exploration was already a priority. The article focuses on former Senator Orrin Hatch's efforts to

¹ Enacted as Title VI of the Omnibus Public Land Management Act of 2009

persuade DOI to consider shrinking the monument including an email sent from Senator Hatch's office that contained information on potential new boundaries that would "resolve all known mineral conflicts". A spokesman for Senator Hatch pointed out that Senator Hatch was proud to look after Utah's school children by ensuring that SITLA parcels could be accessed and used for the benefit of Utah schools.

<https://www.nytimes.com/2018/03/02/climate/bears-ears-national-monument.html>

Commentary: Don't believe John Curtis — he's never consulted with Utah tribes on the future of Bears Ears

This Salt Lake Tribune article from January, 2018, discusses Representative John Curtis' failure to consult with the tribes regarding his bill to codify the Bears Ears National Monument Boundaries as established by President Trump.

<https://www.sltrib.com/opinion/commentary/2018/01/26/commentary-dont-believe-john-curtis-hes-never-consulted-with-utah-tribes-on-the-future-of-bears-ears/>

A New Commission Faces Old Tensions in San Juan County

This KUER articles discusses the dynamics of the new San Juan County Commission. With two newly elected Navajo Commissioners, both who are democrats, there has been a big swing in the composition of the Commission. The article also highlights racial tensions in the County inflamed by a controversial election where new district boundaries were mandated by court order and one of the newly elected commissioners was accused of not fulfilling the residency requirements for office.

<https://www.kuer.org/post/new-commission-faces-old-tensions-san-juan-county#stream/0>

'It seems like payback': Some San Juan County residents express a growing sense of being disenfranchised

This Salt Lake Tribune Article discusses the public reaction to the new San Juan County Commission's proposal to call for a full restoration of the Bears Ears National Monument. Many citizens felt that it was divisive and inappropriate to so quickly undo the previous commission's efforts to reduce the monument.

<https://www.sltrib.com/news/politics/2019/02/08/it-seems-like-payback/>

San Juan County Resolution Supporting H.R. 871, The Bears Ears Expansion and Respect for Sovereignty Act.

The San Juan County Commission with its two newly elected commissioners passed a resolution supporting H.R. 871, The Bears Ears Expansion and Respect for Sovereignty Act, which has been introduced in the United States House of Representatives. The proposed legislation introduced by Ruben Gallego (Democrat from Arizona) would expand Bears Ears National Monument to a size larger than that created by President Obama.

<https://sanjuancounty.org/sic-content/archives/Minutes/Agenda.pdf>

Split appears in San Juan as new Navajo-led County Commission moves to support an even bigger Bears Ears than Trump shrunk

This Salt Lake Tribune article discusses the passage of the San Juan County resolution supporting the reestablishment of the original boundaries of the Bears Ears National Monument. It also discusses an additional resolution passed by the commission directing the county attorney to withdraw the County's amicus brief defending President Trump's proclamation shrinking the monument.

<https://www.sltrib.com/news/politics/2019/02/21/split-appears-san-juan/>

Bears Ears Now Has The Support Of Its Home County's Leadership

This article claims that the majority of San Juan County residents actually support the original boundaries of the monument as demonstrated by the new makeup of the County Commission.

<https://psmag.com/news/bears-ears-now-has-the-support-of-its-home-countys-leadership>

San Juan County Considers Resolution Supporting Bears Ears

This article discusses a meeting where the San Juan County commission heard public comments regarding their proposed resolution to support the original monument boundaries. The majority of the public comments were in support of shrinking the monument. Newly elected commissioner Willie Grayeyes stated that the vast majority of the comments were against the monument but if the meeting was more accessible to the native people then they would have heard more support of the monument.

<http://www.ksjd.org/post/san-juan-county-considers-resolution-supporting-bears-ears#stream/0>

Native voices aren't being heard on Bears Ears

This High Country News article claims that 98% of Navajo citizens support Bears Ears and the San Juan County Commission did not listen to the majority of its residents in pushing for a monument reduction. Additionally, the article claims that San Juan County has engaged in systematic discrimination of the Navajo people and implied that the former commission wanted the Navajo within the county to act like "conquered" subjects.

<https://www.hcn.org/articles/opinion-in-the-debate-around-bears-ears-which-voices-have-been-muted>

Zinke ignores critics, creates Bears Ears advisory panel

This article points out that the reduction in the monuments is under legal challenge and that many think it is inappropriate to move forward with the creation of the Monument Advisory Committee for Bears Ears. Additionally, the article points out that there are five major tribes that formed a coalition in support of the creation of Bears Ears National Monument and that all of

these tribes should be allowed a seat on the monument advisory committee. Currently, the makeup of the committee allows for two representatives of tribal interests.

<https://www.eenews.net/stories/1060095497>

