



May 10, 2019

Secretary Sonny Perdue
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Bears Ears Inter-Tribal Coalition Opposition to the Utah Roadless Rule Petition

Dear Secretary Perdue:

The Bears Ears Inter-Tribal Coalition writes in opposition to the State of Utah's February 28, 2019 petition to the United States Department of Agriculture (USDA) for a state-specific rule governing management of inventoried roadless areas of the National Forests within Utah. Utah's petition includes areas within the Manti-La Sal National Forest that are also part of the Bears Ears National Monument, and includes areas of significant concern to the Coalition. USDA should deny Utah's petition and, at an absolute minimum consult with the Coalition's member tribes on a government-to-government basis prior to acting on the petition.

The Coalition is made up of the Ute Indian Tribe, the Navajo Nation, the Ute Mountain Ute Tribe, the Pueblo of Zuni, and Hopi Tribe, and represents a historic gathering of Tribes in support of the significant and priceless tribal resources making up the Bears Ears National Monument. In addition to containing large numbers of historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest, Bears Ears is a homeland to us. It has been, and continues to be, a vital part of our heritage and our culture. We continue to regularly use Bears Ears to collect plants, minerals, objects and water for religious, cultural and medicinal purposes, to hunt, graze livestock and gather for subsistence purposes, to provide offerings at archaeological sites, and conduct ceremonies on the land. In fact, the Bears Ears landscape is so culturally and spiritually significant that some ceremonial use items can only be harvested within Bears Ears.

Utah's petition, if granted, would have enormous impacts on tribal resources within and surrounding the Bears Ears National Monument. It would convert over 76,000 acres of the 90,466 acres of inventoried roadless areas within the Bears Ears National Monument to "Utah Roadless Areas." This is a watered-down designation that could allow, at the State's urging, additional road construction and logging under the guise of habitat, fire, or wildlife management. Such activity is simply not compatible with an area that contains so many priceless and sacred tribal resources.

In addition, no administrative changes in the management of lands or resources within Bears Ears should be made while litigation is pending regarding the Monument's status. As you are no doubt aware, on December 4, 2017, the Tribes and other interested

parties filed suit in the U.S. District Court for the District of Columbia challenging the Administration's order purporting to reduce the size of the Monument. While this litigation is still pending, USDA should not take any action that could impact resources within the Monument or create further confusion about the status of its lands.

Further, in light of the tribal resources and interests involved, USDA needs to consult with Coalition member Tribes on a government-to-government basis prior to any decision on Utah's petition. Numerous executive orders, laws, court decisions and policies require USDA to engage the Tribes regarding federal actions that may affect the lands, resources and interests of the Tribes. For example, USDA's own Departmental Regulation 1350-002, entitled "Tribal Consultation, Coordination and Collaboration," mandates and establishes in Section 1 an "over-arching Department-wide guidance upon which the USDA and its many agencies shall rely." Section 1 also provides that "USDA agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and meet the responsibilities that arise from the unique legal relationship between the Federal Government and Tribal governments."

Finally, we note that Utah's petition demonstrates why the designation of the Bears Ears National Monument was so important in the first place. One of the reasons Utah opposed designation of the Monument was its assertion that National Monument protections were unnecessary because the 2001 Roadless Rule already provided adequate protection of the landscape. However, Utah now seeks to reduce or circumvent those protections in order to "give Forest Service more options to construct temporary or permanent administrative roads" (Utah's Public Lands Policy Coordinating Office <https://publiclands.utah.gov/current-projects/roadless-rule>). This goes to show why the National Monument designation is so important and how shallow some of the existing "protected" management designations on the Bears Ears landscape are if a simple state petition can undo them.

For all of these reasons, Utah's petition should be denied. The Bears Ears National Monument contains priceless and sacred resources that must be protected from the kinds of management actions that could result from Utah's petition. Moreover, prior to making any decision on Utah's petition, USDA is required to consult with the Coalition's member Tribes.

Please contact our member Tribes as soon as possible to schedule this important consultation.

Respectfully,



Carleton Bowekaty
Pueblo of Zuni Lieutenant Governor &
Coalition Co-Chair



Shaun Chapoose
Ute Tribal Business Committee Member &
Coalition Co-Chair