



BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

December 31, 2015

Hon. Rob Bishop
Hon. Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

RE: Status of the Bears Ears Coalition-PLI Discussions

Dear Representatives Bishop and Chaffetz:

The Coalition held a day-long meeting on December 30, 2015 at the White Mesa Tribal Headquarters. Most of the meeting consisted of a full-scale review and evaluation of the discussions with PLI. These are the results of our deliberations.

On July 16, 2015, the Coalition, knowing that it would be extremely difficult, set a firm deadline of October 15 for submitting to President Obama and the PLI a comprehensive proposal for a Bears Ears National Monument. After an intensive series of well-attended drafting meetings, we met that deadline. In discussing what steps we should take next, we considered whether we should first negotiate with the PLI to see if congressional action might make it unnecessary for the President to declare a monument under the Antiquities Act. We concluded that we should meet with the PLI first and resolved to make our best effort to achieve a satisfactory congressional resolution.

In doing so, we are very conscious of our obligations to our ancestors. The events leading up to our proposal of October 15, 2015 have been long in the making. Ever since the 1800s, when all Indian people residing in the Bears Ears area were forcibly removed, we have grieved and suffered great pain over the treatment of these ancestral lands. The looting and grave robbing has been extensive, despicable, and continuous. Irresponsible mining and off-road vehicle use have torn up the ground. These and other actions have violated and despoiled our ancestors' homes and other structures. Generations of misuse and other bad conduct have interfered with, and sometimes nearly destroyed, our gathering of medicines and herbs, sacred ceremonies, family gatherings, and individual prayers and offerings, all the things that heal us and the land. But our people revere the Bears Ears area, and we continue to visit it in spite of the conduct of others because for us it remains a special place, where we can be among our ancestors and their songs and wisdom, where the traumas of the past can be alleviated, where we can connect with the land and our deepest values and heal.

We were very apprehensive about entering into discussions with the PLI. Up to that time, the PLI had never taken us seriously. This was in spite of the fact that we worked tirelessly on the PLI process, putting in as much or more effort as any party involved in the process. We made at least 25 presentations at PLI meetings, complete with maps, a two-page summary of the UDB proposal (the precursor to the pending Coalition proposal), and substantial oral presentations. Congressional staff was present at approximately a dozen of these meetings. We also made eight separate trips to Washington DC to meet with the Utah delegation; at each of those meetings, we made extensive statements complete with maps and a summary of the proposal. At all of these meetings, both in the field and in Washington DC, we asked for comments on our proposal. Our extensive and unwavering efforts to engage in the PLI process are cataloged in great detail in Exhibit One of our proposal.

It was to no avail. In no instance did anyone from the Utah delegation or the PLI make a single substantive comment, positively or negatively, on our proposal.

Our painful experience with attempting to make an inroad into the PLI process was epitomized by our dealings with the San Juan County Commission. Although the proponents of the PLI described the process as "open" and "ground-up." PLI leaders said that they were relying heavily on county commissions. We were repeatedly told to present our proposal to the San Juan County commission.

The San Juan County Commission conducted a public comment process on PLI in 2014. The UDB proposal was identified as "Alternative D." Commission staff agreed to include Alternative D in the list of alternatives. Then the staff changed that commitment and refused to include Alternative D on the list.

Supporters of Alternative D waged a write-in campaign. Despite being omitted from the list, Alternative D received 300 positive comments, 64% of the 467 total comments received. The Commission then completely rejected the results of its own survey—and the wishes of the Indian people who comprise 53% of the population of San Juan County—and selected the heavy-development, low conservation "Alternative B." Alternative B had received just two comments, one half of 1% of the total.

In spite of the extraordinary unfairness of this proceeding—the kind of raw, heavy-handed political overreaching rarely seen in America today—at no time has San Juan County, the PLI, or the Utah delegation ever seen fit to acknowledge it, much less apologize and disown it.

Because of the frustration and resentment caused by this long progression of events, the Native people supporting protection for Bears Ears requested the sovereign Indian nations to take the lead in requesting action from President Obama and attempting to obtain satisfactory legislation from the PLI process. Our five sovereign Indian nations, the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni then formally created the Bears Ears Inter-tribal Coalition in July 2015.

Despite all of the past difficulties, after the completion of our proposal on October 15 we entered into these discussions with PLI with open minds. Two meetings have been held, on October 29 at the Ute Mountain Ute Tribal Headquarters in Towaoc and on November 30 on Capitol Hill in Washington DC. Both meetings were characterized by civil discourse. There was, however, almost nothing substantive from the PLI side. We asked several times for reactions,

positive or negative, to our proposal but received no substantive responses. The closest was the statement by a PLI staff member at the Towaoc meeting that "we like the idea of cooperative management." Cooperative management, however, is a broad term with many applications and definitions. Our proposal calls for a strong and unique definition of collaborative management that the staff did not comment on.

At the Coalition meeting on December 30, we reflected on the two recent meetings and realized that they fit into the pattern that we have long experienced with the PLI. At the public meetings on the PLI, the moderators, including the Congressmen, were always polite. When we went back to Washington DC in 2013-2015 for our eight meetings with the Utah delegation and staff, everyone was polite and friendly. They were pleasant meetings. But they offered no substantive engagement at all. The same was true with our recent meetings in Towaoc and Washington DC. Despite our inquiries, PLI representatives had nothing to say about the proposal that we had so painstakingly developed. Once again, we were not being taken seriously.

This was all underscored by the events directly leading up to our recent December 30 Coalition meeting. That day was not supposed to be a Coalition meeting.

At the end of the November 30, 2015 meeting in Washington DC, both sides talked about the next meeting date; we all agreed that December 30 was a most promising date and that we would all check our calendars. For us, this was late: it was a month away, and from the beginning we had made it clear—and PLI staffers agreed—that time was of the essence. Still, we were willing to do it.

On December 15, 2015, PLI staff advised us that Congressman Chaffetz would be unable to attend a meeting on December 30. We promptly responded with our regrets but asked for confirmation that the staff would still be able to meet on December 30. A week later, on December 23, a lead staffer responded that he would be unable to attend the December 30 meeting and we were advised on December 29 that the other staffers could not attend.

These cancellations complicated matters for us considerably. Needless to say, December 30 was not a convenient date for us, but we all had set it aside because of the importance of these negotiations.

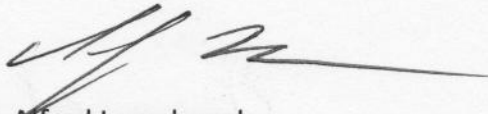
In addition, we were shocked by the staff's December 23 email. At the October 29 meeting in Towaoc, the PLI representatives assured us that a PLI draft would be available soon, perhaps as early as November. That did not occur. Then, at the November 30 meeting in Washington DC, PLI staff "guaranteed" that we would receive the PLI draft before December 30. But, to our surprise, on December 23, PLI staff advised us that the promised draft PLI would not be available on December 30. We had depended upon receiving the draft PLI so that we would have a basis for determining the thrust of the PLI's view of our proposal. Now, after 2 1/2 months since providing them with our proposal on the date promised, we had not received a single reaction to it. On December 24, Tribal Leaders convened a conference call to discuss options including discontinuation of discussions with PLI. Coalition members then spent December 30 discussing in detail the state of the negotiations with PLI from beginning to end.

We have come to the conclusion that we have no choice but to discontinue these discussions. Our strenuous efforts to participate in the PLI, and related proceedings before that over the course of the past six years, have been consistently stonewalled. We have never been taken

seriously. Now, 2 1/2 months after submitting our proposal to you, we have received no reactions at all from you on our proposal. The promised draft PLI was never delivered. All of this is consistent with PLI's repeated failures to meet deadlines. Our five sovereign tribal nations, and our carefully-drafted comprehensive proposal, deserve far more than that.

Again, time is of the essence. We don't feel we can wait any longer before engaging with the Obama Administration concerning our proposal in the hope that they will advance our proposal via the Antiquities Act. If, at some point, you decide to submit to us a comprehensive proposal for what you specifically intend to include in the PLI legislation and process, including a firm date for passage by Congress, then we will promptly review that submission and advise you as to whether it would be worthwhile for us to re-establish discussions. In the meantime, we have no choice but to turn our attention to working with the Obama Administration.

Respectfully,



Alfred Lomahquahu
Co-Chair
Bears Ears Inter-tribal Coalition



Eric Descheenie
Co-Chair
Bears Ears Inter-tribal Coalition