



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

Testimony of the Ute Mountain Ute Tribe

Before the U.S. House of Representatives
Committee on Natural Resources
Subcommittee on Federal Lands

January 30, 2018

Introduction

Chairman McClintock, Ranking Member Hanabusa, and Members of the Subcommittee, thank you for the opportunity to testify on H.R. 4532, the Shash Jáa National Monument and Indian Creek National Monument Act. My name is Regina Lopez-Whiteskunk. I am a former councilwoman for the Ute Mountain Ute Tribe and the former co-chair of the Bears Ears Inter-Tribal Coalition. I am duly authorized and appointed by official tribal resolution to speak on behalf of the Ute Mountain Ute Tribe.

The Ute Mountain Ute Tribe is a federally-recognized Indian tribe with reservation lands in Utah, New Mexico, and Colorado. Tribal lands in Utah include the White Mesa community and various trust allotment lands along Allen Canyon. Bordering these tribal lands are the ancestral homelands of the Ute Mountain Ute Tribe that extends far into the Bears Ears region. Historically, during the winter months various bands of Utes would descend from the mountains into the warmer regions of the Bears Ears landscape. Traces of our ancestors remain in those sacred spaces and are deserving of protection from looting, off-road vehicle use, and on-going efforts to expand uranium mining.

Protection for the thousands of cultural and natural resources is warranted and one of many reasons why the Ute Mountain Ute Tribe, along with the Hopi Tribe, Navajo Nation, Ute Indian Tribe, and the Pueblo of Zuni, joined in forming the Bears Ears Inter-Tribal Coalition. For the Ute Mountain Ute Tribe, uranium mining within or near the Bears Ears region poses a unique and particular threat, causing concern for the health and well-being of tribal members, water and air resources, plants, wildlife, and other natural and cultural resources. We, therefore, sought and achieved protection of the Bear Ears landscape, including the withdrawal of future mineral leasing and entry under the mining laws, through a national monument designation, as afforded by Presidential Proclamation 9558.

Each Indian nation knowing well that mere consultation, as provided by the National Historic Preservation Act, National Environmental Policy Act, Archeological Resources Protection Act and numerous other federal laws, was inadequate for managing the cultural landscape and protecting our ancestors, we therefore sought collaborative management of the national monument by crafting the Bears Ears Commission. Through countless meetings between the tribes and numerous trips to meet with federal staff, we labored meticulously in arranging for how the Bears Ears Commission would contribute to managing the monument. We were successful in acquiring what we strived toward. Each tribe, as sovereign entities, appropriately had the opportunity to designate an official of their choosing to sit on the Bears Ears Commission to provide traditional knowledge and expertise on how to best manage the lands.

Despite the Bears Ears Commission's efforts to effectively structure and govern its activities, including hiring staff, creating by-laws and developing working relationships with federal staff, accomplishments were disrupted by the President's unlawful action in purporting to modify the Bears Ears National Monument by instituting Presidential Proclamation 9681. Consequently, the Ute Mountain Ute Tribe, along with other Indian nations, is engaged in active litigation to justly restore protections to over one million acres of our ancestral homelands.

Introduced in tandem with Presidential Proclamation 9681, H.R. 4532 legislatively confirms President Trump's improper reduction of the Bears Ears National Monument boundaries by 85 percent. The Ute Mountain Ute Tribe was not consulted in the drafting of H.R. 4532, nor was the Ute Mountain Ute Tribe afforded an opportunity to testify at the January 9, 2018, hearing on H.R. 4532. Instead of allowing testimony from each of the sovereign tribal governments comprising the Bears Ears Inter-tribal Coalition, an individual tribal member that supported the views of the Utah delegation was handpicked to give the impression that "local tribes" support the bill. That display is actually far from the truth. The Ute Mountain Ute Tribe vehemently opposes H.R. 4532.

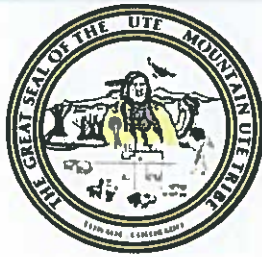
Among the numerous reasons the Ute Mountain Ute Tribe opposes H.R. 4532, we are especially concerned with the conception of the Tribal Management Council. Nothing about the Tribal Management Council would reflect the needs, interests, and expertise of the federally-recognized Indian tribes holding close cultural ties to the Bears Ears landscape. In place of officials duly appointed by Indian nations, the "Tribal" Management Council would consist of federal and state officials, and handpicked individual tribal members. The Ute Mountain Ute Tribe would be precluded from designating an official, or a traditional leader, or a knowledgeable practitioner of Ute Mountain Ute customs and culture, of its own choosing. Rather, the task of appointing an individual Ute Mountain Ute tribal member to serve on the Tribal Management Council would fall on the President, after "consultation with the Congressional delegation from the State of Utah." Such legislation prevents the Ute Mountain Ute Tribe and other Indian nations to self-determine their own destinies and amounts to an egregious return to the failed federal Indian policies of the 1800s.

Under H.R. 4532, the duties of the Bears Ears Commission, along with "affected Indian Tribes" that are excluded from participation on the Tribal Management Council, would be merely advisory to federal and state interests. Instead of the Bears Ears Commissioners working

with the Secretary of the Interior and the Secretary of Agriculture “on the development and implementation of management plans and on management of the monument,” as prescribed in Presidential Proclamation 9558, the Bears Ears Commission, under H.R. 4532, would inappropriately have to engage with state interests, namely San Juan County Commissioners, in regards to tribal concerns and expertise on managing federal lands. This arrangement runs afoul of the unique legal and political relationship between Indian nations and the federal government.

Contrary to statements by Utah Representative John Curtis that his bill empowers tribes, H.R. 4532 does the opposite. We cannot stress the importance of affording Indian nations the opportunity to collaboratively manage the lands where our ancestors rest and where ceremonies are conducted. H.R. 4532 would effectively deprive Indian nations of that opportunity by vesting that authority with a management council that specifically lacks involvement of tribal officials duly appointed by their respective sovereign tribal governments. H.R. 4532 would also remove protections for over one million acres of the Bears Ears cultural landscape. The Ute Mountain Ute Tribe cannot support a bill that would legislatively confirm the President’s unlawful action. Accordingly, the Ute Mountain Ute Tribe opposes H.R. 4532.

Thank you for your consideration of our testimony. The Ute Mountain Ute Tribe is especially appreciative of the Democratic members of the Committee in providing this opportunity to state our position.



ADVISORY RESOLUTION

Chairman Authorization

A handwritten signature in blue ink, which appears to read "Harold Cuthair".

Harold Cuthair

DATE: January 24, 2018

ADVISORY RESOLUTION OF THE UTE MOUNTAIN UTE TRIBAL COUNCIL

REFERENCE: AUTHORIZING REGINA LOPEZ-WHITESKUNK, FORMER UTE MOUNTAIN UTE TRIBE COUNCILWOMAN AND FORMER CO-CHAIR OF THE BEARS EARS INTER-TRIBAL COALITION, TO PROVIDE TESTIMONY ON BEHALF OF THE UTE MOUNTAIN UTE TRIBE IN OPPOSITION TO H.R. 4532.

WHEREAS, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe ("Tribe") is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution;

WHEREAS, the Tribal Council is responsible for protecting and promoting the natural, cultural, traditional and archaeological resources of the Tribe and the health and welfare of its members;

WHEREAS, the Ute Mountain Ute Tribe's reservation land extends into Utah, which includes the White Mesa community and various tribal and individual trust allotments;

WHEREAS, southeastern Utah also includes many areas of vital importance to the Ute Mountain Ute Tribe's history, and these areas are under constant threat of cultural vandalism, looting of cultural sites, indiscriminate off road vehicle use, and energy development that negatively impacts wildlife, lands of historic and cultural importance, natural resources, and the health and welfare of tribal members;

WHEREAS, on December 4th, 2017, President Donald Trump issued Proclamation 9681, purporting to modify the Bears Ears National Monument, as originally designated under Proclamation 9558, by reducing the boundaries by approximately 85 percent, reopening previously designated monument lands to public sale and mining after 60 days, and reconfiguring the Bears Ears Commission;

WHEREAS, on December 4th, 2017, U.S. Congressman John Curtis, representing the 3rd District of Utah, simultaneously introduced, without consultation with any federally-recognized Indian nation, H.R. 4532, the Shash Jaa National Monument and Indian Creek National Monument Act, which not only legislatively confirms the Trump Proclamation boundaries, but also reduces the role of the Bears Ears Commission, excludes the participation of several Indian nations, and disallows tribal governments to appoint representatives of their own choosing;

WHEREAS, on January 9th, 2018, the House Committee of Natural Resources held a legislative hearing on H.R. 4532, excluding representation from each individual Indian nation that comprises the Bears Ears Inter-Tribal Coalition;

WHEREAS, on January 30th, 2018, the House Committee on Natural Resources is holding an additional hearing that includes a separate panel consisting of representatives from each Indian nation; and

WHEREAS, as a former Ute Mountain Ute Tribe Councilwoman and the former Co-Chair of the Bears Ears Inter-Tribal Coalition, Regina Lopez Whiteskunk is duly authorized and appointed to provide testimony solely on behalf of the Ute Mountain Ute Tribe, in opposition to H.R. 4532, on January 30th, 2018.

NOW, THEREFORE BE IT RESOLVED that the Ute Mountain Ute Tribal Council duly authorizes and appoints Regina Lopez-Whiteskunk to provide testimony solely on behalf of the Ute Mountain Ute Tribe on January 30th, 2018, before the House Committee on Natural Resource, to reflect the Tribe's opposition to H.R. 4532; and

BE IT FINALLY RESOLVED that the Tribal Council Members voting on this Resolution will vote the same way when the Resolution is presented at a future meeting of the Tribal Council, assuming all the facts as represented remain the same.

Council Member	For	Against	Abstain
<hr/> Prisllena Rabbit	—	—	—
 <hr/> Colleen Cuthair-Root	✓	—	—
<hr/> Elaine Cantsee	—	—	—

Marissa Box
Marissa Box

X

—

—

Juanita Plenty Holes
Juanita Plenty Holes

✓

—

—

Deanne Walt House
Deanne Walt House

X

—

—

In case of a tie:

Harold Cuthair

—

—

—