

Bears Ears Inter-Tribal Coalition: A Collaborative Land Management Plan for the Bears Ears National Monument



BEARS EARS INTER-TRIBAL COALITION

HOPI - ZUNI - UTE MOUNTAIN UTE - DINÉ - UTE

**Bears Ears Inter-Tribal Coalition:
A Collaborative Land Management Plan for the Bears Ears National
Monument**

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The Bears Ears Inter-Tribal Coalition

And

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Executive Summary

The five Tribes of the Bears Ears Inter-Tribal Coalition (BEITC) – Hopi, Navajo (Diné), Ute Indian Tribe, Ute Mountain Ute, and Zuni -- have deep traditional cultural beliefs that tie them to the land. The physical world is much more than just a natural realm to sustain the material needs of life. The origin of the canyons, cliffs, and landforms of the greater Bear's Ears region have a place in traditional history. There are narratives that provide a continuity that link people, landscapes, and supernatural beings through time.

The purpose of the BEITC Land Management Plan is intended to provide a synthesis of Tribal perspectives on managing the landscape of the Bears Ears National Monument (BENM). The BEITC Land Management Plan emphasizes a holistic approach to all resources that gives primacy to indigenous knowledge and perspectives on the stewardship of the Bear's Ears landscape. Although prepared for BENM, this plan can also be applied beyond the boundaries of the Monument, as it is intended to provide the foundation for proactive collaborative management of ancestral lands that extend well beyond current reservation boundaries.

The Bear's Ears region has significance that is greater than any single Native group. It is a sacred landscape that transcends individual Tribal concerns. The goals of having collaborative management in BENM can be summarized as follows:

- Establish a proactive process for the Tribal Nations of the BEITC to collaboratively manage BENM with Federal land managers.
- Have indigenous knowledge and Native ways of knowing given equal consideration with knowledge from processes framed by a Western scientific paradigm.
- Create by-laws for equity between Tribes and Federal land managers that will also ensure continuity of collaborative management.
- Create a full-time Tribal Management staff to participate in collaborative management with Federal land managers.
- Secure Federal funding for full-time Tribal Management Staff.
- Establish and fund a Traditional Knowledge Institute that has programs that would have a Native benefit.
- Establish a reciprocal relationship between Tribes and Federal land managers regarding sharing of indigenous knowledge with information collected within a Western scientific paradigm.
- Enhanced data sharing and acquisition for Tribes.
- Tribal input regarding adapting the collaborative land management plan over time.

Collaboration between Tribal Nations and Federal land managers is proposed as the foundation of true co-management of these important lands. Collaboration includes on-going, meaningful Native engagement but is not intended to supplant or replace Section 106 consultation. Instead, the BEITC proposes to increase the involvement of Tribes early and often so as to be proactive in the land management planning process instead of perpetuating the reactive relationship between Tribes and land management agencies. Collaboration between Tribal Nations and Federal agencies is seen as the



foundation for both planning and implementation of day-to-day management decisions with the common goal of long-term, sustainable management of the Bears Ears landscape.

The plan presented here summarizes the main points of the BEITC position on how they view and interact with this landscape and how the approach to land management at Bears Ears should be different. It is understood that this is not to be the final document for the management of BENM but is instead the beginning of implementing a new chapter in collaboration and co-management of ancestral lands. This plan is intended to be a living document that will be added to and evolve as different needs on the landscape arise.



LIST OF ACRONYMS

AIRFA	American Indian Religious Freedom Act
ACHP	Advisory Council on Historic Preservation
ARPA	Archaeological Resource Protection Act
ATV	All-Terrain Vehicles
BEITC	Bears Ears Inter-Tribal Coalition
BENM	Bears Ears National Monument
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CRAT	Cultural Resource Advisory Team
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
IPCC	Intergovernmental Panel on Climate Change
MMP	Monument Management Plan
NAGPRA	Native American Graves Protection and Repatriation Act
NCAI	National Congress of American Indians
NEPA	National Environmental Policy Act
NFS	National Forest System
NGO	Non-Governmental Organization
NHPA	National Historic Preservation Act
OHV	Off-Highway Vehicle
ROD	Record of Decision
SHPO	State Historic Preservation Office
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Office
UIT	Ute Indian Tribe
UMUT	Ute Mountain Ute Tribe
USFS	United States Forest Service



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PART A: INTRODUCTION

COLLECTIVE VISION STATEMENT

Culture, traditions, language, values, and worldviews are born from Tribal homelands. The Bears Ears region has been home to Native peoples for millennia. The Bears Ears National Monument (BENM) is significant and important to the Tribal Nations of the Bears Ears Inter-Tribal Coalition (BEITC) and to other Native peoples, many of whom share stories of trauma and forced removal from this place and continue to return to Bears Ears for healing, renewal, and communion with ancestors whose spirits remain a part of this multidimensional landscape.

To the Tribal Nations of the BEITC, the landscape is much more than just a natural realm to sustain the material needs of life. It is imbued with spiritual powers, and everything in the natural world – rocks, trees, animals, water, air, light, sound -- has meaning and character. Cultural resources and natural resources are not two different categories in Native life. An individual depends on other living plants, animals, and surrounding land to survive; thus, the natural resources gathered, hunted, and walked on for survival become a cultural resource.

The resources and places of BENM cannot be considered separately from the landscape as a whole. The Tribal Nations of the BEITC view all elements of the Bears Ears landscape as cultural resources that they share responsibility to protect and maintain. When evaluating management practices of the landscape of BENM, it is not only the tangible aspects of these elements but also the less tangible aspects that should be regarded. The management of resources within BENM should emphasize protection and conservation of the resources through stewardship, a fundamental aspect of traditional Native knowledge.

In the Native worldview, time and space, and the sacred and secular, are not rigidly partitioned; the spiritual and physical are mutually co-implicated, and the environments, spaces, and landscapes composing places are organic and cannot be divided or segmented along clearly delineated borders and boundaries—all of nature exists in sacred interrelation and unity. Humans are part of nature, and should respect and live in a balanced, reciprocal, and harmonious relationship with all of the environment and all of life, any disruption in balance is the fault of human action, inaction, and error. Important to any discussion of land management is that historical truths are inseparable from ancestral knowledge, traditional oral history, and geographical stories. This knowledge, along with associated ceremonial and ritualistic activities, are the bases for understanding the relationships and origins of environmental ties and their perseverance, preservation, balance, and integrity over, through, and as part of space and time.

The establishment of BENM in 2016 was premised on collaborative management between the Tribes and the Federal government. Tribal governments are sovereign and have inherent powers of self-government. Both President Obama and President Biden under the authority of the Antiquities Act explicitly stated the need for collaborative Tribal-Federal management in Presidential Proclamations 9558 and 10285 that established and restored BENM.



The Tribal Nations of the BEITC are *knowledge-sovereign*, or that their way of knowledge is in equal standing with mainstream Western scientific methodologies. Knowledge sovereignty is inextricably tied to cultural, social, and political sovereignty and associated relationships of ecological health and well-being and should be understood from a traditional knowledge perspective. Tribal Nations must be involved early and often with management, including being provided with the same information at the same point in the planning process as the Federal land managers. In this way, collaborative management can preserve and maintain all values of BENM. Only then will Native people have real influence on how this sacred land is managed.

The purpose of this plan is to present the context in which Tribal Nations seek to be regularly and fully engaged with Federal land managers. To be fully engaged, the Tribes must not be considered merely as another stakeholder that can offer comments to plans that are already designed and mostly completed. It is not enough that tribes have “a bigger say” in policy and practice of monument management. Instead, the Tribal Nations and Federal managers must collaborate to create an effective management planning process to preserve and maintain all values of the BENM. Tribal Nations must be involved early and often with management, including being provided with the same information at the same point in the planning process as the Federal land managers. In this way, collaborative management can preserve and maintain all values of BENM. Only then will Tribes have real influence on how this sacred land is managed.

BACKGROUND TO BEITC LAND MANAGEMENT PLAN

2015 BEITC Proposal for the Creation of BENM

In 2015, the Bears Ears Inter-Tribal Coalition (BEITC) submitted a Tribal proposal for a Presidential proclamation under the Antiquities Act of 1906 to protect historical and scientific objects in an area of 1.9 million acres of ancestral land on the Colorado Plateau and the creation of Bears Ears National Monument (BENM). The coalition proposed that the most appropriate and effective management regime is collaborative management by the Tribes and Federal agencies (BEITC 2015).

This initial proposal was six years in the making and involved grassroots people and Tribal leaders working intensively to get a proposal in place. The true origins, however, go back much farther. As stated in the proposal (BEITC 2015:1), the need for protecting the Bears Ears landscape has been broad and heartfelt for well over a century. The rampant looting and destruction of the villages, structures, rock markings, and gravesites within the Bears Ears landscape saddened and sickened our ancestors, and that sense of loss and outrage continues today. The depth of our spiritual connection to these places is not widely understood, but it is true that these desecrations to our homeland, structures, implements, and gravesites -- insults to the dignity of our societies and Traditional Knowledge as well -- wound us physically. By visiting Bears Ears, giving our prayers, and conducting our ceremonies, we heal our bodies and help heal the land itself.



2016 Presidential Proclamation

The Bears Ears National Monument (BENM, or Monument) was established by Presidential Proclamation 9558 on December 28, 2016. Rather than 1.9 million acres, BENM encompassed 1.3 million acres of land. The first paragraph of this proclamation acknowledged that "...the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe." The proclamation also highlighted the importance of the Bears Ears landscape to descendant communities:

The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come (Presidential Proclamation 9558).

In recognition of the importance of tribal participation to the care and management of the landscape, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, the proclamation mandated that a commission be established that included representatives from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Pueblo. The establishment of the Bears Ears Commission was intended to create a means to effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. Furthermore, the proclamation stated that:

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for



continued meaningful engagement with the Commission or comparable entity in implementation of the management plan (Presidential Proclamation 9558).

2017 Monument Reduction

On December 4, 2017, Presidential Proclamation 9681 purported to modify the boundaries of the BENM. The monument was reduced by approximately 85%. The revised BENM boundary included two separate units, known as the Indian Creek and Shash Jáa Units, which totaled 201,876 acres. Presidential Proclamation 9558 directed the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) to jointly prepare a management plan for the Monument. All the Federal lands contained within the Indian Creek Unit are administered by the BLM; therefore, the BLM prepared a Monument Management Plan (MMP) for the Indian Creek Unit. The Federal lands contained within the Shash Jáa Unit are administered by the BLM and USFS; therefore, the BLM and USFS jointly prepared a MMP for the Shash Jáa Unit.

This Record of Decision (ROD)/Approved MMPs document was prepared under the BLM planning regulations (43 Code of Federal Regulations [CFR] Part 1600) implementing the Federal Land Policy and Management Act (FLPMA) (43 United States Code [USC] 1701 et seq.) and other applicable laws. An Environmental Impact Statement (EIS) was prepared to support the BLM's development and selection of the Approved MMPs in compliance with the National Environmental Policy Act (NEPA) (42 USC 4321–4347), as amended.

The BLM and USFS issued a Notice of Intent to prepare the MMPs and associated EIS for the BENM on January 16, 2018. The BLM and USFS released the Draft MMPs/EIS for a 90-day public review and comment period on August 15, 2018. After reviewing and responding to public comments and making corresponding edits to the MMPs and EIS, the BLM and USFS released the Proposed MMPs/Final EIS (BLM and USFS 2019a) for a 30-day protest period, a 60-day Governor's consistency review, and a 60-day public comment period regarding the proposed closure of recreational target shooting at campgrounds, developed recreation sites, rock writing sites, and structural cultural sites within the BENM on July 26, 2019.

2021 Monument Restoration

Several lawsuits in federal court were filed in federal court challenging the legality of President Trump's Proclamation. On January 20, 2021, President Joe Biden signed an Executive Order calling for an onsite review of BENM. In April of 2021, Secretary of the Department of the Interior, Deb Haaland, visited the monument along with several tribal leaders and other BENM stakeholders as part of this onsite review process. On October 8, 2021, in Presidential Proclamation 10285, President Biden reinstated protections for the 1,351,849 acres (2,112.264 mi²; 5,470.74 km²) described in Presidential Proclamation 9558 and maintained protections for the 11,200 acres of federal land added to the northeastern portion of the Indian Creek Unit under Presidential Proclamation 9681. As a result



of President Biden’s actions, BENM now encompasses approximately 1.36 million acres of Federal land (

Figure 1.). Proclamation 10285 states:

Restoring the Bears Ears National Monument honors the special relationship between the Federal Government and Tribal Nations, correcting the exclusion of lands and resources profoundly sacred to Tribal Nations, and ensuring the long-term protection of, and respect for, this remarkable and revered region (Presidential Proclamation 10285).

Proclamation 10285 states that the entire monument shall be jointly managed as a single unit by the USFS and BLM, with active involvement by federally recognized tribes and state and local governments. The USFS shall manage the portions of the monument within the National Forest System, and the BLM shall manage the remainder of the monument. These two federal agencies, in collaboration with other relevant federal agencies and stakeholders, shall develop a management plan for the entire monument.

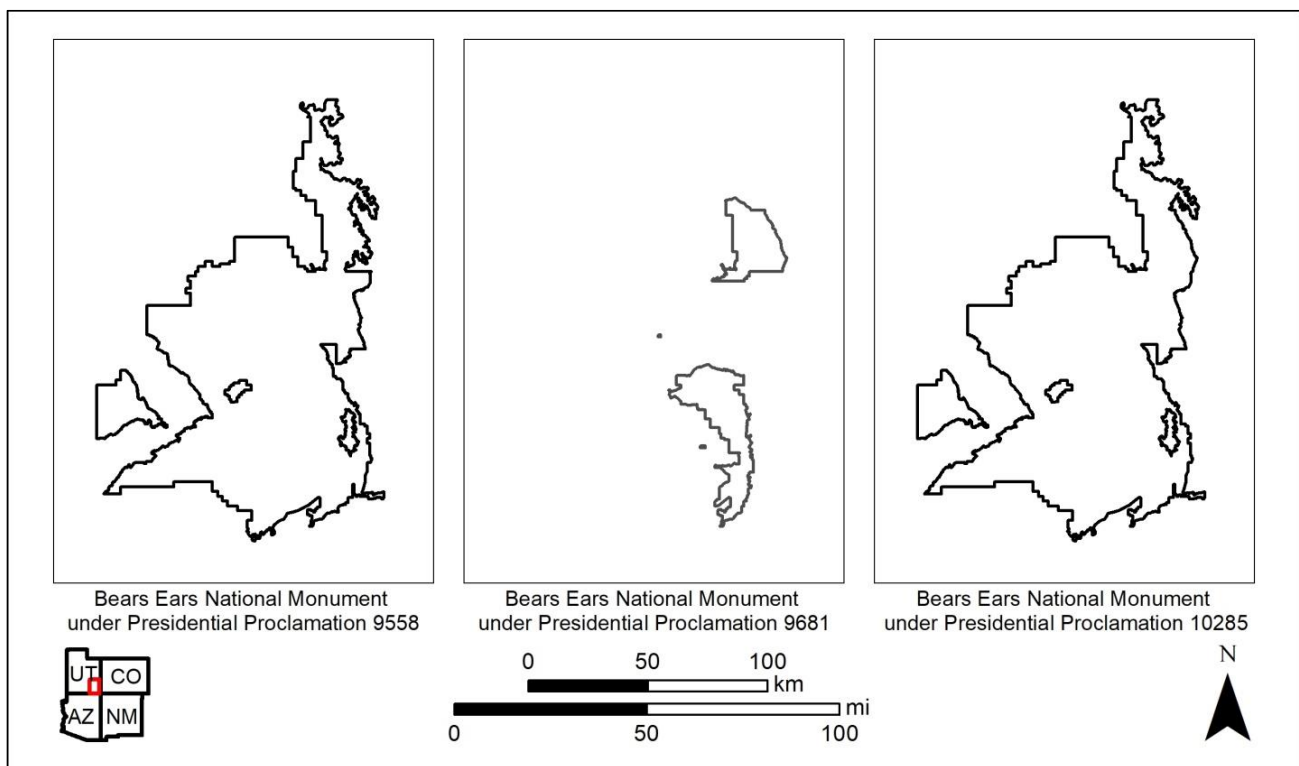


Figure 1. Shown left-to-right is BENM under Proclamation 9558 (1.35 million acres), Proclamation 9681 (201,876 acres), and Proclamation 10285 (1.36 million acres).

Importantly, Proclamation 10285 recognizes the value of tribal involvement in the development of a management plan. It states:



In recognition of the importance of knowledge of Tribal Nations about these lands and objects and participation in the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect expertise and traditional and historical knowledge of Tribal Nations, a Bears Ears Commission (Commission) is reestablished in accordance with the terms, conditions, and obligations set forth in Proclamation 9558 to provide guidance and recommendations on the development and implementation of management plans and on management of the entire monument.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State of Utah that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. Consolidation of lands within the monument boundary through exchange in this manner provides for the orderly management of public lands and is in the public interest (Presidential Proclamation 10285).

Presidential Proclamation 10285 further states that the Secretary of the Interior shall explore entering into a memorandum of understanding with the State of Utah that will set forth terms for acquiring additional lands within the monument boundary through exchange if it furthers the protective purposes of the monument. Finally, the BLM and USFS must continue to manage livestock grazing as authorized under existing permits or leases. Should grazing permits or leases be voluntarily relinquished by existing holders, lands covered by such permits shall be retired and forage shall not be reallocated for livestock grazing purposes unless such reallocation will advance the purposes of Proclamation 10285 and Proclamation 9558. Similarly, existing rights related to mining will remain in place; however no new leases or patents within the monument will be permitted.

BLM and USFS Monument Management Plans and Environmental Impact Statement

Pursuant to Presidential Proclamation 9681, in July of 2019 the BLM and USFS, in coordination with cooperating agencies and non-Coalition American Indian Tribes, published the Proposed Monument Management Plans (MMPs) and a Final Environmental Impact Statement (EIS) for the 201,876 acres encompassed by the Shash Jáa and Indian Creek Units (US DOI and DOA 2019). As a result of the MMPs, the BLM and USFS outlined five alternatives for management (A–E), with Alternative E being the BLM’s and USFS’s preferred alternative. Major planning issues addressed in Alternative E include cultural resources, American Indian tribal concerns, and recreation management.

Under all alternatives, the BLM and USFS presented a set of management goals, objectives, and decisions for American Indian traditional uses of the Monument and outlined a Tribal Collaboration Plan and Cultural Resources Monitoring Framework. Records of Decision were issued by the BLM and USFS in February of 2020.

Presidential Proclamation 10285 will result in revisiting the existing MMPs. They are referenced in this document, but it is understood that they will likely be changed or replaced to incorporate the



perspectives presented in this tribally-informed land management plan. As of May 2, 2022, there is only BENM interim guidance with a revised BENM MP is to be completed by March 1, 2024.

Purpose of the BEITC Land Management Plan

While collaborative management was mandated by the BENM Proclamations, there was no specified management framework or path forward. The Bureau of Land Management (BLM) had a Monument Management Plan drafted for the reduced Monument, but there is currently no federal land management plan for the restored BENM. As a result of this restoration, a revised land management plan will need be devised in the coming months and completed by March 1, 2024.

The purpose of the Bears Ears Inter-Tribal Coalition Land Management Plan (BEITC LMP) is to provide Federal land managers with a synthesis of Tribal perspectives on managing the landscape of the Bears Ears National Monument (BENM). The BEITC does not intend to replace the Federal land managers or the resources that can be provided by the Department of the Interior. Instead, the purpose of the BEITC LMP is to provide a framework for how the Tribal Nations named in the Monument proclamation -- Ute Indian Tribe, Ute Mountain Ute, Hopi, Zuni, and Navajo -- will be regularly and fully engaged with Federal land managers.

The Tribal Nations of the BEITC must take a proactive stance. Tribal Nations must be involved early and often with management, including being provided with the same information at the same point in the planning process as the Federal land managers. In this way, collaborative management can preserve and maintain all values of BENM. Only then will Native people have real influence on how this sacred land is managed.

In order to have an effective collaborative process the Tribal Nations must first identify the goals we are trying to achieve. The Tribal Nations of the BEITC must identify how we are to maintain and enhance this landscape to insure its continuance. How we do this is to make decisions based on those goals in collaboration with the federal managers of BENM. We must let this goal guide us to the end result we want. If a project is proposed, then we must ask how it will help us to achieve our shared goals.



PART B: CONNECTION TO PLACE

Each of the five tribes of the BEITC prepared documents that detailed their individual Tribal perspectives on the management of lands of the Bears Ears region. The connection to the Bears Ears region presented below is derived from each of those individual documents. They are presented to summarize individual Tribal connections to this region in their own words. Although they are presented individually, together they show how the Tribes of the BEITC share cultural connections to the sacred landscapes of the Bears Ears National Monument.

HOPI TRIBE

Bears Ears National Monument (BENM), although approximately 200 miles from the modern Hopi Indian Reservation, is within the ancestral homeland of the Hopi people and remains important in Hopi cultural beliefs and practices today. Hopi people refer to their ancestral homeland as *Hopitutskwa*, meaning Hopi land, and they recognize it as the vast area in which Hopi clans settled as they migrated to their present-day home on the Hopi mesas in northeastern Arizona.

Hopi clan migration traditions account for ancestral land use and the formation of *Hopitutskwa*. Upon emerging into the Fourth World (the present world), Hopi ancestors entered into a pact with the earth guardian, their creator, who allowed the Hopi people to use the land as long as they would act as environmental stewards, caring for the land and respecting their spiritual and religious connections with the earth. The Earth Guardian instructed Hopi ancestors to migrate as clans across the land until they reached their final destination at *Tuuwanasavi* at the Hopi Mesas. As Hopi ancestors set out on their migrations, each clan established specialized knowledge and ties to certain features and resource areas (Ferguson 1998:40; Kuwanwisiwma and Ferguson 2009:90; Stephen 1929:55–56).

Clan migration histories are complex, with groups moving together, splitting, and re-converging many times over the course of their journeys. It was common for clans to retrace their steps and revisit or reestablish previous settlements as they migrated. Hopi history is thus a collection of multiple clan histories rather than a single tribal narrative. Ancestral sites and landforms across *Hopitutskwa* anchor migrations in a cultural landscape that helps Hopi people understand earlier periods in their history (Ferguson and others 2013:110).

After settling on the Hopi Mesas, the Hopi people continued to claim and use many shrines, springs, and natural resources in areas they formerly occupied (Ellis 1961:221; Hough 1897). It is common for Hopi people to travel to distant places to collect resources needed to perform ceremonies and rituals, essentially transporting the power of significant places back to the Hopi Mesas (Ellis 1974:143; Euler 1988:40; Hopkins and others 2015:151). The continued collection and use of resources from ancestral areas enables Hopi people to remain connected to the traditions and lands used by their ancestors (Ferguson and others 2007:17).

Many Hopi clans trace their migrations through the area of BENM. Based on previous ethnographic research conducted by the Hopi Cultural Preservation Office in Glen Canyon National Recreation Area, there are at least 26 Hopi clans with ties to the Colorado River and San Juan River corridors and the



surrounding landscape in the vicinity of BENM. Hopi people remember and commemorate the BENM landscape today through songs, prayers, and the recollection of clan migration traditions by numerous Hopi clans that settled in the area in the distant past.

In addition to clan migration traditions associated with BENM, Hopi place name further memorialize and preserve Hopi connections to the BENM and surrounding landscape. For example, the names *Hoon'naqvut* and *Honnaqvuvu* (Bears Ears buttes), *Honn'muru* (Bear Mound), and *Honn'tsomo* (Bear Hill) describe the twin buttes for which the Monument was named. Hopi cultural advisors explained that in Hopi tradition this area is associated with the Bear Clan, and the image of the bear resembled by the two buttes was likely a significant factor in this clan's settlement there in the past (Dawahongnewa, Preston, and Wadsworth 2021).

Pisisvayu (Colorado River) and *Yotse'vayu* (San Juan River) also comprise aspects of Hopi history and geography in this region. *Pisisvayu* is important in the history and traditions of many Hopi clans. Some clans use water collected from the Colorado River in their kiva ceremonies. (Ferguson 1998). The Hopi Tribe considers *Pisisvayu* to be a traditional cultural property eligible for the National Register of Historic Properties under criteria A, B, C, and D. The Colorado River is significant for its association with important Hopi creation traditions, clan histories, and ongoing religious activities (Hopi Tribe 2001; 2010).

Yotse'vayu is also significant in the migration histories of numerous Hopi clans, including the Bear Clan, and the Hopi people consider this river to be an important aspect of *Hopitutskwa*. In Hopi belief, water from the San Juan River was used to create ceremonial springs close to the Hopi Mesas, and the Hopi people smoke and offer prayers to the San Juan River so that rain will fall at Hopi (Saufkie in Albert and Colwell-Chanthaphonh 2007:2–35). *Yotse'vayu* is also remembered as a meeting point and trade route for the Hopi, Utes, and Paiutes in the past (Hopkins and others 2013).

Petroglyphs, artifacts, landmarks, and landforms help Hopi people verify their clan histories, so visitation to the BENM is essential for Hopi people to preserve their ties to this area. Although many clans have ties to the BENM area because of their migration histories, this landscape is significant to all Hopi people.

NAVAJO NATION

The significance of Bears Ears (*Shashjaa'*) to the Navajo people is manifested by its importance in Navajo ceremonies that keep individuals and the community healthy; tribal members visit the area for prayers, offerings, and gathering and renewing of resources; and the landscape encompasses places where ancestors left their markings.

“The Bears Ears is a part of a larger landscape and plays a significant role in Navajo ceremonial history. For example, the origin of the Mountain Top Way Ceremony began in Bears Ears and the Blessing Way Ceremony, particularly the Sleeping Among Bears Version.



The Sleeping with the Bear's Version of the Blessing Way tells of a neighboring tribe stealing a young Navajo boy and taking him north of the San Juan River. The boy was brought to the people living near Bears Ears, and there he was tortured and starved because he possessed sacred knowledge of medicines. He was held captive inside a Teepee for several months. He tried to plead for his freedom to return home. Instead, he became a slave. His captors mistreated and tortured him by starving him and depriving him of sleep. One early morning he heard Talking God and Harvesting God in the distance. The sounds happened on four instances; each time, the calls came closer and closer. Finally, Talking God and Harvesting God entered the Teepee. Eventually, he was rescued and made the journey back home with Talking God, who uses the rainbow to travel by way of the mountain tops to Chuska Peak. The captors sent their pet, the Bear, to retrieve the boy.

The boy was welcomed home by his people, but he suffered from the trauma inflicted on him. So, the Holy People performed a ceremony to bring him back into balance; this version became Sleeping with the Bears. Unfortunately, while searching for the boy, the Bear began taking other people. The People got tired of their kin being stolen, so Harvesting God placed a boundary using his cane in the landscape, which became Comb Ridge to protect the people from the Bear. Finally, the Bear tired, and it turned into Bears Ears and Elk Ridge. Behind Comb Ridge are the scars marking the claw marks of the Bear (Tim Begay, 09/10/2021)."

Diné (Navajo) oral traditions and archaeological and historical records document their occupation in and around Bears Ears National Monument (BENM). Traditional histories of Diné ceremonies mention places in the region, including Bears Ears buttes (*Shashjaa'*), Elk Ridge, Comb Ridge, the Abajo Mountains (*Dzil Dootl'izh*), Navajo Mountain (*Naatsis'áán*), Rainbow Bridge (*Tsé na'ní'áhi*), and the ancient crossings of the San Juan River (*Tooh*) near Cottonwood Wash, Comb Wash, and Mexican Hat. At least five ceremonies are associated with these named places. Most of the Bears Ears National Monument is within the Navajo Land Claim before the Indian Claims Commission. The Commission recognized most of that claim (Kelley 2017:5).

Today, the descendants of the families who once lived in the *Shashjaa'* area continue to act as stewards for their ancestors' homelands. Oral histories of their ancestors have been passed down to them. For generations, the Navajo families of Aneth, Montezuma Creek, Mexican Water, Oljeto, Navajo Mountain, and Red Mesa have maintained connections to the *Shashjaa'* area and have voiced their concerns about the management of the lands within the region. *Shashjaa'* and surrounding areas are a part of their cultural universe; they hold family stories and undoubtedly remains of ancestors. Thus, there is a deep connection to the landscape. In Navajo tradition, the connection with the place where one's umbilical cord is buried is unbreakable.

Being forced to leave a sacred place, knowing your place of offerings, prayers, and songs are no longer available, is hurtful. Ceremonies of prayer and song are initiated prior to traveling away from important places. The sight of Bears Ears alone reminds people of historical connection and ceremonies. The people who live within sight of the Bears Ears are reminded daily of the historical significance of the



place and how it still plays a vital part of their lives today. Several of the Navajo people who were interviewed for the Navajo Nation portion of this project stated, “*that is where we began and in there remain places of refuge.*”

Navajo people retold stories of their ancestors who traveled throughout what is now the western U.S. The stories gathered for this land management plan included how the Navajo ancestors traveled long distances for survival, ceremony, trade, hunting, gathering, and to collect materials; thus, the whole region of present-day Bears Ears National Monument and beyond was (and is) used by Navajos.

The Navajo people value their clan histories. For generations they have recounted how clans originated on the landscape; thus, mentally, the landscapes have become a part of their kin and tribal histories. In some cases, these places then become significant. *Shashjaa'* is especially dear to the people who continue to live near *Shashjaa'*.

Hataali and traditional herbalists continue to travel to the area for plants to be used in ceremonies and for personal well-being. Plant gathering is still common and fruitful today according to the herbalists interviewed by Navajo ethnographers in preparation of this land management plan. The concerns for gathering herbs centered around the loss of plants and of their potency because of the climate changing and the effects of industrial, commercial, and recreational development.

Historically, food scarcity also led the early Navajos to travel north. The pinyon nuts in the La Sal Mountains (*Dzil di tlóh*) were well known to the Navajos. Whenever the corn crops failed to provide adequate harvests in the south, the Navajos would move north to gather pinyon. Many Navajos who had always lived there regarded the northern regions as home. The Navajos used the extreme northern and western reaches of their homeland for other essential needs. When enemies pressed them too hard, the Navajos could retreat into what they called *Nahonidzo*, the Escaping Place (Benally et al. 1982:20).

The Navajo people cannot see themselves separated from the Bears Ears. A traditional practitioner told us that *Shashjaa'* was a more recent name, but the name still connects with ceremonial stories of the bear. He stated that the area known as *Shashjaa'* centers around the low mountains. The region known as *Dzil Na'has'ti'* covers a larger area that encompasses *Shashjaa'* itself and a broader area which is connected to the Navajo ceremonial landscape.

“*Dzil Na'has'ti'* is encircled by the two rivers, *Tooh* (San Juan) and *Bits'íís Ninéézi* (Colorado River) on the southern and western edges. *Tó Na'nili'* made these rivers. *Dzil Dootl'izh* and *Dzil Di Tlooh* are located on the northern and eastern edges of *Dzil Na'has'ti'*. Where you refer to as *Shashjaa'* are the homes of *Tl'ish* and *Shash*; the larger mountain peaks are connected to *Shash*. The stories intertwined with the landmarks extend into the rest of our homelands” (Ronald Largo, April 22, 2021).”



PUEBLO OF ZUNI

For the Zuni people, place is much more than a geographical location or the physical and biological features that distinguish it. This is especially true when it is indelibly tied to Zuni attachments and practices of identity, purpose, connection, and grounding. Accordingly, place is as much a part of what makes one human as humans are a part of that place. The embodied psychological and emotional attachment to place is no more strikingly evident than in the Bears Ears National Monument (BENM). Uniquely, the BENM provides a dramatic sense of place because of its magnificence, vastness, complexity, and pristine condition.

In general, the BENM area is a place the Zuni ancestors resided in and traveled through on their way to find the Middle Place. Specifically, the Zuni medicine societies recount migration histories of traveling through and residing in the BENM on their respective journeys to the Middle Place. These societies also maintain cultural and historical associations to Blue Mountain located in the Abajo Mountain range northeast of BENM. An important point worthy of emphasizing here is the ongoing associations Zunis share with their ancestral landscape, expressed through songs, prayers, and storytelling, that inform and guide the ever-present through the grounding and belonging to specific geographies like BENM.

Zunis maintain their knowledge through storytelling, a lot of the history, the place-names, and the landmarks, significant dates, the locations have already been told through the oral storytelling—but also in terms of stories affiliated with landmarks and names, locations, plants. They call all the landmarks with a particular event or incident happening, and that is where the name occurs, and that is the storytelling portion around that. The gist of the information is retained in the storytelling method ... they pick a select landmark, and a story is built around that ... to highlight the actual location, but also the significant events surrounding the location. In that sense, people know that the story belongs to a certain place or location [unnamed Zuni elder, quoted in Isaac 2007:39].

As Zuni cultural truths may be recounted and the time of the past reactivated through encounters with material landmarks embedded throughout the Zuni ancestral landscape, these encounters and their experiences present a destabilizing linkage that couples any supposed distinctions between oral tradition and cultural stories and history. The two become enfolded through acts of information recovery and reactivation contained in and expressed through, for example, ancestral rock marking locations found throughout the Zuni ancestral landscape.

Octavius Seowtewa (interviewed, June 16, 2016) noted during the Zuni traditional cultural property assessment for the Navajo Gallup Water Supply Project that Zuni history “is written on stone, our information is there for all of us to make connection back, because we know our history, we know what we can identify.” Historical information expressed in and recounted by rock markings include identification of clans, origin and migration narratives, affirmations of political positions or offices, political statuses, boundary disputes and negotiations, land allotment decisions, year counts, insights into people, society, and culture, personal signatures (e.g., handprints, footprints, and animal tracks), irrigation tallies, seasonally important deities, and ancestral communication to future generations



(Olsen 1989:421, 425; Young 1988:28-29, 179; Curti and others 2017). Iconographic symbols materially scribed by Zuni ancestors are understood as indelible parts of the ancestral landscape, with mnemonic functions that allow the retrieval of information associated with collective, long-term cultural memory (Olsen 1989:418). Zuni retrieval of information, the reactivation and recounting of traditional history by those capable of understanding and deciphering their meanings and messages (see Dongoske and Hays-Gilpin 2016; Isaac 2007; Young 1988), often fold together places and spaces of rock markings with historical time. As a result, the past and present merge together as a dimension of space and place. The enfolding space-time encounters of Zuni people with locations that contain “signs from the ancestors” (Young 1988:119) function as intensive sacred zones where there is “an intensification of experience” (Young 1988:153) because the “the past and present [are] joined by means of [communication]” (Olsen 1989:418).

When accounting for how intangible aspects of Zuni culture connect to tangible zones of the ancestral landscape, it is important to recognize that intensive communicative encounter enfold the past and present, necessarily spiraling forward to enfold and envelope future time. Zuni elder and artist Alex Seowtewa explains:

The earliest art that you can probably still witness or view are the petroglyphs: pictographs from the earth’s pigment. Our ancestors were pretty sophisticated people.... They had all this wisdom because it has been handed down from generation to generation of who we are, where we came from.... At times [my father] took me to the nearest drawings where his customary lands were in the northeastern corner of the reservation—which is in the Nutria area. He took me in those hills and explained certain symbols. I shared, passed on, what my father taught me, how to remember these symbols, to recognize them [Alex Seowtewa, quoted in Isaac 2007:39].

As Alex Seowtewa’s recounting of personal experience highlights, the endurance of Zuni traditional religious and cultural practices, beliefs, and identities for future generations require the uncompromised integrity of scribed landmarks and the information they materially impart to reengage the history of ancestral creation and reactivate and recover certain cultural truths vital to Zuni tradition and identity. This enfolding of space and time extends to the entire Zuni ancestral landscape, as it “provides stories and teaches new generations about the lives and events that have molded the Zuni people. In the same way that all objects and tasks are embodied with a spiritual life, so too is the landscape. As one member of the Zuni community expressed this notion, ‘the landscape is our church, a cathedral. It is a sacred building to us’” (Isaac 2007:37). Isaac explains that the landscape also functions, in a sense, not only as a sacred structure, but a sacred text, as “[t]eaching younger [Zuni] generations about their history is not just about explaining the events and their meaning; it is also about transmitting the significance of these events within the landscape” (Isaac 2007:38-39). Thus, while rock markings function as textual metonyms of narratives and meanings, this can only be activated *when there are opportunities for direct experiential contact and interactive encounters with rock markings and their specific expressions of and material contributions to the Zuni cultural landscape* (Young 1988:122, 175-176).

Young explains that during her research with Zunis investigating rock iconography that one Zuni man could decipher the meanings of several rock markings and describe their surrounding environments when viewing the images as part of a projected slideshow. At certain times, however, this man could



not decipher select iconographic figures. He explained, “I don’t know what it means because I’ve never been out there.’ Thus, for him meaning was tied to specific location and he couldn’t be expected to identify an image on a slide that he hadn’t seen in reality, situated in its appropriate [geographical and environmental] context” (Young 1988:175-176). This Zuni relationship to rock markings and their material representations and recordings of history that unfold space and time in and through direct encounters and material acts of communication and information retrieval is but one example of how space-time unfolds as part of different ancestral landscape zones of intensity for Zuni people.

In the BENM, archaeological site 42SA24318, commonly referred to as the Procession Panel site, contains Zuni sacred text because it conveys Zuni migration history, a significant historical event, depicted on the vertical sandstone face by the Zuni ancestors to communicate important information to their descendants. Specifically, the Procession Panel is located near the summit of Comb Ridge and represents an impressive petroglyph panel in the northern Southwest depicting a procession. Archaeologists believe the Procession Panel was probably created ca. A.D. 650-800 (Throgmorton 2017:138-9). The panel stretches for approximately seven meters and depicts four lines of anthropomorphic figures converging on a large, double circle. When ZCRAT members, Presley Haskie and Octavius Seowtewa, visited the Procession Panel, Mr. Seowtewa stated that he thought the petroglyph panel was misnamed and should be more appropriately referred to as the “Migration Panel,” because, in his reading, it was depicting the movement of Zuni ancestors through the BENM area (O. Seowtewa personal communication, April 2021).

Zuni traditions about their tribal origins have been documented for over a century (Bunzel 1932; Cushing 1896; Ferguson and Hart 1985; Parsons 1923; Stevenson 1904). Zuni origin narratives are central to understanding and appreciating the deep time connection the Zuni people have to the BENM. According to these accounts, Zuni people trace their origins to the Fourth Underworld, where they had not yet formed fully into human beings. These primordial ancestors developed as they passed through a series of worlds, led by a number of deities and religious leaders, before emerging as the Zuni People onto the earth’s surface. Many traditional accounts trace the place of emergence to *Chimikyana’kya deya:a* (“Place of Beginning”) at Ribbon Falls in the Grand Canyon.

Upon emergence, the Zuni ancestors began a journey to find *Halona:Idiwanna*, the “Middle Place,” which is in the location of today’s Zuni Pueblo (Ferguson and Hart 1985:21). Zuni ancestors traveled first to the southeast, reaching *Sunha:kwin K’yabachu Yallanee* (San Francisco Peaks), continuing along *K’yawa: n: Ahonna* (the Little Colorado River). While traveling along the Little Colorado River, the Zuni ancestors were given a choice of two eggs as gifts. One egg was plain and the other was bright blue and spotted. One group chose the plain egg, from which a Macaw hatched. This group migrated south to the Land of Everlasting Sunshine. The other group of people chose the blue spotted egg, from which hatched a raven. This group of ancestors branched into three groups and continued their migrations toward the Middle Place (Benedict 1935; Bunzel 1932; Cushing 1896; Ferguson and Hart 1985; Parsons 1923).

The traditional Zuni cultural landscape covers the entire region of their ancestral migrations, including the area of the BENM, and they maintained sovereignty over significant portions of this region into the mid-nineteenth century (Hart 1995b:14). Today, the Pueblo of Zuni is a federally recognized tribe situated on a reservation to the south of the BENM area, in portions of western New Mexico and eastern Arizona. The Zuni language is a linguistic isolate, unrelated to any other languages spoken



today (Hale and Harris 1979:173). Some Zuni oral histories and traditions, however, refer to connections with Central and South American peoples and languages. The Zuni vocabulary includes many loan words from Hopi, O’odham, and Keresan languages, reflecting Zuni ancestors’ wide-spread social interaction among groups in the American Southwest (Hill 2007).

UTE INDIAN TRIBE

Ancestral lands of the *Nūche* or *Nūu-ci* (Ute people) extend well beyond current Reservation lands and encompass all of Colorado, Utah, the northern parts of Arizona and New Mexico, southern part of Wyoming, and a small portion of Kansas, Oklahoma, Nebraska, and Texas (Simmons 2000). Prior to the arrival of Europeans to North America, the Ute people inhabited this vast expanse of land. Although archaeologists generally place the migration of the Ute people to the Four Corners region by A.D. 1300, more recent evidence connects them to prehistoric Fremont people that lived in the Great Basin and Colorado Plateau by A.D. 800 (Madsen 1975; Simms 2008). In the past decade, it has been more widely accepted by the archaeology community that the Ute share with the Fremont similarities in architecture, artifacts, and lifeways. It is Ute ethnography that currently informs interpretation of botanical remains recovered from Fremont sites (Pearce 2017). It is likely that the cultural connection extends even farther into the past, possibly to the Desert Archaic Period that begins around 9,000 B.C. (Callaway et al. 1986).

The first ethnographic data we have for the Ute in the Bear’s Ears region is from the 1776 Dominguez and Escalante Expedition from Santa Fe to California. That record notes cultural and dialect differences among the Utes across what is now Colorado and Utah. However, the Utes were connected by the Southern Numic language, a division of the Uto-Aztecan language family (Rockwell 1965). The Numic branch spread with the dispersal of the Utes from the southern Great Basin, with three linguistic divisions eventually emerging west of the Rockies: Western Numic, which includes Monos, Northern Paiutes, Snakes, and Bannocks; Central Numic, spoken by Comanches, Gosiutes, and Shoshones; and Southern Numic, which includes the Southern Paiutes, Kawaiisus, Chemehuevis, and Utes. While there were regional differences in Ute speech, all dialects were mutually intelligible. This mutual intelligibility implies a single speech community and many overlapping social networks across the considerable expanse that the Ute inhabited. This includes homelands of bands that are now part of the Ute Indian Tribe of the Uintah and Ouray Reservation including the San Pitch, Uintah, Timpanogos, Seuvarits, Yampa, Parianuche, and Tabeguache. Other Ute bands that with neighboring traditional homelands include the Moaununt, Sabuagan, Pahvant, Moache, Capote, and Weeminuche (Uintah-Ouray Ute Tribe 1977; Callaway et al. 1986; Conetah 1982).

For thousands of years, the Utes lived and traveled through the Bear’s Ears region as part of seasonal activities and moving through a circuit from high to low elevations as animal and plant resources became available. Each of these locations – from above tree line in the mountains to the bottom of canyons in the desert – have different resources. For millennia, traditions were developed that included narratives that tied the cosmological world to the physical world. Narratives told of where to find water and food, as well as proper processing of the different types of plants and animals. Traditions also dictated what restrictions of food resources were in place regardless of need. These narratives provide a continuity that link people, landscapes, and natural beings through time. The interrelationship of



culture with all natural resources is a significant aspect of the Ute worldview (Smith 1974; Conetah 1982).

The Ute Indian Tribe is committed to sustaining the heritage, culture, and identity that is contained in the landscapes that surround *Kwee yah gut Nah Kav*, or the Bear's Ears. The distinct landscape and natural resources found within what is now Bears Ears National Monument form a part of the Ute's bond to their ancestral lands. The many landscapes surrounding the Bear's Ears are integral to preservation of the beliefs, customs, and traditions of the Ute people which will continue to be passed forward today and in the future to generations to come.

The landscape of the Bear's Ears region has tremendous significance to the Ute people for a variety of reasons. The area surrounding the Bear's Ears is home to bears and is one place that they come out of hibernation in the spring. This is significant to the Bear Dance that is practiced by the Ute people. Bear is recognized by the Utes as their Older Brother. This dance was given to the Ute People by the Bear for a prosperous hunting season which has evolved to signify the coming of spring or a "new year".

The origin of the canyons, cliffs, and landforms of the greater Bear's Ears region have a place in Ute traditional history. Within the boundaries of ancestral Ute lands are special sites, or "power points", where sacred forces reside. *Poowagudt*, spiritual leaders, understand how to use *poowa*-- natural powers -- associated with these spaces. These places have been in use for generations and continue to be used by the Ute people today. The location of specific power sites, which are not general knowledge, should be discussed only with those who have a need to know as this power has both the possibility to harm and to heal.

Traditionally, Ute pilgrimages were unique ceremonial and ritual activities occurring outside the daily habitual cultural activity. Pilgrimage places and the offerings left behind contain the prayers forever and they continue to send their *poowa* across the landscape long after the pilgrim has finished his or her pilgrimage (Van Vlack 2018). This forever links, people, places, and ceremonial objects together in Ute history and cultural memory. The Ute continue to pass on cultural knowledge through programs such as language classes, cultural camps, and other interactive education programs that serve as an important means to help the young people reconnect to, and learn about, ceremonial places throughout their traditional homeland.

UTE MOUNTAIN UTE

The *Nūche* (Ute people) have always lived in the area that is now the Bears Ears National Monument (BENM). Ancestral lands of Ute people extend beyond current Reservation lands and include all of Colorado, major portions of Utah, the northern parts of Arizona and New Mexico, and portions of Wyoming, Kansas, Oklahoma, Nebraska, and Texas (Callaway et al. 1986; Simmons 2000). The Bears Ears National Monument – regardless of how the boundaries are drawn by non-Tribal governments – are but a small portion of the larger whole of these ancestral lands.

The Ute people have ancestral connections to the Bears Ears that extend back millennia, to prehistoric peoples that are known and have yet to be fully understood by scientists. The Ute people are a sovereign



Tribe that has been in the Bears Ears region since time immemorial, but more importantly, are people that are in the Bears Ears region now and will be for generations to come.

Prior to the arrival of Europeans to North America, the Ute people inhabited this vast expanse of land. Many archaeologists believe that the ancestors of the Utes migrated to the Four Corners region by A.D. 1300 (Madsen 1975). More recent data has questioned this interpretation of the historic record, and it is likely that the Ute people have ancestral connections that tie them to the region centuries earlier. Studies in recent years now seek to examine the cultural link between the Utes and the prehistoric Fremont people who were farmers and hunters that occupied the region by A.D. 800 (Callaway et al. 1986; Simms 2008).

The Utes were connected across this vast region by the Southern Numic language, a division of the Uto-Aztecan language family. The Numic branch spread with the dispersal of the Utes from the southern Great Basin, with three linguistic divisions eventually emerging west of the Rockies. This mutual intelligibility implies a single speech community and many overlapping social networks across the considerable expanse that the Ute inhabited (Rockwell 1965).

The Bears Ears National Monument lands are one part of the much larger ancestral lands of the Ute people. The Ute Mountain Ute Tribe is committed to preserving its distinct culture and identity and to passing this heritage on to future generations. Ute ancestral lands contain many sites that preserve a memory of the beliefs, customs, and traditions of the Ute people. There are numerous named places across this landscape. The most prominent terrain features include Blue Mountain (Abajos), also known as Water Soaked or Spring Mountain; Shay Mountain, also known as Sheep Back; The Bear's Ears; Comb Ridge; and the San Juan River, also known as Water Canyon, Big River, or River Flowing from the Sunrise (Aton et al. 2000).

The Bear's Ears -- *Kwiyagatu Nukavachi* -- is said to be the first place that bears come out of hibernation in the spring. This is significant to the Bear Dance that is practiced by the Ute people. Traditionally, all the Ute bands would come and set up camp and prepare for the dance. Many of the singers were ready to sing their songs which they had practiced or dreamed about during the winter months. The songs show respect for the spirit of the bear and the respect to the bear spirit makes one strong (McPherson 2011).

Ute Mountain Ute ancestral lands contain many sites that preserve a memory of the beliefs, customs, and traditions of the Ute people. As such, the Ute Mountain Ute Tribe has a vested interest in consulting on affiliated cultural resources and human remains associated with aboriginal (ancestral) lands. Bears Ears National Monument is *entirely* within these ancestral lands and contains numerous historic and prehistoric cultural sites. Many of these sites are known but not mapped, while for other sites their general location is known, as well as their importance, but specific and exact information of their locations is undocumented.

The Ute Mountain Ute people are aware of places in the greater Bear's Ears regions that are now in ruin, referring to the people who built them as *Mokwiĉ* or *Muukwitsi*, meaning "the dead". Archaeologists refer to many of these ruin sites as those of the Anasazi. There was never conflict between the Ute people and the *Mokwiĉ*, but some traditional knowledge connects the migration of the *Mokwiĉ* southward with the movement of the Utes into the region. Other narratives describe conflict,



and how the Utes drove the *Mokwiċ* out of the region to the areas south of the Colorado River. Regardless of the narrative, the Utes respect and preserve the ruin sites so as not to disturb the spirits of the dead. These spirits persist in the ruins, and in the natural elements of the landscape itself (Rockwell 1965; Ute Mountain Ute Tribe 2015).

Archaeological sites – physical remains of where people lived -- of the Utes are found throughout the Bear’s Ears region. These sites include traces of the Utes in the form of tipi rings, wickiups, artifacts, and rock art. Many other places where the Utes lived are not readily discernable to archaeologists, primarily because the Utes lived very lightly on the land. They lived in dwellings that were made of natural materials, and often in portable structures such as tents and tipis. Rock art is a more durable remnant of the Ute people’s occupation. Newspaper Rock, a well-known rock art panel in the Bear’s Ears region, is primarily covered in Ute rock art elements. Other rock art sites are found throughout the canyons and mesas of the Bear’s Ears region.

The Utes were drawn to the Bear’s Ears region by the rich resources of the mountains and rivers that flow in this portion of the Colorado Plateau. Water formed the many washes and drainage systems of the region, all of which have traditional Ute names. These drainages define a Ute homeland that offered many campsites near springs, seeps, and permanent water sources. It is in these favored places that the Bear Dance and Worship Dance were held. Traditional leaders such as Mancos George (n.d.) have stated this importance to the Ute people as follows:

There is something here that you people should never forget that I am going to tell you. You remember this as long as you live – that Dry Wash, Allen Canyon, Cottonwood, Hammond Canyon, and Comb Wash – whenever a white man says something about them, tell them it’s yours, that all canyons with running water are yours (McPherson 2011).

The San Juan River, as well as other rivers including the Colorado and Green, have served to define the territories of different bands of Utes. They have also served to separate them from other people, including the Navajo, during times of conflict. Historic networks of trail systems used drainages as travel corridors. Place names of drainages and springs connect these travel routes to past lifeways and stories. For example, just north of Bear’s Ears is a spring called *Na-gwitti-paaċi* (Looking for Girl Friend, or Flirting Around) because while some Ute men hunted in its vicinity on Elk Ridge, other would-be hunters would return to flirt with the women remaining in camp. While this place name portrays an entertaining picture of camp life, it also describes how the Utes would come together seasonally for wild game and re-establishing social ties.

The Bear’s Ears area has been a homeland for the Ute people. All aspects of Ute life took place on these lands including hunting, farming, raising livestock, gathering wild plants for food and medicine, firewood gathering, and burial of the dead. It is through these activities that many landforms, canyons, and places on the landscape were named and became part of the Ute history.

Prior to disruption by non-Native settlement, the Utes followed a seasonal cycle in the area surrounding what is now the Bears Ears National Monument. The monument lands are one small part of a larger network of places that were utilized by the Utes. This movement tied the Utes to the natural world and allowed them to utilize the resources at various elevations and at different times of the year. The



seasonal round included summer and winter camps in this area. Most notably, winter camps were in locations such as Beef Basin and Cottonwood Canyon, as well as Allen Canyon and Butler Wash. The area of what is now Bluff was a favored winter camp as it is sheltered and has good exposure to the low winter sun.

For a time, the Ute Mountain Ute enjoyed relative isolation, as the white settlers generally ignored this part of the Four Corners region. In the 1880s, however, Mormon settlers moved into the area, followed by cattle companies in search of free grazing lands. Conflict between settlers and local Indians frequently ensued. The Utes also found themselves in conflict with the Navajos, whose population expanded into the area in the 1890s. The Utes living in southeastern Utah repeatedly resisted attempts by the Federal government to remove them to Ute Mountain Ute Agency at Towaoc, Colorado. Tensions between the Utes and white settlers culminated in the 1923 “Posey War”. In reality the “war” was a few shots meant to delay a posse chasing local Utes and Paiutes, who were fleeing for a traditional sanctuary. However, the Posey incident became an excuse for the Federal government to send many of the Ute children to the boarding school at the Ute Mountain Ute Agency and force the remaining Utes onto small land allotments near Allen Canyon and Montezuma Creek (Lacy and Baker 2012; McPherson 2011).

Non-native settlement began to put serious pressure on Ute lands, and in 1868 the Utes begrudgingly signed a treaty in Washington D.C. that consigned them to the western Colorado Territory. They were expected to farm, but this proved disastrous due to cultural resistance and competition from better-equipped and more-experienced non-Native neighbors. Accordingly, the Utes turned raising sheep, cattle and horses, which also proved challenging because of limited grazing lands. Starting in the 1950s, the Utes began to build houses on Ute-owned land eleven miles south of Blanding, Utah. Now known as White Mesa, the new settlement fostered a sense of community among local Ute Mountain Utes.

The ability to have access to various landscapes and resources is fundamental to the Ute Mountain Ute traditions. The Bear’s Ears region is part of these traditions and remains significant regardless of modern land boundaries.



PART C: THE BEARS EARS CULTURAL LANDSCAPE

INTRODUCTION

The cultural landscape comprises both the natural and built environments. Importantly, cultural resources and natural resources are not two different categories in traditional Native life. An individual depends on other living plants, animals, and surrounding land to survive; thus, the natural resources gathered, hunted and walked on for survival becomes a cultural resource. And resources and places on the landscape cannot be considered separately from the landscape as a whole. Those concepts are the foundation of the BEITC management plan, since Native peoples with ancestral ties to this region are eternally obligated by their beliefs to serve as stewards of the land.

From a Native perspective, the natural world is much more than just a physical realm to sustain the material needs of life. The natural resources of the Bears Ears cultural landscape – water, land, wind, sound – are imbued by powerful religious, artistic, and other cultural meanings significant to Native communities with ancestral ties to this region. There are meaningful names for places on the land and they are linked with significant deities, stories, and past events. These places can be topographic features, but also can include areas containing important natural resources -- hunting grounds, distant forests, lithic quarries, marshes, agricultural soils, etc. As described by a Hopi elder Bill Preston “We pray to all these things that we know that take care of us and this whole world. Because of them, this world is in balance.”

For generations, Native people have recounted how their people originated on the landscape; thus, mentally, the landscapes are a part of their kin and tribal histories. In some cases, these places then become even more significant. For example, because the Navajo leader Manuelito and his brothers were born near the Bear’s Ears, it is now a significant place to the Navajo people. Similarly, the Bear’s Ears is said to be the first place that bears come out of hibernation in the spring. This is significant to the Bear Dance, one of the significant ceremonies that continues to be practiced by the Ute people.

Native people have constructed culturally meaningful features on the land, often in the vicinity of notable natural landmarks. Archaeological sites, the physical remains of where people once lived, are found throughout the Bear’s Ears region. All Tribal Nations that are part of the BEITC have always had respect for places that were used by all ancestors, regardless of whether there is a direct cultural affiliation to individual sites. The sites have been left undisturbed by generations of Native people because they were homes of the early people. In some traditions, the young were taught to keep away from prehistoric sites and not to touch other people’s property and homes. In other traditions, prehistoric sites are used to protect items associated with ceremonies or are places of religious significance.



NATURAL ENVIRONMENT

The 1.9 million acres of the 2015 BEITC proposal for BENM was mostly made up of BLM lands but included and intersected with National Park and National Forest lands. The region is bounded on the south and west by the Colorado and San Juan Rivers. On the east and north, the region is marked by low bluffs and high mesas and plateaus from White Mesa up to the Colorado River near Canyonlands National Park. This vast, mountain-mesa-and-canyon country offers carved, rugged, soaring beauty (Figures 2 and 3). The most exposed part of 800-foot-high Comb Ridge, with its many sweeping vistas and hidden side-canyons, runs south to north through the area for 40 miles. To the north are the Abajo Mountains, which climb above 11,000 feet.

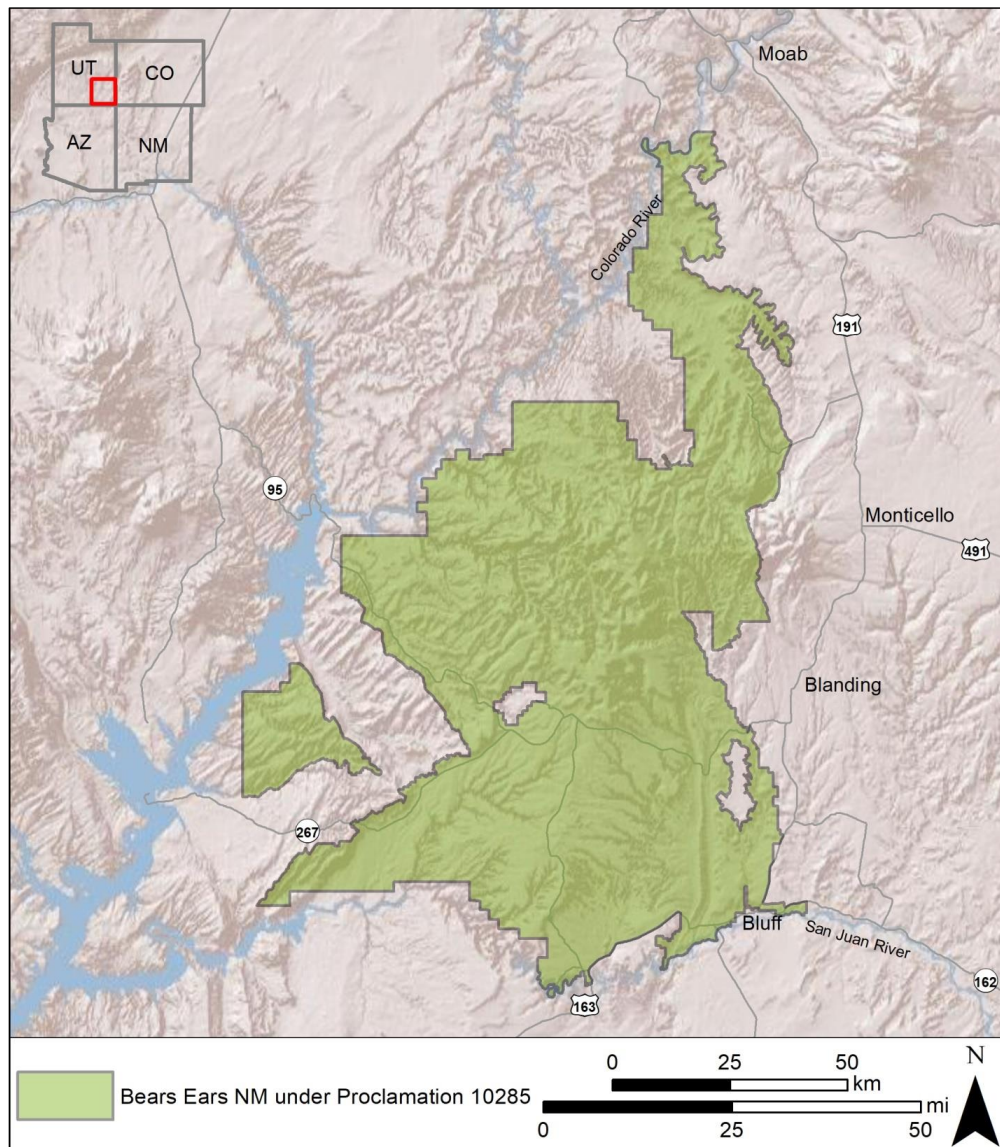


Figure 2. Map showing the 2021 Bears Ears National Monument.



The Bears Ears region abuts the east and south sides of Canyonlands National Park. The Colorado River cuts a gorge through a formation named the Anticline between Lockhart Basin and Shafer Basin, both once considered for inclusion in Canyonlands. Verdant Indian Creek, a perennial stream that is lined with cottonwood trees, with headwaters in the peaks of the Abajo Mountains, runs past Newspaper Rock, one of the largest and most varied rock art panels in the Southwest. The lofty mesas of Hatch Point and Harts Point are home to mountain lions and antelope. Cottonwood Creek flows past Bridger Jack Mesa, a place so inaccessible that it has never been grazed by livestock.

The western reaches of Bears Ears include some of the nation's most untouched places including White Canyon, Red Canyon, Red House Cliffs, and Nokai Dome. In the central part of the proposed monument, the stately, arresting natural formation named Bear's Ears rises high above the piñon-juniper forests of broad and long Cedar Mesa, a grand plateau that offers long vistas, most notably from storied Muley Point. Cedar Mesa also is the origin of no fewer than twelve canyons that drape off the sides of this mesa, including Arch, Slickhorn, Fish, Owl, and Grand Gulch.



Figure 3. Photograph looking toward the Abajo Mountains from within the Bears Ears National Monument.



Viewsheds and Soundscapes

Emphasizing the importance of the BENM landscape, Octavius Seowtewa (2018:50) stated that “When I visit Bears Ears, I am visiting the ancestors. I leave an offering, and I reconnect back to my ancestors. It is very important to the people of Zuni, being a part of that landscape. We carry that legacy, that knowledge from our ancestors, forward. This whole area is sacred to us—from a petroglyph to a site, from a spring to a viewshed, from the smallest rock to the mountains, they talk, they speak with us.”

Viewsheds are visible portion of the landscape seen from any particular vantage point. Everything in the natural world – rocks, plants, animals, water, and other natural elements -- have meaning and character. All these elements are interconnected and viewsheds are important beyond that of simply being “scenery” in the sense of a view from a road or overlook.

Any disruption to the natural world would negatively affect the viewshed, and by extension Native people whose spiritual power resides in that natural world. Any changes to that landscape that are done in a disrespectful manner negatively affect all people, the ecosystem, and all life forms. Such changes include mining, clear-cutting of timber, and creating roads in formerly roadless areas.

Tribes that comprise the BEITC value the auditory environment and believe that the sounds of nature should remain pristine. From a Hopi perspective, sounds and vibrations give life, and it is through vibrations that one can hear and connect with the spirits. In Hopi ceremonies, sacred tones are sung in order to connect with the spirits, and disruptive sounds break the spiritual connections (Preston 2021). In Hopi culture, the month of December is called *kyaamuya*, “the month of respect,” and the wintertime is known as *tömö’qatsi*, “the quiet season” (Naseyowma in Hopkins and others 2017:74). There should be no noise during the quiet season. At Hopi during this time of the year, people even leave the villages to cut their wood to reduce the noise.

Tribal Nations of the BEITC consider BENM to be a spiritual place and thus value the need for peace and quiet. Hopi people believe that the spirits of their ancestors still reside at BENM, and any disruption of peace will disturb them. The BLM’s 2020 Bears Ears National Monument Management Plan (BENM MP) states that protective measures will be established and implemented for sites, structures, objects, and traditional use areas that are important to Tribes with historical and cultural connections to the land to maintain the viewsheds and intrinsic values, as well as the auditory, visual, and aesthetic settings of the resources. Protection measures for undisturbed cultural resources and their natural settings will be developed in compliance with regulatory mandates and American Indian tribal consultation (BLM 2020).

Air Quality

Air quality is considered to be a key component of health by the BEITC. Clean air is important because it is part of an overarching earth stewardship that is part of all Native traditions. Air pollution from mining and milling, machinery, vehicles, and construction are considered to damage or corrupt the natural environment. From a Hopi perspective, humans are responsible for air quality, and if there is corruption in any way the earth will react to humans in a detrimental manner (Dawahongnewa 2021). This opinion is shared by all tribes of the BEITC.



Sky

Hopi people believe that since the beginning of time, the sky, stars, planets, and horizons have played an important role in their cultural traditions and ceremonies. There are names for many stars and constellations in the Hopi language, and many ancient villages were laid out according to their alignment with the sun, moon, and stars. This practice is still evident at Hopi today where the villages aligned with certain constellations. The skies and horizons also serve as Hopi calendars and sun dials. The alignment of light in association with natural landforms and the built environment is significant and conveys messages about planting season and ceremonies. Many Hopi *katsinam* (plural of *katsina*) are named for the heavens, and their power and influence relate to the celestial realm. Some *katsinam* have stars or the moon on their faces, which signifies their connection with the skies. These *katsinam* only appear at certain times, and they bring blessings of wellness and prosperity to the Hopi people (Wadsworth 2021).

For the Zuni, the annual ceremonial cycle is guided by lunar and solar cycles. Zunis believe that their ancestors perfected ceremonies as they migrated through places such as Chaco Canyon and Mesa Verde, and the Zuni people today carry on these practices (Hopkins 2014). In the Nineteenth century, Frank Hamilton Cushing noted that “[t]he Á-shi-wi, or Zuñis, suppose the sun, moon, and stars, the sky, earth, and sea, in all their phenomena and elements; and all inanimate objects, as well as plants, animals, and men, to belong to one great system of all-conscious and interrelated life” (Cushing 1883:9).

For generations, the Navajo have observed the night sky, from which they developed a sophisticated philosophy and complex astronomy. Traditional stories of the Night Sky were often spoken aloud with the enhancement of vocal performance, movement, and animal sounds. Most teaching traditionally took place during the winter months of late September to early March among family and clan members. Teachings associated with the Night Sky were shared within the traditional hogan, which itself was modeled and constructed in alignment with cosmic directions and principles. Navajo cosmology reflects the emphasis that Navajos place on the Night Sky and its holistic interconnection with the earth (Maryboy et al. 2017).

Navajo ways of knowing, including Navajo astronomy, are based on a sense of the power and significance of place. Navajo astronomy is based on the relationship of the four Sacred Mountains of Navajoland with the celestial bodies above. The movement of the Sun, the four cardinal directions, the colors of the directions (white, blue, yellow, and black), the phases of the moon, and the Navajo constellations, all these and more reflect the importance of the relationships of Mother Earth and Father Sky (Maryboy et al. 2017).

For the Utes, it is Father Sky that created the sun, moon, stars, and Earth. The Utes do not have an extensive pantheon of deities or a single unified explanation of life, but instead respect all elements of the natural world as it is in that world where power resides that influences all life (Simmons 2000). The origin of the earth and sky have a place in Ute traditional history. Differences in elevation divide the Ute Mountain Ute world into cosmological zones. Each cosmological zone has its animal spirits, and there are five different colors tied to these different kinds of places. The sky above the upper earth is associated with white and is the domain of the eagle; mountaintops of the upper earth are yellow and home to the Mountain Lion, while mountain slopes have a combination of blue/green/gray as their



colors and are represented by the Wolf; basins and lower elevations of the lower earth are colored red and occupied by the Weasel; and the underworld, a reflection of the earth above and the place where the planets and sun pass through during the day and night, is black and inhabited by the Rattlesnake. Importantly, all places in the natural world are interrelated and are not thought of as separate from one another.

There is consensus that the night sky in open spaces should be protected in order to preserve these ancestral connections. Light and dust pollution are factors that affect the quality of the night sky.

Water

Water is fundamental to all life. In the arid west, water is of central importance to Native religion and identity. Water is respected as a living entity that is essential to life, which must be protected in all of its forms for the benefit of all living creatures.

At its simplest, mainstream Western science defines and describes water as an inorganic compound—one composed of millions of molecules, wherein each molecule consists of two hydrogen atoms bonded to one oxygen atom—that can exist in three forms or states of matter: solid, liquid, and gas. Within this scheme, water is readily understood as indelibly connected to ecological systems, themselves functioning and connecting at different settings and scales, and as a “resource” upon which all life depends. Zuni perspectives are not necessarily in conflict with—but richly additive to—these Western understandings of water’s significance. Zunis understand water as both a blessing that is indelibly connected to all aspects of the world as a complex, interrelated and dynamic system, and as a life-giving force that—in and of itself—is living and alive.

Natural sources of water are viewed as interconnected and the home of deities or spiritual beings. Hopi people continue to pay homage to the water sources that were important to their ancestors (Singletary and others 2014:37). Many Hopi people believe that interference with the natural balance of water causes the water spirits to become so angry that they will reject spiritual petitions for good things to come to the Hopi people (Kuwanwisiwma in Humphrey 2014:2). The Hopi people have noted that many springs have declined in output in recent years and community members have made concerted efforts to restore many springs both on Hopi tribal lands elsewhere (Vasquez and Jenkins 1993; Hopi Tribe and Kaibab National Forest 2016).

Similarly, the Ute people believe that water sources are places where spiritual beings reside and that activity on or near water sources affect these entities. For Ute people the word for water is “Pah” which is the same as Hopi, and the word for blood is “Pa ph” they are both derived from the same meaning referring to life. There are traditions that describe the often-negative results of not recognizing or respecting this domain. In general, any adverse impact to water sources such as pollution has another effect of spiritual contamination, or negatively acting on this singularly important resource for the Ute people. The impact to water sources in the region affects the present people but it also has a larger effect on the spiritual realm as well that is less easily measured by Western scientific monitoring.

The Ute people were drawn to the Bear’s Ears region by the rich resources of the mountains and rivers that flow in this portion of the Colorado Plateau. Water formed the many washes and drainage systems of the region, all of which have traditional Ute names. These drainages define a Ute homeland that



offered many campsites near springs, seeps, and permanent water sources. It is in these favored places that the Bear Dance and Worship Dance were held.

The Navajo cultural landscape holds stories of the value of water and connections with rivers, springs, creeks, and areas where water collects in stone basins. The rivers, springs, canyons, and rock formations are regarded as supernatural beings (*Diyin dine'e*) and places where supernatural events occurred. The Navajo similarly consider these rivers as sacred entities. Like their ancestors, the Navajo continue to make offerings and visit rivers for many traditions. The rivers of BENM connect living beings, like plants, animals, and other beings.

Two major rivers associated with BENM are the Colorado River and the San Juan River. Hundreds of small tributaries located within the boundaries of BENM feed these two rivers. Hopi people view watersheds as the veins of the earth that contribute to the health and productivity of the springs, and the well-being of all living things (Wadsworth 2021). From a Hopi perspective, the proper management of watersheds and riparian areas associated with BENM is significant because the water from this area ultimately feeds the Grand Canyon, which is where spirits reside in the afterlife and regenerate through the clouds and rain.

The Colorado River is known as *Pisisvayu* in the Hopi language, and the San Juan River is *Yotse'vayu*. Susan Secakuku (2011) described *Pisisvayu* as “a main water thoroughfare, or blood vein.” She added that “the watershed that comes to it or off of it ... the mountain ranges ... is really how we here at Hopi ... [make our offerings] through the washes and things.” Some Hopi tribal members consider the entire Colorado River Basin to be part of *Pisisvayu*, even though some of the smaller tributary streams may have specific names. In Hopi tradition, offerings are made to the Colorado River and its tributaries as part of the Hopi commitment to stewardship (Hopkins and others 2013).

Watersheds were historically used by the Ute people to navigate their ancestral lands. Historic networks of trail systems used drainages as travel corridors. Place names of drainages and springs connect these travel routes to past lifeways and stories. The San Juan River, as well as other rivers including the Colorado and Green, have served to define the territories of different bands of Utes. They have also served to separate them from other people, including the Navajo, during times of conflict.

Zuni traditional knowledge and knowledge derived through the practices of Western trained hydrologists align on the conclusion that all water is interconnected. From a Zuni perspective, these connections are formed and live through rhizomic underground waterways that link to surrounding oceans and find expression on the surface of Earth Mother in the forms of seeps, springs, lakes, rivers, washes, pools, and ponds (Bunzel 1992:487; Ford 1995:11; Young 1988:174). As Wilfred Eriacho Sr., (former) Chairperson of the Zuni Tribe Water Rights Negotiation Team explained:

All forms and sources of water are most important and sacred to our Zuni people because from the dawn of their traditions and culture, farming has been a major life and culture sustaining occupation. Using the moisture absorbed by Earth Mother during the winter snows and the spring and summer rains, ancient Zuni farmers cultivated every available land to grow their precious corn along with other crops such as squash and beans. Traditional oral stories tell of ancient farmers cultivating fields irrigated by spreader dikes that controlled flood flows....



Because of the importance and sacredness of all forms and sources of water, all prayers and songs of the three major components of the Zuni religion contain language asking for rain and snow to ensure that all crops have enough water to finish their life paths to provide sustenance for their Zuni children (Eriacho 2003:90).

Wildlife

The diverse vegetation and topography of BENM supports a variety of wildlife species. Wildlife resources are vital to the spiritual, cultural, and economic welfare of Native people. The unregulated use of wildlife threatens the political integrity, economic security, and health and welfare of future generations. Birds, mammals, reptiles, insects, and other animals are valued by Native people as brothers and sisters and many species are tied to clan histories, ceremonies, and identity. As described by Hopi elder Ronald Wadsworth, “Eagles and other animals are family; they are Hopi ancestors.” Many wildlife species are used for food and in ritual activities. Hopi animal harvesting practices that were adapted to the environment and learned over millennia are still being practiced today at the Hopi Mesas (Duwala 2011). Harvesting animals involves religious elements in the preparation for the hunt and caring for harvested animals (Balenuah 2012:52-55). Sharold Nutuyma (in Spears and others 2021) explained that game animals “are human ... When you hunt them, they offer themselves to you. You have to cleanse yourself, pray, and make prayer feathers for them.”

Hopi people consider all birds to have spiritual significance. Hopi people frequently collect bird feathers for use in prayer sticks and other ritual paraphernalia. The different colors of bird feathers are used in accordance with Hopi color and directional symbolism. Eagles are of paramount importance in Hopi lifeways, and are considered to be kin (Ainsworth 1988:77; Courlander 1971:36; Ferguson and Lomayestewa 2007). Eaglets are collected for religious purposes, and Hopi clans maintain specific eagle gathering areas, some located great distances from the Hopi villages. Young eaglets are collected and brought back to Hopi and are considered part of the family that raises them (Beaglehole 1936:18; Ferguson and others 2007:14; Hopkins and others 2015:151). Eagle feathers are an essential component of many Hopi rituals and prayer offerings (Ferguson 1998).

Zunis believe animals are the vessels of their ancestral spirits, and thus can commune with them. Occupying the world that links the Earth and sky, birds are an indicator species, telling the Zuni what our lives have become and sometimes, of destiny. Zuni religious practitioners use a wide array of animals in their cultural activities, such as deer, elk, antelope, bear, mountain lion, badger, turkey, blue jays, flicker, woodpecker, yellow oriole, eagle, duck, sparrow hawk, larks, nutcracker, night hawk, red tail hawk, and bobcat. Even common reptiles and insects have cultural importance for Zunis. Commonly, Zunis will leave offerings of corn meal at an anthill, because some Zuni medicine societies have cultural associations with ants, and that these insects figure prominently in their rituals. Another example is the *lechokyaba* (horned toad), a healer associated with the Ant Society, which heals sores through Zuni prayers.

Over the millennia, wildlife has become inextricably tied to all aspects of traditional Native beliefs and practices. Many wildlife species are used for food and in ritual activities. Animal harvesting practices that were adapted to the environment and learned over millennia are still being practiced today.



Harvesting animals involves religious elements in preparing for the hunt and then caring for the animals following the hunt.

Prior to disruption by non-Native settlement, the Ute people followed a seasonal cycle in the area surrounding what is now the BENM. This movement tied the Utes to the natural world and allowed them to utilize game resources at various elevations and at different times of the year. Similarly, local Navajo community members and traditionalists stated that the Bears Ears area was historically known as providing ceremonial hunts and, the hunting trips provided much needed meat for their families and community. Prayers centering on hunting were brought up in almost every conversation with the elders. The hunting travels into *Shashjaa'* were completed reverently and respectfully as generations had done for decades.

Plants and Woodland Resources

Plants provide food, medicine, shelter, dyes, fibers, oils, resins, gums, soaps, waxes, latex, tannins, and even contribute to the air we breathe. The Tribes of the BEITC have extensive knowledge about wild plants growing in the Southwest, which is indicative of the long time they have resided in the region. For generations, Native people have used plants for food, medicine, tools, and ritual purposes. In some cases, people often travel long distances to collect plants and other substances for ceremonies, and the materials from certain places often embody the spiritual power of those places.

For all the Tribes of the BEITC, ethnobotany is a means of documenting the cultural significance of plants, including seasonality of use, harvesting practices, and traditional management. There are specific plants that are used in ceremonies as well, and often there are cultural practices surrounding their collection.

The Hopi Tribe believes that the harmony of trees, other vegetation, soil, water, and wildlife are necessary for the emotional and spiritual well-being of the Hopi people. The Utes have deep traditional cultural beliefs that tie them to the land. Everything in the natural world received qualities during the Creation, and the elements of the natural world – rocks, plants, animals, water, and other natural elements -- have meaning and character. The Ute names of the plants, as well as their traditional uses, tell a story about the cultural landscape of BENM.

Zuni clans are named for individual totems associated with plants, animals, and celestial bodies significant in Zuni history. For the Zuni the BENM's pristine environmental zones present an opportunity to have access to and use of traditionally important plants. These plants, once abundant on the Zuni reservation, are now less available. Over the decades, the effects of a warming climate have accelerated deleterious effects on the landscape.

All entities of nature have conscious ways of interacting with one another, and each is viewed as possessing a personhood, a sense of purpose, and inherent meaning expressed in a multitude of ways. For many Native Americans, sentience is recognized in plants which have a conscious essence that includes the realization of when they are being treated well or poorly. Cajete (2000:179) refers to this as a "spiritual ecology," expressed as embodied relationships that must be honored.



Nineteen plant species are documented as occurring in what are known as “hanging gardens” near Bluff, Bears Ears, Natural Bridges, and the Abajo Mountain regions. Recently, Navajo ethnobotanist Arnold Clifford has discovered several previously undescribed plant species that are awaiting documentation in the scientific literature. Many of these plants occur only in these specific environments and in the San Juan Mountains to the north and east, having been transported to these locations during the last glaciation. This region is unique; it is important to recognize and protect these rare botanical treasures.

Geologic Resources

Tutskwat toko’at, a Hopi phrase meaning the “essence or soul of the earth,” comprises the many geological layers of sediment and minerals under the earth’s crust. Historically and today, Native people travel long distances to collect materials for use in ceremonies and for other cultural reasons. Often, knowledge of these areas is passed on from generation to generation including rocks, clays, pigments, and other minerals. Stones, minerals, and pigments are used in Hopi ceremonies. In Hopi belief, these resources should be collected and used sparingly. Hopi people believe that it is important to preserve and protect each layer of the earth because there are different formations containing different resources, and each layer carries the knowledge from times past (Wadsworth 2021).

Soil and minerals gathered by the Navajo from *Shashjaa’* are used for sand paintings and dyes. When these items are gathered, offerings are made in a traditional manner before the items are collected. The same minerals are used to dye the sumac for Navajo baskets which are used for ceremonies.

Landforms can be geologically and/or topographically prominent features on the landscape that are important in Native religion and culture. Landforms are natural landmarks that may display no signs of human interaction such as specific mountains or other geological formations, including waterfalls, caves, rock arches, hoodoos, etc. A landform may be part of an archaeological site, a shrine or an offering place, but it is a distinct geological or topographical feature that is imbued with cultural significance.

Paleontological Resources

There are many traditional stories about animals that are not around today, and it is understood that these beings existed before humans. These creatures, as evidenced today as fossils, should be acknowledged and respected. The Hopi people have stories about animals that are not around today. These stories are told during the wintertime, around winter solstice, and they describe creatures that existed “way back in time” (Wadsworth 2021). Hopi ceremonies acknowledge these ancient beings and there are Hopi *katsinam* that represent ‘deep ocean life’ and other life forms. These *katsinam* are considered disciplinarians, and they will appear to a person who is not living according to the covenant of Hopi values (Dawahongnewa 2021). Hopi people understand that these beings existed before humans (Preston 2021). They believe that these ancient beings from long ago were abundant and existed just like people and animals do today. These creatures should be acknowledged and respected. Other paleontological resources such as petrified wood are also important to Native people, and are used in ceremonies and other activities.



BUILT ENVIRONMENT

Archaeological Sites

All Tribal Nations of the BEITC have ancestral ties to BENM. Moreover, they consider all ancestral places as integral in understanding the broader picture of Tribal history and religion. Archaeological sites – physical remains of where people lived -- are found throughout the Bear’s Ears region. These archaeological sites include artifact scatters, rock markings (petroglyphs/pictographs), trails, shrines, wooden structures, pit house villages, and cliff dwellings with standing masonry architecture.

According to Utah State Department of History records, approximately 11.5% of San Juan county, Utah has been systematically surveyed for cultural resources as of January 2021. This has yielded approximately 34,500 documented sites, the majority of which are of prehistoric and historic Native American affiliation. Recent work has demonstrated that some portions of the region, such as lower Cottonwood Wash north of Bluff have archaeological site densities of up to 1 site per 5 acres (Chuipka 2018). Extrapolating this data to areas not yet inventoried for archaeological sites, there are likely upwards of 260,000 archaeological sites in the 1.3 million acres of BENM as it was established in 2016.

Importantly, these site count numbers only account for archaeological sites. Other cultural sites and traditional cultural properties likely exist within areas that have been inventoried without any ethnographic consultation. The true number of cultural sites with significance to descendant communities is currently unknown, but likely greater than the estimate provided above. What these numbers demonstrate is a deep and rich history of occupation and cultural significance to the Tribal Nations of the BEITC.

From the Zuni perspective, all of the archaeological sites in BENM are conceptually grouped together and identified as *enote hes’ahdowe* literally, “old homes.” The ancient archaeological sites on BENM are essential pieces of the past that substantiate Zuni history. As the late Cornell Tsalate explained, “Even light artifact scatters are important because it’s a sure sign our people passed through here. It shows they were roaming around here; it’s like a trail connecting habitation areas. It’s also a sign of hunting and gathering areas. The Zuni’s histories aren’t just made-up stories. These things—the artifacts—make the stories fact.”

Hopi and Zuni consider all of these archaeological sites to be monuments that commemorate the lives of their ancestors. Hopi and Zuni cultural advisors have expressed that these sites are important sources of information, and more importantly, they are still occupied by the spirits of ancestors (Ferguson 1998:265–266). “They’re still there, the spirits,” exclaimed George Yawakie when visting archaeological sites associated with a project in southeastern Utah. Harry Chimoni, who also visited archaeological sites in the early 2000s, elaborated, “The bones of our ancestors are there. It puts a lot of sacredness on the land.”



Both the Hopi and Zuni people view archaeological sites as sacred areas and they maintain strong associations with these places today (Carr 1992:32–33). They visit ancestral sites periodically to make offerings to their clan ancestors. Some sites are visited in connection with particular Hopi ceremonies to notify the deceased relatives buried there that the ceremony is in progress and the spirits should do their part (Eggan 1994:14). Zuni cultural advisor Octavius Seowtewa (2018:50) stated that “When I visit Bears Ears, I am visiting the ancestors. I leave an offering, and I reconnect back to my ancestors. It is very important to the people of Zuni, being a part of that landscape. We carry that legacy, that knowledge from our ancestors, forward.”

The presence of Hopi clans in an area is recognized by their *wu'ya*, or totem, that represents their names and symbolic associations to plants, animals, or meteorological phenomena important in their migration histories (Lowie 1929:337–338; Eggan 1950:80–89). These symbols are often found in petroglyph or pictograph representations, and sometimes in painted pottery designs and other material remains. Ancestral Hopi settlements and petroglyphs are seen as “footprints,” a historical metaphor for the physical evidence of occupation of the land that the Hopi people use to verify their historical traditions of clan migrations (Ferguson 1998).

Migration landscapes are celebrated at the Hopi Mesas today, and continued connections with these places are important in the preservation of cultural practices. Shrines or monuments have been built at the Hopi villages to commemorate places of historical significance so that prayers and other ceremonies performed at home will reach ancestral areas. The Hopi Tribe considers Hopi ancestral sites to be traditional cultural properties that are significant in the retention and transmission of Hopi culture.

Zuni people recognize their historical and cultural affinity to the archaeological sites contained in the BENM. In addition to their spiritual and sacred qualities, archaeological sites also embody a historical meaning to the Zunis, because they provide physical verification of Zuni traditional histories that recount their journey to find the Middle Place. This remembered traditional history is the lens through which Zunis interpret the distant past and give contemporary meaning to the places that make up their traditional land. Archaeological sites ranging from the Paleoindian and Archaic periods through the Pueblo occupation of the Southwest are understood to be the tangible vestiges—the footprints and markers—of these Zuni ancestors (Dongoske and Nieto 2005:52-54). In the Zuni way, pottery, stone tools, architecture, middens, shrines, burials, rock art, and villages come to have a dual purpose in Zuni society in that they provide a source of historical knowledge and a sign of their unique spiritual charter (Ferguson 1984, 2007, 2008).

Navajo people have always had respect for the *Anaasazi* sites. The sites are referred to as *Anaasazi' da'bighan intee'* (ancestors' homes). They have been left undisturbed by generations of Navajo people because they were homes of the early people. Navajos do not return to places of death, whether recent or ancient. Traditionally the young were taught to keep away from prehistoric sites and not to touch other people's property and homes. The prehistoric sites are also used to protect items associated with ceremonies.

Navajo oral traditions and archaeological and historical records document their occupation in and around Bears Ears. Exploitation of prehistoric artifacts and sites are of great concern to Navajos. They have witnessed the destruction of places and the taking of cultural material. They have seen the destruction of prehistoric and Navajo sites. Cultural genocide continues through looting and by



destructive visitors. This continues to occur today through vandalism of petroglyphs and by looting of archaeological sites. This has resulted in historical trauma among the Navajos by others disrespecting their former ancestors' homes and cultural material, disregarding their stories and prayers. The destruction of former Navajo sites has been long discussed among the Utah Navajos who visit their ancestral homelands. Forcing families off the land they had occupied and loved for centuries has caused generational emotional trauma. These disrespectful actions were an attempt to erase the Navajo past in this region.

The Ute Mountain Ute are aware of places in the greater Bear's Ears region that are now in ruin, referring to the people who built them as *Mokwiĉ* or *Muukwitsi*, meaning "the dead". There was never conflict between the Ute people and the *Mokwiĉ*, but some traditional knowledge connects the migration of the *Mokwiĉ* southward with the movement of the Utes into the region. Other narratives describe conflict, and how the Utes drove the *Mokwiĉ* out of the region to the areas south of the Colorado River (Simmons 2000). Regardless of the narrative, the Utes respect and preserve the ruin sites so as not to disturb the spirits of the dead. These spirits persist in the ruins, and in the natural elements of the landscape itself. Any activity on or even near *Mokwiĉ* ruins is an ever-present concern for the Ute people. Special prayers prior to disturbance help to "quiet" ruin sites. Even with this respect and care, the dwellings, objects, and remains of past people are considered potentially dangerous. Illness may be a result of disturbing the places of the dead, who inhabit both the geographical and metaphysical places of the Bear Ears landscape.

Historic and prehistoric remains of the Ute people are evident in the form of tipi rings, wickiups, artifacts, and rock art. Many other places where the Utes lived are not readily discernable to archaeologists, primarily because the Utes lived very lightly on the land. They lived in dwellings that were made of perishable materials, and often in portable structures such as tents and tipis. Rock art is a more durable remnant of the Ute people's occupation.



PART D: THREATS AND IMPACTS TO THE LANDSCAPE

The BENM was established, in part, because of the pristine condition of the environment and the value for preserving this landscape. The following section identifies the most threatening sources of potential damage and environmental degradation to the BENM. These sources are considered offensive actions by Tribal Nations of the BEITC and counterproductive to the traditional Native stewardship responsibility toward Earth Mother and all her non-human children.

Native people have an inherent concern about BENM resources that stems from their stewardship responsibilities. There are a number of perceived threats and potential impacts to BENM that must be considered in the management of this landscape. Presidential Proclamations 9558 and 10285 recognize the vast outdoor recreational opportunities that exist in the monument, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. In addition to recreation, much of the BENM landscape is also used for grazing and forestry, and the Monument is subject to existing mining, grazing, and water rights. The BEITC is concerned about the impacts these activities may have on the cultural and natural environment of the Monument.

EXTRACTIVE INDUSTRIES

The BEITC is concerned that uranium mines, natural gas wells, and oil wells will scar the pristine lands of BENM and contribute to the release of methane and other noxious contaminants into the atmosphere and cause sickness to humans and wildlife. While energy development can provide benefits and economic opportunities when responsibly managed, this kind of development is not appropriate for the BENM.

Within the BENM uranium mining and oil and gas development would be detrimental to air and water quality, and the sound and vibrations caused by its extraction and transport would disturb plant life, wildlife, and other aspects of the cultural and natural environment. The production, use, and/or contamination of water as part of energy development in an arid environment such as Bear's Ears is a major contradiction to traditional beliefs regarding respect for the land and its resources.

There are currently no active oil and gas wells on BENM and over 200 wells that are inactive (Utah Geospatial Resource Center 2022). Tribal members are concerned that any continued use of wells will contribute to the release of methane and other pollutants into the atmosphere and potentially harm the Monument and its resources. Tribal Nations of the BEITC believe that the continued extraction of oil and gas is detrimental to air quality, and that the sound and vibrations caused by oil and gas pumping or fracking will harm all life forms and diminish other aspects of the natural environment and ecosystems of BENM. The presence of oil and gas wells also detracts from the natural beauty of the environment in BENM and contaminates the auidial environment. From the perspective of the Tribal Nations of the BEITC, oil and gas extraction creates voids in the earth that will cause unforeseen damage in BENM. Traffic from equipment may cause harm to environment, and the dust raised by trucks and heavy equipment may silt up water sources or adhere to petroglyph and pictograph panels. These adverse impacts would probably have had negative cumulative effects and will continue to have negative cumulative effects time to BENM over time.



There are concerns about development of additional industrial roads, as they will also allow the already high volume of recreational visitors on ATVs to access currently undisturbed areas of BENM. Roads also create erosion and cannot be fully rehabilitated, and also act as conduits for precious water and prevent it from being dispersed over the landscape.

Uranium is a major concern for the Tribal Nations of the BEITC. The region within and around BENM is rich in uranium, a mineral known to cause cancer in humans, and harm wildlife, plant life, soils, and water. Within BENM, there are 1787.56 sq. km. of low-yield uranium potential sites, and 765.77 sq. km of medium-yield potential sites. All Tribes of the BEITC are deeply concerned about radioactive contamination caused by uranium – past, present, and future. Hopi people are deeply concerned about radioactive contamination caused by uranium and they strongly and adamantly oppose uranium extraction on BENM. The Ute Mountain Ute Tribe’s neighboring White Mesa community is especially concerned about its groundwater resources and the contamination of air quality with the transport and dusting of uranium ore using Monument roads.

Although there are no major coal deposits present within BENM, there are deposits on lands immediately adjacent to the Monument. Any extraction of coal in the vicinity of BENM will affect the water table, air quality, and overall health and well-being of humans and the environment. No reclamation program will ever be suitable to return the land and the order of the earth to its natural state following large-scale extraction of minerals such as coal. Large-scale mining and mineral extraction has caused harm to people of the Tribal Nations of the BEITC for generations.

Mining causes changes to the landscape in that large amounts of rock and dirt are displaced to get at the minerals, or to make room for infrastructure to get at subsurface resources. The White Mesa Uranium Mill outside of the White Mesa community of the Ute Mountain Ute Tribe processes materials mined from the Monument and elsewhere, with the air and water pollution directly affecting the local communities. This mill is outside of BENM but does affect the broader cultural landscape of the region.

There is a shared concern that toxic dust that falls on plants can become a source of carcinogens or toxins to traditional communities whose members who collect plants for medicine or consumption. This development causes a drastic change to the natural environment, but often it is only the start of the damage to the environment that may persist for generations. For example, uranium mines continue to cause radioactive contamination decades after they were abandoned. This contamination affects groundwater and all living things that rely on that water for life. These negative impacts extend to the well-being of the entire earth—the land, water, air, sunlight, wildlife, and more—as well as to human health.

There is a sentiment among some Native residents in the region that southeast Utah is viewed as a money-making place for non-Native Utah residents. Concerns have been expressed that the non-Native people are not thinking of the future. Any new development could bring in income for San Juan County and the State of Utah; however, it requires careful planning with everyone at the table.



LIVESTOCK GRAZING

Grazing of livestock has historically been a source of conflict within the Bears Ears region. In the 1880s, Mormon settlers moved into the area, followed by cattle companies in search of free grazing lands. Conflict between settlers and local Native groups, including the Ute and Navajo, frequently ensued. Allotment made the Native lifestyle of hunting and trading over long distances impossible. Accordingly, groups such as the Navajo and Ute turned to raising sheep, cattle, and horses, which also proved challenging because of the federal government's co-opting of their land and prescribed reservation boundaries, ultimately limiting opportunities for grazing.

Some Tribal members are worried about overgrazing in BENM, which can lead to soil erosion and affect plant resources. There is also concern about Native groups having access to important plants within grazing units that are leased to non-Natives. Erosion can harm springs and waterways and would likely threaten archaeological sites in BENM. Livestock may also pollute springs and waterways with their waste. Cattle and livestock may threaten medicinal and ceremonial plants (Preston 2021). The introduction of cattle has led to a reduction in the prey-base, such as prairie dogs, for eagles and diminished eagle populations in grazing environments. Prairie dogs consume the same plants as cattle, so they are in competition with each other, and prairie dogs are ultimately displaced (Wadsworth 2021). Some people believe that grazing management has led to division of land and misuse of springs. Springs should be fenced to keep cattle out of them.

If livestock is going to remain permitted within BENM, they need to be cared for with designated pastures and water. Livestock should be cared for properly so that they do not destroy the land. They should be cared for daily because any form of neglect will ultimately cause negative impacts to springs and other land resources. Springs and waterways should be protected from livestock by creating or designating specified watering areas for cattle. Cowboys should be present to keep cattle in their designated areas, and should not use motorized vehicles off established roads.

RECREATION AND TOURISM

Unmanaged and unregulated recreation and tourism is a major threat to the values held by the Tribal Nations of the BEITC. Visitation by Natives and non-Natives alike is one way to educate the public on the cultural heritage of the Tribes that have ancestral ties to the Bears Ears region. However, there should be consideration of sharing appropriate (or culturally sensitive) ways for thinking about and visiting BENM.

BENM currently hosts a number of climbing routes, trails, campgrounds, and other recreation sites. Some Tribal members believe that several negative impacts have already occurred as a result of uncontrolled recreation, including damage to ancestral sites, vandalism, and pollution to the environment by trash and human waste. People may harvest live wood for campfires, which harms the animals that still live within BENM.

In particular, off-road vehicles can churn up soil leading to the development of ruts, damaged root systems of natural trees and plants, compacted soil, increased erosion, increased frequency of dust



storms and increased sedimentation of waterways and springs. In addition to damaging plants by driving over them, off-road vehicles can spread seeds as they churn up the soil and vegetation aiding in the spread of non-native species that can damage native plant communities. As the natural habitat is disturbed, eroded and/or invaded by noxious non-natives, the natural habitat for wildlife is destroyed and their continued survival threatened. Engine noise can scare the natural wildlife driving them out of their established territories.

Recreationalists are creating new roads and trails, causing damage to the land, ancestral sites, plants, and to sensitive soils. Recreationalists sometimes overuse and misuse springs and other water sources. Erosion may occur as a result of trail use by ATVs, mountain bikes, and horses. Music, talking, yelling, driving, and human presence will have impacts on the soundscape and viewshed. Boats and rafts, especially motorized boats, if used in waterways in or near the BENM, will bring in noise pollution, gas pollution, and they may introduce non-native species to the environment.

Navajo ethnobotanist Arnold Clifford has conducted studies on the flora in the Bears Ears National Monument. In the past 30 years, the Bears Ears region has experienced greatly increased human visitation. Much impact and stress has been placed on the land, including the once near-pristine canyons. The results of increased human visitation include development of numerous new trails, and in the process has destroyed fragile, irreparable cryptobiotic, cryptogamic soils. Numerous hard-to-see forbs are also damaged by recreational pursuits. Off-road travel by all-terrain vehicles (ATVs) and motorbikes have done considerable damage, and the vegetation and desert terrain will exhibit scars for many generations to follow.

The Hopi are concerned that ancestral spirits will ask why people are disturbing them in BENM. Traditionally, Native people prepare themselves with prayers and offerings before they visit places like BENM. ATV use within BENM can inadvertently impact ancestral sites (archaeological sites) by driving over these sites and leaving tire marks and disturbed soils which can precipitate damaging erosion caused by channeling rain surface runoff. In addition, ATVs provide access to archaeological sites in remote locations where the potential for vandalism and pothunting is high because of the remoteness and sense of isolation.

It is recommended that recreation should be restricted to designated areas and signs should be posted to keep people within those designated areas. Signage upon entering BENM would be an important management tool. The “leave no trace” philosophy should be enforced. Campfires should only be made in designated campsites, and other fires should only be made for religious and spiritual purposes by Native Americans. Designated campgrounds should include restrooms, and possibly showers. Monitoring and policing should be enforced. Backcountry camping could be allowed through permits

CLIMATE CHANGE

It is important to the Tribal Nations of the BEITC that the climate is acknowledged as a physical and spiritual force in BENM. The climate is part of the physical world and affects all places and resources. Any changes in climate need to be recognized as impacting (positively or negatively) the cultural landscape the Bear’s Ears region.



Climate change is a long-term change in the average weather patterns that have come to define Earth's local, regional, and global climates. The Intergovernmental Panel on Climate Change (IPCC) is the world's leading Western science body on climate change and its impacts. According to the IPCC, climate change refers to changes in certain prevailing environmental conditions (e.g., temperature, rainfall patterns) characterizing a place or period that can be identified and observed (IPCC 2012:557). Unusual conditions or extreme environmental events outside of the usual patterns (such as massive and extended periods of flooding or drought) related to weather patterns identified as irregular (for example, unusually intense rainfall or unusually dry conditions) may be due to processes of a changing climate, or they may simply be outlying occurrences (Curti et al 2020:10).

From a perspective of traditional knowledge, definitions of climate change immediately present, maintain, and are embedded within artificial dichotomies of humans distinct from nature. These ideas have permeated mainstream Western thought and practice for centuries, with dire consequences (Bateson 1987; Boehnert 2018:62). As ecological beings, we are embedded and mutually dependent on the rest of the natural world, but our understanding does not reflect these basic geophysical and biological circumstances. Consequently, management without consideration of traditional Native perspectives has resulted in deeply unsustainable ways of living that have the potential to negatively impact BENM.

Climate models predict that over the next 100 years, the Southwest will become warmer and more arid, with more extreme droughts than the region has experienced in the recent past. The seasonality and variability of precipitation is likely to shift, as well. Scientists have identified the American Southwest as a climate change hotspot. On the Colorado Plateau, the combination of high elevation and a semi-arid climate makes the area particularly vulnerable to climate change (www.nps.gov/subjects/swscience/climate-change.htm). Any land management plan for the BENM must integrate consideration and plans for adapting to the induced environmental change resulting from a warming climate. To do so requires adhering to a land management ethic that considers humans as a vital component of the environment with stewardship responsibilities to all non-human life forms that inhabit Earth Mother.

Climate changes have a broad range of observed effects that are readily observable in the Bear's Ears region. Long-term drought and dying vegetation (including Juniper trees) can be observed. This has resulted in increased erosion and desertification of the region. It is likely that the region will continue to receive less snow and rain for years to come, which will also have negative impacts to the plant community and wildlife. Wildfire no doubt will increase in the forest and undergrowth.

Climate change is a threat to the physical world as it is known today. Traditional perspectives tell of the earth having been destroyed in the past, and climate change has the potential to cause drastic changes like in the past foreshadowing that in the future "there will be wind, and no water or corn." The traditional Navajo perspective is that one does not talk about it [climate change], as giving it voice will make it take place. *Hataalii* are receptive to aiding ceremonies, they can complete ceremonies for rain. There is support for making offerings and prayers by placing offerings at the beginning of the rivers that flow through and near the Monument.

The BEITC is also concerned about invasive species in BENM, some of which have had changes in range due to climate change. Tamarisk and other non-native plants cause damage to the natural



environment. Tamarisk draws the water table down, chokes out other species, and takes over natural riparian areas. These trees also alter natural water courses, thereby altering ecosystems. In addition to tamarisk, Tribal members are concerned about tumbleweeds, Russian olives, Chinese elm, and other invasive species. These plants consume a lot of moisture and they compete with native plants. There should be plans for replanting and revegetation of cottonwoods, and revival of water tables.

From a Hopi perspective it is crucial to discuss climate change and its effects on the environment. Hopi people believe that climate change is caused by the cumulative effect of human misuse and neglect of the environment, and land management practices, both within BENM and beyond, thus directly relate to climate. Extractive industries are a major contributor to the climate crisis because these industries disturb the balance of the earth and sky, clouds, rain, and the land. Hopi people believe that the human race is responsible for preventing climate change.



PART E: ENVIRONMENTAL PHILOSOPHY AND APPROACH TO CONSERVATION

Each of the five tribes of the BEITC prepared documents that detailed their individual Tribal perspectives, philosophies, and approaches to conservation for lands of the Bears Ears region. These perspectives are presented below in their own words. As with the traditional cultural connections to the landscape of the Bears Ears region, these perspectives share common threads that emphasize a holistic perspective regarding stewardship of resources in the Bears Ears National Monument.

In *A Sand County Almanac*, Aldo Leopold (1949:173) called for the development of a land ethic that affirms the right to the continued existence of the soil, waters, plants, and animals, and, in spots their continued existence in a natural state. He further argued that the land ethic changes the role of humans from conqueror of the land-community to plain member and citizen. This land ethic would involve humans having respect for this natural community. To Leopold, it was inconceivable ... that an ethical relation to land can exist without love, respect, and admiration for land, and a high regard for its value.”

It has been 72 years since Leopold called for the land ethic. Now, there is a critical [existential] need for the development of a sound American land ethic designed to protect the natural world, which has been nearly destroyed by the long-term effects of colonial and capitalistic practices and its associated unrelenting destruction of the natural environment. According to Echo-Hawk (2013:149), an effective land ethic cannot be developed, much less implemented, unless and until indigenous cosmologies, traditional ecological knowledge, and rights in the natural world are recognized and taken into account. Continued human existence is threatened by climate change including the mass extinction of animals and plants (humans’ relatives that share Earth Mother) brought about by the activities of colonization.

HOPI TRIBE

Regardless of jurisdictional boundaries, the Hopi people are eternally obligated by their religion to serve as stewards of the land. The Hopi people consider *Hopitutskwa* to be an extension of themselves, and they offer the same care and concern to distant lands as they do to places close to home (Whiteley 1989:50; 53). Bill Preston described this connection to the land:

"*Tutskwa i'qatsi*," the land, the world is my life. That's what they told us, this is why we have to protect the world like we protect this human body. There are things out in the world that help us keep alive, just like what's inside this body that keeps us alive. There is a whole connection; there is no separation from land, water, air, the universe. It is all connected. We are all connected. This is what we are taught. This is what the songs are about, the sacred teachings are about, so that we can understand ourselves, and this whole world as a whole, the universe so we're connected, connected to the heavens and below us, and from all directions [Preston 2018].”



The ideals of stewardship are embedded within Hopi religious practices and social organization, which in turn supports Hopi peoples' connection to the land, their ancestry, efforts of ecological conservation, and the balancing of environmental resources (Bradfield 1973:295; Lomaomvaya and others 2001:11-12; Whiteley 1989:52–60). As a form of respect for the natural world, offerings are made when any resource is harvested from Mother Earth. The offerings enact the reciprocal relationship Hopi people have with the land, which is fundamentally tied to the commitment they made with the Earth Guardian to act as stewards of the land. Properly caring for the earth through traditional practices helps continue the cycle of the earth providing for Hopi and all of humanity. As described by Bill Preston, “We pray to all these things that we know that take care of us and this whole world. Because of them, this world is in balance.” Hopi people today harvest plants, minerals, water, and wildlife using knowledge and practices that have been passed down through generations. Some resources are harvested according to a seasonal calendar for use in specific contexts, while other resources are harvested based on availability (Ainsworth 1988). Some resources are collected wherever they are found, while other resources are collected from specific places that imbue the resources with significant properties.

The Hopi people are deeply concerned about the preservation of the BENM in perpetuity. The land in its entirety is important to the Hopi people because it is a repository of Hopi history and lifeways for past, present, and future generations. From a Hopi perspective, the establishment and continued preservation of BENM is important because the Monument encourages Hopi values of Earth stewardship, and provides a means for offsetting past over-consumption of the land and its resources. Hopi Tribal Council Resolution No. H-035-2016 supports the proposal for a presidential proclamation designating Bears Ears National Monument, and recognizes the inherent value of BENM for the preservation of Hopi history, identity, and ongoing cultural practices. The Hopi Tribe views co-management of BENM by the Bears Ears Commission of Tribes and federal agencies as a way to elevate tribal interests in the protection of cultural resources, and allow for flexibility in management of traditional Native American uses, including use of wood, plants, medicine, ancestral sites, shrines, and hunting (Hopi Tribe 2016).

Hopit Pötskwaniat (Hopi Tribal Consolidated Strategic Plan) (2011) is identified in Hopi Tribal Council Resolution No. H-035-2016 as guidance for ascertaining Hopi goals for the preservation and protection of cultural resources, and proper land management incorporating principles of Hopi stewardship, culture, and visions for the future. *Hopit Pötskwaniat* enables and encourages the involvement of the Hopi people, and it considers both traditional and contemporary values. While this strategic plan was created for the Hopi Reservation, it espouses principles that apply to all land management, including BENM. These principles are:

- Preservation, practice, and protection of the religion, ceremonies, cultural customs and practices, language, and arts and crafts of the Hopi people.
- Respect and care for the infant, youth, and elderly members of society.
- Independence and self-sufficiency of communities and people.
- Respect, conservation, and protection of the natural environment (land, water, air, plant life, and all living creatures).
- *Sumi'nangwa* [working together] and all the other characteristic traits of Hopi, including faith, trust, pride, cooperation, and consensus.



The Hopi visions for the future that are drawn from these principles are:

- To ensure happy, healthy, and prosperous life experiences for all Hopi people by incorporating Hopi values (culture and traditions) as the foundation for all aspects of governance functions and community/economic planning.
- To support and strengthen the Hopi way of life, to secure and ensure a happy, healthy, and fruitful life for all.
- To create a continuous, strong, and sustainable Hopi society through a clear understanding of Hopi traditions, culture, and future trends with full involvement, understanding, and acceptance.
- To seek balance between traditional and contemporary values to ensure a secure and healthy future for all Hopi people.

As identified in Presidential Proclamations 9558, 9681, and 10285, BENM encompasses diverse resources that merit recognition and protection. Hopi philosophy does not rank the value or significance of different resource types, but Hopi people have unique relationships with different aspects of the environment, and this positions them to make decisions about resource management. The Hopi Tribe's approach to land management of BENM is both pragmatic and philosophical.

NAVAJO NATION

Importantly, and traditionally, cultural resources and natural resources are not two different categories in Navajo life. An individual depends on other living plants, animals, and surrounding land to survive; thus, the natural resources gathered, hunted and walked on for survival becomes a cultural resource. And resources and places on the landscape cannot be considered separately from the landscape as a whole.

The following summary is taken from *Navajo Philosophy of Learning and Pedagogy* by Herbert John Benally (1994).

Our elders have always believed that we are the literal sons and daughters of *Sa'qh Naagái Bik'eh Hózhóón* (SNBH), the gods who created this world. We spiritually call ourselves the Holy People on the face of earth. This notion is celebrated and reaffirmed through prayers and ceremonies. . . . The SNBH teachings include four principles (1) the proper development of the mind, (2) learning the skills of survival, (3) understanding and appreciating positive relationships, and (4) understanding and relating to one's home and environment.

The last item is incorporating the fourth principle, *haa'áyiin dóó hodilzín* (Rest and Reverence for all Creation). . . . Establishing an intimate relationship with nature begins with the acceptance that all creation is intelligent and beneficial in and of itself. Subsequently, when due respect is known for nature, that respect is returned with favors. . . . When we begin to understand this reciprocal relationship, we begin to participate in the great universal consciousness. We become related to all creatures, and our views and language toward this vibrating life changes. For we are no longer strangers, but family.



In our failure to understand this interconnectedness, we become alien to this world. We see the world as hostile and wild and something that must be shaped into our image and onto an order that is foreign to the natural order of things. The Navajo believe that the environment that we create and impose mirrors our own ignorance.

Father Sky and Mother Earth were blessed with untold wisdom and wealth to be used by man. For instance, the mountains were endowed with strength, wealth, teachings, and processes by which man can access their strength and resources. *Nitsáhakees* (thinking), *nahat'á* (planning), *iiná* (life) and *siihasin* (fulfillment and contentment) are stages of process that were placed in all creations.

It is believed that a person's heart becomes hard when he or she loses respect and reverence for nature. How one treats animals and nature directly relates to how one treats other people. It was and remains crucial that youth be taught to live close to nature's softening influence. By observing how animals and birds care for and bring up their young, or seeing how plants grow just like a child, one learns to care and nourish. Teachings about relationship to Mother Earth and Father Sky must continue to be passed on to the next generations if we intend to remain long.

Diné have voiced concerns about disturbance to traditional cultural resources in present Bears Ears National Monument since before the Monument was established. For example, in 2000, Diné chapters of Oljato and Navajo Mountain reportedly passed resolutions protesting a U.S. Forest Service proposal to cut timber around Bears Ears, which would destroy plant medicines that draw special power from growing at Bears Ears buttes. Diné have also repeatedly expressed concerns about the looting and destruction of traditional and ancestral places in general, concerns that would extend to sites within the present Bears Ears National Monument (Kelley 2017:9).

The Navajo people value input from all members of the Tribe, and the sacredness of the landscape. A number of Navajo individuals were interviewed for this document. They included community members from Aneth to Navajo Mountain; historians and traditionally knowledgeable people from Red Valley and Kayenta, Arizona, and Shiprock and Continental Divide, New Mexico, were also included. Eleven community members stressed the seriousness of not allowing any additional development in or near the monument. These recommendations were based on the traditional teachings of going into the *Shashjaa'* area only for traditional purposes. Four individuals stressed the importance of protecting *Shashjaa'* for the sacredness of the landscape and for the continuing practice of cultural traditions.

I want to voice my concerns for all the insects, birds, animals, and plants who have lived on this landscape for thousands of years. We did not ask them if we could come in here and invade their home. . . . Even the smallest of the creatures complete their work here in keeping this land whole. . . . We have yet to get their permission to be here (Arnold Clifford, July 9, 2021).



PUEBLO OF ZUNI

A land management plan for the BENM must involve the establishment of a land ethic with an underpinning that equitably integrates the unique ontology and epistemology of the Zuni people. The United Nations Declaration on the Rights of Indigenous Peoples (*Declaration*) adopted at the 107th plenary meeting on 13 September 2007, provides direction for this land ethic through affirming that indigenous peoples are equal to all other peoples, while recognizing the rights of all peoples to be different, to consider themselves different and to be respected as such.

The *Declaration* recognizes that respect for indigenous knowledge, cultures and traditional practices contribute to sustainable and equitable development and proper management of the environment. That task can only be done by managing public lands in accordance with principles described in the Declaration, which urges agencies to recognize, respect, and incorporate indigenous values when managing places important to indigenous peoples. Through the incorporation of indigenous wisdom in the management of public land, important ingredients for a land ethic emerge (Echo-Hawk 2013:216).

While it is recognized that the *Declaration* is a statement of support and not a legally binding document for federal agencies in actively managing with the Pueblo of Zuni the BENM, it is a valuable for initiating a dialogue directed toward equitable collaboration in managing the BENM. Of particular interest to this conversation is a recognition in the *Declaration* "...that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment."

Respect for Zuni traditional knowledge includes a recognition of the Zuni stewardship philosophy and personal responsibility toward Earth Mother and all her living beings. The continued reliance on Western science as the basis for a land management plan for BENM which excludes the Zuni stewardship philosophy ignores Zuni wisdom, because it perceives science as the only path to understanding the natural world. As demonstrated throughout this Zuni land management plan for BENM, a sole reliance on science prevents one from finding that which is "sacred" on the land and in the natural world.

Approximately 50 years ago, Gregory Bateson (1972) stated that "the major problems in the world are the result of the difference between how nature works and the way people think." When humans separate themselves from nature, humans create what Bateson referred to as an occidental schism, a term that describes humanity's deep, traumatic separation from nature's creativity (Bateson 1972; Morely 2019:17).

For many Native Americans, including the Zuni people, sentience is recognized in plants, animals, rivers, and mountains, who all have a conscious essence, that includes the realization of when they are being treated well or poorly. All entities of nature have conscious ways of interacting with one another, and each is viewed as possessing a personhood, a sense of purpose, and inherent meaning expressed in a multitude of ways. Cajete (2000:179) refers to this as a "spiritual ecology," expressed as embodied relationships that must be honored.



Bateson (1972) developed a similar concept that encompasses an understanding that all the systems of the living world as being conscious or mental in kind. According to Bateson, each living system is a mind. Such systems vary from the very small, perhaps bacterial, genetic, or cellular to the very large: a coral reef and its inhabitants, a forest ecosystem, or the whole process of biological evolution. All these systems are interrelated and nested within larger mental systems so that there is an ultimate interconnected whole, which is the “sacred.”

Bateson recognized that, as Western science and technology understand the world at present, our whole epistemology and ontology in which humanity is seen as separate from nature, in which “things” are separable and can be possessed, is wrong. Analogous to Leopold, Bateson implores us to see the world as a network of relating, as a vast interrelated process of which humans are dependent members. Bateson’s monism, his understanding that all is one; in seeing the whole of the living world as a systemic nesting of minds within minds within minds. Bateson believed this perspective could restore to humans the awareness of unity that three hundred years of reductionist science has concealed.

Even with this brief consideration of sentience or consciousness, it is apparent that any insular adherence to Western science as the primary guiding management paradigm unintentionally disenfranchises indigenous people by continually diminishing the effectiveness of tribal voices and contributions by not affording non-Western perspectives and indelibly connected values commensurate levels of validity or consideration.

The land management reality defined by and through Western science is not objective and it is not unbiased; the reality that Western science typically studies is in fact a cultural, legal, and political construct. These cultural, legal, and political constructs shape and direct scientists and land managers to decide not only what does or does not count as life, but which life forms are permitted to exist and which life forms are undesirable. What are the moral and ethical responsibilities of scientists and federal land managers to Native American traditional communities in the management of an environment that is significant, equally sacred, and fundamental to a traditional community’s collective identity and material capacities to persevere as a people?

UTE INDIAN TRIBE

The landscape is more than just a natural realm to sustain the material needs of life. It was a gift from *Senawahv*, and it was imbued with principals. As such, everything in the natural world received qualities during the creation, and the physical world is viewed as place filled with natural power (Clifford 1974; McPherson 2011; Smith 1974).

Tribal sovereignty was not granted to tribes by the United States government. Sovereignty is how Tribes have always governed themselves; it has always existed. And the land is the foundation of that sovereignty. The Ute people have a holistic perspective on resources. The most productive approach is one that considers archaeological sites, traditional Native histories and perspectives, non-Native scientific knowledge, and natural resources together.



The Ute people have deep traditional cultural beliefs that tie them to the land and environment that inform their perspective on land management practices both within and outside of the Bears Ears National Monument. Father Sky created the sun, moon, stars, and Earth. Mother Earth provides what is needed by those who show reverence and respect.

Within the boundaries of ancestral Ute lands are special sites, or “power points”, where sacred forces reside. *Poowagudt*, spiritual leaders, understand how to use *poowa*-- natural powers -- associated with these spaces. These places have been in use for generations and continue to be used by the Ute people today. The location of specific power sites, which are not general knowledge, should be discussed only with those who have a need to know as this power has both the possibility to harm and to heal. These places are not disclosed but need to be considered when land use practices are considered, and these uses could irreparably damage these important but confidential places. Traditionally, Ute pilgrimages were unique ceremonial and ritual activities occurring outside the daily habitual cultural activity. Pilgrimage places and the offerings left behind contain the prayers forever and they continue to send their *poowa* across the landscape long after the pilgrim has finished his or her pilgrimage. This forever links, people, places, and ceremonial objects together in Ute history and cultural memory.

The Ute continue to pass on cultural knowledge through programs such as language classes, cultural camps, and other interactive education programs that serve as an important means to help the young people reconnect to, and learn about ceremonial places throughout their traditional homeland. As such, preservation of these places and the natural environment is central to preservation of Ute culture.

UTE MOUNTAIN UTE

The natural world was a gift from *Sináwaw*, the Creator of All Life, and it was imbued with spiritual powers. As such, everything in the natural world received qualities during the creation, and the elements of the natural world – rocks, trees, animals, water, and other natural elements -- have meaning and character to the Ute Mountain Ute (McPherson 2011). The Bear’s Ears area has been a homeland for the Ute people. All aspects of Ute life took place on these lands including hunting, farming, raising livestock, gathering wild plants for food and medicine, firewood gathering, and burial of the dead. It is through these activities that many landforms, canyons, and places on the landscape were named and became part of the Ute history.

The origin of the canyons, cliffs, and landforms of the greater Bear’s Ears region have a place in Ute traditional history. There are narratives that tie the creation period to the present day and include events that involved supernatural beings, animals, and the Creator. These beings continue to impact daily life today and the narratives provide a continuity that link people, landscapes, and supernatural beings through time. As such, the natural and cultural worlds are not thought of as separate from one another. They are instead intertwined and linked through time.

Prior to disruption by non-Native settlement, the Utes followed a seasonal cycle in the area surrounding what is now the Bears Ears National Monument. The Monument lands are one small part of a larger network of places that were utilized by the Utes. This movement tied the Utes to the natural world and allowed them to use resources at various elevations and at different times of the year. The ability to



have access to various landscapes and resources is fundamental to Ute traditions. It is also part of Ute cosmology that recognizes upper, middle, and lower realms in both the physical world (sky, mountains, canyons) and the metaphysical realm.

Preservation of the natural world is important to the Ute Mountain Ute. Any disruption to the natural world would negatively impact the Ute people whose spiritual power resides in that natural world. Any changes to that landscape that are done in a disrespectful manner negatively affects the Ute people. Such changes include mining, clear-cutting of timber, and creating roads.



PART F: KNOWLEDGE GAPS

CULTURAL RESOURCE DATA

Archaeological Sites

As noted earlier, only a small fraction (approximately 11.5%) of San Juan County, Utah has been systematically surveyed for cultural resources as of January 2021. This has yielded the documentation of around 34,500 sites. The quality of the dataset is variable with scattered survey coverage, and this extant documentation on cultural resources is not easily accessed by the Tribal Nations of the BEITC at the current time.

In addition to very limited and scattered documentation, the majority of the existing site-level documentation entirely lacks any Native American input. A number of tribal members have professional education and experience in cultural resource management. Knowledgeable tribal members must be included in all archaeological identification and recording. In addition to very limited and scattered documentation, the majority of the existing site-level documentation entirely lacks any Native American input. The reason for this is that historic places of the BEITC tribes remain important to people living today, and this work helps to maintain that traditional connection between people and places.

For example, the Cradleboard site (42SA34477) consists of the remnants of an early 1900s-era Ute camp approximately 1 mile north of the town of Bluff, Utah. Known but unrecorded until 2020, the site documentation included visits and interviews with White Mesa Ute representatives and discussion with the Ute Mountain Ute Elders Committee Meetings. Ethnographic interviews were conducted and more detailed information regarding the cultural history of the site was derived. This not only supplemented the history of this camp but included cultural information that would not have otherwise been evident to an archaeologist studying the material remains of the site.

In order to effectively manage BENM according to Hopi values, the Hopi Tribe has identified several knowledge gaps and recommends additional studies or acquisition of data in the following areas:

1. Acquisition of archaeological data
 - a. Data sharing between agencies and state, federal, and tribal governments
 - b. Complete an archaeological inventory survey of BENM pursuant to Section 110 of the National Historic Preservation Act
 - c. Acquisition of complete LiDAR coverage of BENM for use in historic preservation
2. Ethnographic research and identification of traditional cultural properties
 - a. Undertake a comprehensive Hopi ethnography of the monument, including an ethnographic overview and assessment and a resource use study
 - b. Bears Ears Commission of Tribes involvement in all NRHP evaluations and recommendations



3. Need for ethnobotanical research
 - a. Acquisition of existing plant inventories of BENM
 - b. Ethnobotanical fieldwork is needed to identify Native American cultural-use plants and potential collection areas in BENM
4. Acquisition of data from water monitoring stations
5. Need for raptor studies & nest mapping
 - a. Survey of eagles, hawks, and nesting areas
 - b. Inventory of prey base
6. Data sharing among federal agencies and the BEITC and Bears Ears Commission of Tribes (i.e., information about existing grazing permits; existing mining leases)
7. Active involvement by tribes in the development and review of all land management documents and categories.

Traditional Cultural Properties

A traditional cultural property (TCP) is defined as being associated with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. The significance of a TCP is rooted in a traditional community's history and are important in maintaining the continuing cultural identity of the community (NPS 2011; King 2003).

To date, there have not been comprehensive ethnographic studies of BENM for any of the Tribal Nations of the BEITC. While there are known and documented traditional cultural properties (TCPs) within Bears Ears, they are outnumbered by known but undocumented TCPs. TCPs may include ceremonial locations, gathering areas, trails, shrines, trail markers and cairns, springs, rivers, and sacred landforms.

It is highly likely that there are places within Bears Ears that are currently not considered as TCPs that would merit consideration as such. An example would be prehistoric rock art that contains images that are consistent with known cultural traditions of descendant communities. These types of TCPs would only be identified if they could be assessed by knowledgeable individuals and cultural specialists. Given the scale of the BENM, this will require a long-term, ongoing commitment rather than a single project.

There are many named places across the cultural landscape that are interconnected by a series of trails. These trails often follow uplands where visibility of the surrounding landscape is enhanced. Trails are very important to the Tribal Nations of the BEITC because they connect many different resource procurement and use areas, but also because they function as pilgrimage routes. However, very few have been archaeologically defined and as such, are not protected.

Trails and trail markers, such as cairns, are very important to the Tribal Nations of the BEITC because they connect many different resource procurement and use areas, but also because they function as pilgrimage routes. However, very few have been archaeologically or ethnographically defined and as such, are thus not protected.



Trails are considered important to many Native groups because they act as spiritual umbilical cords that function as connective tissues that maintain strong and continuous geographical links between current settlements and many culturally important distant places of the broader BENM cultural landscape. Trails often lead to shrines and offering places, and they are often marked with cairns along the route. Trails are blessed before their use, and once blessed, they remain blessed in perpetuity. Traditionally, prayers and offerings are required prior to and during travel. These prayers provide the individuals going to BENM with guidance on what route is to be followed, and on the religious actions that are necessary along the way. Prayers and offerings are regularly made at springs and shrines along a given travel route. Therefore, trails, trail markers, springs, and shrines all constitute a sacred geographical complex associated with travel.

For example, when travel was by foot (and later by burro), Zuni took a traditional trail to BENM and along the trail were Zuni shrines. The Zuni planted feathers at streams and shrines. These streams, shrines, and the trails themselves are sacred. *Heshodawe* (“house,” i.e., archaeological sites) located along the trail are also sacred, because they are considered the eternal homes of Zuni ancestors. The *Zuni Atlas* identifies a major trail that extends from the Pueblo of Zuni toward Blue Mountain in the Abajo Mountains of Utah. In pre-contact times, Zuni traders utilized a vast network of trails to exchange goods with various peoples throughout the Southwest. Additionally, the Zuni used collections of water from the streams, springs, and rivers of BENM for religious purposes.

Data sharing agreements should be put into place to preserve sensitive cultural information regarding sacred sites. This necessarily requires identification of those sacred sites by Native people familiar with traditional land use, and would be part of the ongoing Native engagement with Federal land managers. Specific traditional information may not need to be shared beyond the Tribes but could inform planning decisions. Ongoing engagement would allow Tribal Nations to understand development and land use of the Bear’s Ears region and they could identify any conflicts with traditional cultural properties while protecting culturally sensitive information.

NATURAL RESOURCE DATA

As with the cultural resource data, data on natural resources is not easily accessed by the Tribal Nations of the BEITC at the current time. It is important to the BEITC to protect surface water and groundwater quality on BENM for protection of human health and the environment. Although there is data on water sources and uses, it is unclear if the data is sufficient to meet the needs of the BEITC. There is a need to assess the knowledge of water resources and to commission both scientific and Tribal studies to fill in gaps in that knowledge. This may also entail creation of a protection, monitoring, and restoration plan for springs.

Ethnobotany is the study of how people of a particular culture and region make use plants. Partial lists and some studies have been undertaken, but there is no single comprehensive study of traditional plant knowledge within BENM. Plants provide food, medicine, shelter, dyes, fibers, oils, resins, and other useful materials from daily life and ritual use. Ethnobotany is another means to understand the link between Native people and the environment. It can help archaeologists understand the plants that may have been traditionally used, and to identify areas of traditional plant gathering. The Native names of



the plants, as well as their traditional uses, tell a story about the cultural landscape of the Bear's Ears. Traditional practitioners and herbalists need to be consulted regarding the plants they gather and monitor in the Monument. This traditional knowledge will be passed on to tribal members, and some of the knowledge can be shared with non-Natives to inform recommendations for management. This understanding is currently lacking in the region and is a major knowledge gap that will only widen as elders pass away without this information being recorded.

Navajo ethnobotanist Arnold Clifford has conducted studies on the flora in the BENM. Plants are often overlooked and forgotten, other than their showy flowers. This region of Utah has a very interesting history in terms of botany; numerous rare and endemic plant species occupy a broad range of diversified plant community cover types and specialized microhabitats within or adjacent to the Bear Ears National Monument. In the past decades, Mr. Clifford has personally discovered several previously undescribed plant species that are awaiting documentation in the scientific literature. Further research is warranted. The discoveries of new and diverse species can be attributed to the highly diversified exposures of sedimentary bedrock throughout the monument. Sedimentary rock units range from the Pennsylvanian to the Cretaceous. Each unit has unique cementing agents and microscopic rock types that host numerous rare and endemic plants only found on those particular rock units. Geobotanical endemism is being exhibited in the high desert country that comprises the Bears Ears National Monument; one just needs to decipher the rocks' secrets. This region is unique; it is important to recognize and protect these rare botanical treasures and to prevent their destruction.

As with cultural information, data sharing agreements would be put into place to preserve culturally sensitive natural resource information. Ongoing engagement would allow traditionalists that are part of the BEITC Tribal Nations to identify any conflicts with natural resources without necessarily needing to share specific culturally sensitive information with land management agencies.

NATIVE STEWARDSHIP EDUCATION

Traditional knowledge of Tribal Nations is fundamental to the long-term preservation of the BENM cultural landscape. Native stewardship needs to happen not in a vacuum but as an approach fundamental to the creation of a collaborative management plan. This would also facilitate greater understanding of the dynamics of Tribal perspectives.

Appendix H of the 2020 BENM MP states that Federal employees working in the BENM should complete the most recent training courses on Tribal relations. Currently, the BENM MP emphasizes that Tribal Nations should be invited to attend and participate in agency training courses related to NEPA, lands, rights-of-way, cadastral surveys, wildfire and fuels management, and heritage resources. The BEITC see that the Federal agencies have this backwards – at the current time, it is the Federal managers that need to understand traditional Native perspectives. They lack such training and background as it is generally something that is encouraged rather than mandated. This change in the culture of Federal land management is needed to actualize collaborative management and meaningful tribal engagement.



Rather than Federal employees of the BLM and USFS taking advantage of cultural awareness training sponsored by Tribes, this should be a mandatory part of collaborative management training for Federal employees. This would strengthen Federal staff's understanding and appreciation of Tribal traditional, cultural, and religious values, as well as treaties and other Tribally reserved rights on Federal lands.

For example, teachings such as the SNBH philosophy used by Diné College (and summarized above in Part E) could be integrated into the education of youth and the general public on caring for the plants, animals, birds, and insect communities of Bears Ears. The Hopi Tribe also currently has various plans and protocols already in place on their tribal lands that could be adapted for use at BENM. The Hopi Tribe envisions that traditional teachings from all tribes could be integrated into cultural sensitivity programs, tribal monitor programs, hunting awareness, springs restoration programs, and ethnobotanical training.



PART G: NATIVE ENGAGEMENT AND COLLABORATIVE MANAGEMENT

CONTEXT FOR COLLABORATIVE MANAGEMENT

If Tribal Nations are to be fully engaged with Federal land managers, Tribal Nations and Native perspectives must be incorporated early and often with management decisions and Native perspectives should be considered when framing any and all decisions that affect BENM. The key concepts presented here provide a context for Federal collaboration with Tribal Nations for the management of BENM.

In order to develop a meaningful BENM land management plan, it is important to understand that there is a contrast between Native understanding of the environment and the mainstream Anglo-American ontology that forms the foundation for the Western scientific system of belief. This non-Native paradigm is based on and informed through the following perceptions (Curti et al 2017; Dongoske et al 2019; Curti et al 2020):

- (i) time is conceived as a linear, unidirectional measure along a progressive continuum of past, present, and future;
- (ii) place and landscape are often defined through measurable, gridded, atomistic, and ordered dimensions of Euclidean and Cartesian space;
- (iii) culture and nature, humans and the broader environment, are two separate and qualitatively distinguishable realms, the natural environment is something to be dominated, controlled, and/or manipulated to serve human desires of economic growth and associated consumption;
- (iv) knowledge production involves understanding the world through supposed universal scientific models and modes of encounter, including models and projections of data into the future.

A Native understanding of the environment differs in many ways from that noted above. Fundamental concepts that inform on land management include:

- (i) time is understood and experienced as an organic circular or cyclical dimension rather than a linear measure; it is characterized by repetition and alternation, and past, present, and future may enfold and be co-existent in the ever-present;
- (ii) the temporal and spatial and the sacred and secular are not rigidly separated or partitioned; in this worldview, the cosmos is a singular entity, the spiritual and physical are mutually co-implicated, and the environments, spaces, and landscapes composing places are organic and cannot be divided or segmented along clearly delineated borders and boundaries— all of nature exists in sacred interrelation and unity;
- (iii) humans are part of nature, and should respect and live in a balanced, reciprocal, and harmonious relationship with all of the environment and all of life, any disruption in balance is the fault of human action, inaction, and error;



(iv) knowledge and historical truths are inseparable from ancestral knowledge, traditional oral history, and geographical stories, which, along with associated ceremonial and ritualistic activities, are the bases for understanding the relationships and origins of environmental ties and their perseverance, preservation, balance, and integrity over, through, and as part of space and time.

Legal Basis: Presidential Proclamations 9558 and 10285

Presidential Proclamation 9558 signed by President Obama in 2017 recognized the importance of the Bears Ears National Monument to American Indians and the importance of Tribal participation in the future management of the Monument, including the proper care and management of important cultural objects. The stated strategy is that the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) will closely partner with American Indian Tribes as envisioned in Presidential Proclamation 9558. Specifically, Presidential Proclamation 9558 states that:

[t]he Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities. In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commission) is hereby established to ***provide guidance and recommendations*** [emphasis added] on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may ***effectively partner*** [emphasis added] with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The



management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan (Presidential Proclamation 9558).

Presidential Proclamation 10285 signed by President Biden in 2021 recognizes the value of tribal involvement in the development of a management plan reiterated the need for a Bears Ears Commission to be reestablished in accordance with the terms, conditions, and obligations set forth in Proclamation 9558 to provide guidance and recommendations on the development and implementation of management plans and on management of the entire monument. In order for the management vision for the BENM articulated in Presidential Proclamations 9558 and 10285 to be successfully realized, the Secretaries should engage the Commission in a manner that is more meaningful and inclusive than standard Federal-Tribal consultation. In other words, the development of an effective collaborative partnership between the Secretaries and the Commission must include adherence to and working toward achieving all applicable principles and articles of the *Declaration* described above if it has any standing or worth.

Ethical Basis: Indigenous Rights

Indigenous knowledge has validity that needs to be considered for management of the landscape of BENM. The Tribal Nations of the BEITC are considered here as *knowledge-sovereign*, or that their way of knowledge is in equal standing with mainstream Western scientific methodologies. Knowledge sovereignty is inextricably tied to cultural, social, and political sovereignty and associated relationships of ecological health and well-being and should be understood from a traditional knowledge perspective.

The United Nations Declaration on the Rights of Indigenous Peoples (*Declaration*) adopted at the 107th plenary meeting on September 13, 2007 affirms that indigenous peoples are equal to all other peoples, while recognizing the rights of all peoples to be different, to consider themselves different and to be respected as such. Five Articles (11, 12, 13, 15 & 19) in the *Declaration* are worthy of closer consideration as they directly inform the development of a collaborative BENM land management plan:

- Article 11 includes the statement, “indigenous people have the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies, and visual and performing arts and literature.”
- Article 12 states, in part, “indigenous people have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to repatriation of their human remains.”
- Article 13 states “Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.”



- Article 15 states “Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.”
- Article 19 is directed toward agencies by declaring that “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

All these articles speak to the importance of recognizing, respecting, and giving appropriate consideration to indigenous ways of knowing and relating to Earth Mother. Concisely, any collaborative management of the BENM must include information and data that informs Federal agency consideration that is gathered, analyzed, and deliberated by and through Native values and uses, lived perspectives, meanings, and practices (i.e., ontologies and epistemologies).

Traditional Knowledge

The National Congress of American Indians (NCAI), an inter-tribal organization, addressed traditional knowledge in Resolution REN-13-035, “Request for Federal Government to Develop Guidance on Recognizing Tribal Sovereign Jurisdiction over Traditional Knowledge.” The resolution explains that traditional knowledge is a core part of tribal identities and ways of life, is highly spiritual, and carries responsibilities for its appropriate uses. NCAI goes on to explain that traditional knowledge includes, but is not limited to, the use of medicinal plants, knowledge of traditional habitats, and that some traditional knowledge is so sacred that it cannot be shared outside of tribal societies and traditional holders. Finally, NCAI also explains that there is increasing acknowledgement that tribal traditional knowledge is equivalent to scientific knowledge in solving environmental problems (ACHP 2021:13).

Although the term “traditional knowledge” is not defined in the National Historic Preservation Act (NHPA) or its implementing regulations, its role in the Section 106 process is obviated by the requirement, at 36 CFR Section 800.4, that agency officials “acknowledge that Indian tribes and Native Hawaiian organizations (NHOs) possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.” Traditional knowledge is an integral part of that special expertise. The Advisory Council on Historic Preservation (ACHP) applies the term “traditional knowledge,” for purposes of Section 106, to the information or knowledge held by Indian tribes and NHOs and used for identifying, evaluating, assessing, and resolving adverse effects to historic properties of religious and cultural significance to them (ACHP 2021:1).

The National Park Service (NPS) has a webpage devoted to traditional ecological knowledge (Indigenous Knowledge or Native Science) and describes it as the on-going accumulation of knowledge, practice, and belief about relationships between living beings in a specific ecosystem that is acquired by indigenous people over hundreds or thousands of years through direct contact with the environment, handed down through generations, and used for life-sustaining ways. This knowledge includes the relationships between people, plants, animals, natural phenomena, landscapes, and timing of events such as hunting, fishing, trapping, agriculture, and forestry. It encompasses a world view which includes ecology, spirituality, human and animal relationships, and more (ACHP 2021:15).



Consultation and Tribal Engagement

Consultation and collaboration are two separate, but not mutually exclusive, processes involved with land management. At present, only the consultation process is well-defined for Federal lands. The BEITC seeks to better define the collaboration process for management of lands in BENM, which will guide and inform consultation.

Consultation with Tribal Nations of the BEITC and other Tribes with ancestral ties to the region is mandated by Executive Order No. 13175, Consultation and Coordination with Indian Tribal Governments (E.O. No. 13175), laws, regulations, court cases, and federal agency policies and procedures. Consultation stems from the government-to-government relationship between the United States and Tribal Nations and reflects treaty and trust responsibilities of the United States. The Federal government is responsible for engaging Tribal Nations in consultation regarding all aspects of management of the BENM.

Consultation for the BENM should be based on concepts Free, Prior, and Informed Consent (FPIC) to reflect the importance of the landscape and resources to Tribal Nations. FPIC was included in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In 2010, President Obama announced that the United States endorsed and supported UNDRIP. UNDRIP is a comprehensive statement addressing the rights of indigenous people. UNDRIP contains minimum standards for the survival, dignity, and well-being of indigenous people. UNDRIP acknowledges various methods necessary to respect and remedy the rights of indigenous people.

FPIC is a necessary policy and legal tool to ensure that the rights, views, and legal obligations of Tribal Nations are incorporated into federal agency decisions, policies, and actions. FPIC is designed to replace colonial processes that historically excluded tribes from decision-making related to activities that affected their lands, rights, interests, or resources, including removal and displacement from homelands without consent. Implementing FPIC within the BENM would help to set the standard for including tribal traditional knowledge and expertise in land and resources management.

Section 106 of the National Historic Preservation Act (NHPA) provides specific source of consultation for the BENM. Section 106 consultation is the interface where cultural resource staff, agency officials, tribal representative, archaeologists, the public, and others can come together to participate in a decision-making process. It is during consultation that a Tribe's interests, concerns, and expectations can be expressed to Federal land managers. Generally, this occurs during or after plans have been drafted by Federal land managers and in the past Tribes have often been in a reactive position.

Collaboration is proactive, and involves regular, early, and ongoing engagement between Tribes and Federal agencies to develop approaches to planning and preservation. It is an open and free exchange of information and opinion among parties which leads to a mutual understanding of issues. Collaboration brings traditional Native knowledge to discussions that are presently dominated by Western scientific perspectives. Unlike consultation, the Tribal Nations of the BEITC would be involved in the planning process and not solely reviewers of already prepared draft materials created



without any meaningful input from the Tribe. Proactive collaboration contributes to facilitating the Section 106 consultation process.

Consultation as part of the Section 106 process should remain as a means for Federal land managers to solicit a Tribe's feedback (via a Tribal Historic Preservation Office, or Cultural Resource Advisory Team) about a particular project or issue. However, it is ongoing Tribal engagement that will form a collaborative partnership with Federal agencies that will fulfill the spirit of Presidential Proclamation 9558 that established the BENM and reiterated in Presidential Proclamation 10285 that restored BENM in 2021. This will provide Native input on both tangible and intangible aspects of the Bear's Ears landscape and acknowledges the validity of Native knowledge that comes from a non-Western (Euroamerican) paradigm.

Existing Federal Framework for Tribal Collaboration

Appendix H of the 2020 Bears Ears National Monument Management Plan (BENM MP) is titled *American Indian Tribal Collaboration Framework*. The BLM and USFS recognize that beyond the formal and legal consultation responsibility the United States has with Tribal governments, the Federal government is committed to pursuing a goal of shared stewardship of lands managed within BENM. The BENM stands out from other monuments in that Presidential Proclamations 9558 and 10285 recognize the importance of Tribal participation in the development of a management plan and the subsequent management of the Monument to ensure the proper care and management of Monument objects.

As outlined in Appendix H of the 2020 BENM MP, this collaboration with the Federal land managers would include but is not limited to:

- Execution of an annual or semi-annual BENM summit with the commission or comparable entity to discuss management direction, proposed and ongoing projects, agency and Tribal priorities, research proposals and findings, and other items of importance or significance.
- Routine and ongoing communication (including and as determined necessary weekly, bi-weekly, or monthly meetings) with Tribal leaders or their delegated representatives to discuss regular and continuing administration and management activities.
- Development of confidentiality agreements allowing the Tribes to share sensitive cultural resource information that can be used when considering or evaluating projects.
- Identification and listing of traditional cultural properties and other properties on the National Register of Historic Places.
- Identification of culturally significant landscapes to be considered when evaluating projects.
- Access to and protection and use of American Indian sacred sites in accordance with Executive Order 13007.
- Protection of cultural objects currently under the care of the BLM (including in the Cerberus Collection and other BLM-administered collections), and/or USFS, and the development of interpretive and educational materials.



- Work with Tribal governments to establish a comprehensive agreement to assist with efficient repatriation of American Indian human remains and cultural items under the Native American Graves Protection and Repatriation Act (NAGPRA).
- Cooperative development of activity-level plans identified in the Monument Management Plans and Environmental Impact Statement including, but not limited to, such items as the cultural resource management plan, camping plan, travel management plan, and sign and interpretation plan.
- Review, prioritization, and input on the selection of research projects funded by the Federal government through various programs including the National Conservation Lands program and Federal agency cultural programs.
- Internal review of all project proposals and associated environmental analysis to ensure that American Indian concerns are adequately addressed and that Tribal historical knowledge is adequately taken into consideration.
- Participation in internal scoping efforts, including early issues identification and project design.
- Development and management of volunteer and cooperative agreements with third-party organizations to assist with the implementation of on-the-ground projects, monitoring, and other public education and outreach activities.
- Collaboration with Tribes and agencies to maximize efficiencies for wildfire and fuels-reduction programs. This may include a partnership for initial fire attack and protecting structures, facilities, natural resources, and cultural resources through fuels-reduction projects.
- Review, prioritization, and input on the management of cultural resources including scientific, traditional, conservation, experimental, and public uses.
- Expansion and promotion of employment, volunteer, and internship opportunities for American Indians.
- Enhancement of on-the-ground experiential education and service opportunities for both Tribal and non-Tribal youth groups or organizations.
- Collaboration on issues of general administration, including items such as law enforcement, wildland fire, and the identification, location, and design of future facilities.
- Identification of shared office space, including the location of the commission or comparable entity staff in BENM facilities so there is full integration into Federal agency interdisciplinary teams.

Many of the goals outlined in the previous federal framework for collaboration are worth retaining in the development of a new plan; however they should be reviewed and executed with the involvement of the Bears Ears Coalition of Tribes.



GOALS AND MANAGEMENT OBJECTIVES FOR COLLABORATIVE MONUMENT PLANNING AND MANAGEMENT

BEITC Management Goals

The Bear's Ears region has significance that is greater than any single Native group. It is a sacred landscape that transcends individual Tribal concerns. The goals of having collaborative management in BENM can be summarized as follows:

- Establish a proactive process for the Tribal Nations of the BEITC to collaboratively manage BENM with Federal land managers.
- Have indigenous knowledge and Native ways of knowing given equal consideration with knowledge from processes framed by a Western scientific paradigm.
- Establish principles for equity between Tribes and Federal land managers that will also ensure continuity of collaborative management.
- Create a full-time Tribal Management staff to participate in collaborative management with Federal land managers.
- Secure Federal funding for full-time Tribal Management Staff.
- Establish and fund a Traditional Knowledge Institute that has programs that would have a Native benefit.
- Establish a reciprocal relationship between Tribes and Federal land managers regarding sharing of indigenous knowledge with information collected within a Western scientific paradigm.
- Enhanced data sharing and acquisition for Tribes.
- Tribal input regarding adapting the collaborative land management plan over time.
- Work with federal agencies to integrate natural elements of the environment into cultural resource management.
- Create a management category for Auditory Environment.

BEITC Management Actions to Reduce Threats

In developing management actions for BENM, the Tribal Nations of the BEITC integrated traditional perspectives with pragmatic management recommendations based on proposed uses and perceived threats to monument resources. This was done by reviewing existing federal MMPs and adding or adapting the management goals and actions. The current federal MMPs outline several management categories, including:

- Traditional Indigenous Knowledge
- Management Common to All Resources
- Cultural Resources
- Fire Management
- Lands and Realty



- Lands with Wilderness Characteristics
- Livestock Grazing
- Paleontological Resources
- Recreation and Visitor Services
- Riparian and Wetland Resources
- Soil and Water Resources
- Special Designations
- Special Status Species
- Travel and Transportation Management
- Vegetation
- Visual Resource Management
- Wildlife and Fisheries Resources
- Woodlands and Forestry

Tribal Nations of the BEITC land managers added “Auditory Environment” as another category that they believe merits explicit management actions in BENM.

Tribal Nations of the BEITC believe that many of the goals, objectives, and management actions outlined in the 2019 federal MMPs and 2020 Record of Decision should remain in place; however some modifications are needed, and additional goals, objectives, and management actions deriving from tribal epistemologies should be added. The recommendations provided in Appendix C thus integrate the goals, objectives, and management actions from the BLM and USFS MMPs with edits and additions made by Tribal Nations of the BEITC. Finally, as expressed in Presidential Proclamation 10285, the Tribal Nations of the BEITC will continue to take an active role in the development of a new BENM management plan that represents tribal perspectives and reflects a co-management relationship between the BLM, USFS, Tribal Nations, and other stakeholders.

A TRIBAL-FEDERAL COLLABORATION FRAMEWORK

Figure 4 graphically depicts the current framework proposed by Appendix H of the BENM MP. Figure 5 depicts a proposed framework that is more collaborative and offers a means to operationalize Appendix H of the BENM MP. Further explanation of duties and responsibilities proposed in this adaptation to the tribal collaboration framework are further discussed below. The primary adaptations to the existing collaborative framework (Appendix H of the BENM MP) are as follows:



- Expansion of the BENM Commission to include full-time Tribal Management staff
- Funding for full-time Tribal Management Staff
- Establishing and funding a Traditional Knowledge Institute that has programs that would have a Native benefit
- Enhanced data sharing and acquisition
- Adapting the collaborative management plan if required

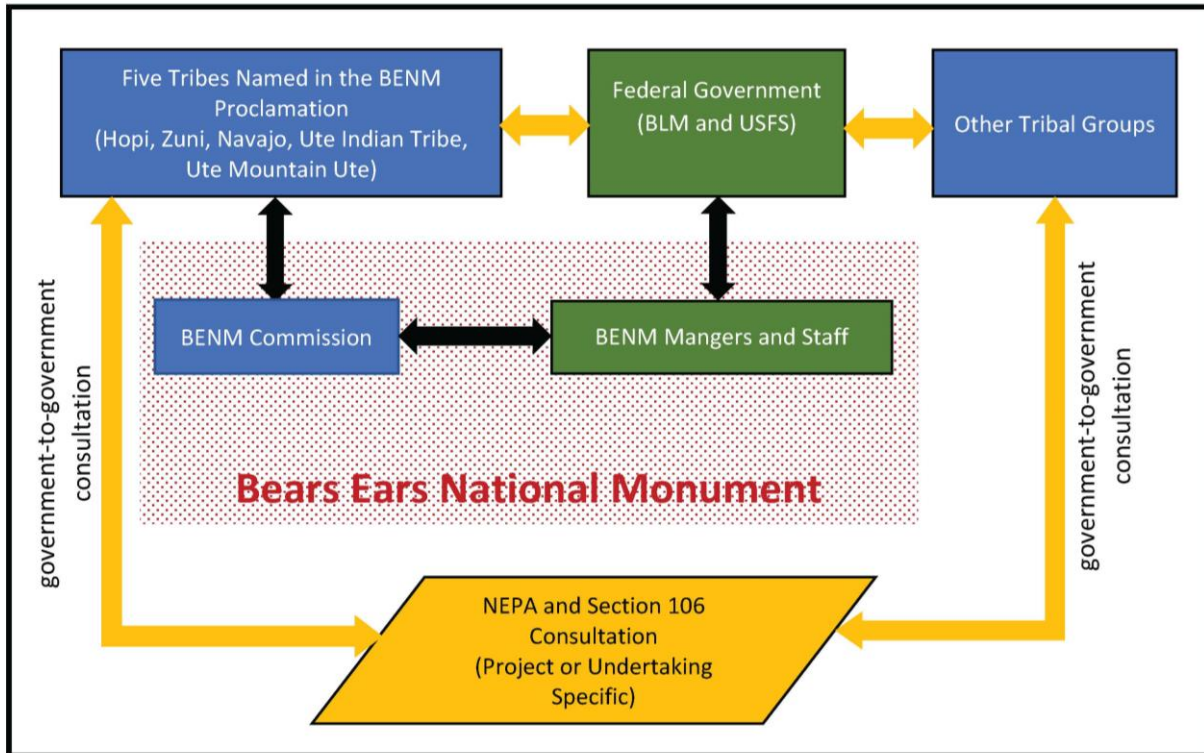


Figure 4. Graphic depiction of the Federal-Tribal collaborative management framework proposed for BENM in Appendix H of the 2020 BENM MP.



government-to-government consultation

government-to-government consultation

Bears Ears National Monument

NEPA and Section 106
Consultation
(Project or Undertaking
Specific)

Figure 5. Graphic depiction of the Federal-Tribal collaborative management framework proposed by the BEITC for BENM.

An Expanded Bears Ears Commission: BENM Tribal Management Staff

Ongoing engagement between the Federal agencies and Tribal Nations cannot occur without funding. Both the BLM and USFS management plans for lands of BENM repeatedly prioritize ongoing engagement with descendant communities. However, neither the BLM nor USFS provide any specifics regarding the source of funding to allow this engagement to happen as outlined. Fundamental to meaningful, early, ongoing engagement with Tribal Nations is support for not only travel but the time required to effectively collaborate with Federal agencies for informed decisions regarding the management of lands within BENM. The Tribes of the BEITC prefer conducting management face-to-face rather than relying on letters, phone calls, and emails. It is also crucial to have Tribal staff dedicated to a schedule for regular on-going meetings, and that the meetings are part of a regular schedule to facilitate planning.



As mandated by the 2016 Presidential Proclamation for the Establishment of Bears Ears National Monument, a Bears Ears Commission (Commission) was established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission is to consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. The Commission will set policy within the bounds of the proclamation, the management plan, and MOUs or MOAs adopted in connection with the proclamation. The Commission will set performance standards and conduct annual performance reviews.

The BEITC recommends adding additional personnel selected by each of the five Tribes to be involved as BENM Tribal Management Staff. This would allow for Tribes that are already understaffed to devote the time required to the collaborative management of BENM as outlined in this plan. Unlike the elected officers that are part of the Commission, the BENM Tribal Management Staff members would be selected by each Tribe. The selection of the BENM Tribal Management Staff members would be based on employment regulations of each Tribe and suitability for the position.

The BENM Tribal Management Staff would be the primary means of regular collaboration with Federal land managers, and Tribal land managers. They would be provided with office space near or inside of BENM but may not need to be permanently stationed at BENM if some tasks could be completed remotely (i.e., planning and review tasks).

National Environmental Policy Act (NEPA) and Section 106 consultation would continue with Tribal Governments as is currently done on Federal lands. However, the ongoing collaborative management with the BENM Tribal Management Staff would streamline this process since there will already be involvement in planning and review of proposed undertakings. Since the Tribal Nations of the BEITC will be involved early and often with management issues, they will have already been in discussions with their Tribal leadership, community members, THPOs, and Natural Resource specialists ahead of the Section 106 and NEPA processes.

Funding Tribal Engagement: Federal and NGO Sources

The 2020 BENM MP states that at the discretion of Authorized Officer (BLM)/Responsible Official (USFS), funding may be provided to Tribes to facilitate their participation in the NEPA and NHPA processes under several circumstances (see BLM Manual MS-1780, Section 1.6.B, and H-1780-1, Appendix 2; see also Forest Service Manual 1563.15). It should be noted that this compensation policy allows for compensation but does not mandate it. Such compensation for consultation is not legally required; however, the BLM and USFS have the authority to provide it directly under certain circumstances or require that the compensation needed to acquire information necessary for the agency to make decisions regarding land use applications or authorizations be provided by third parties. The Federal agencies may utilize their own appropriated funds or cost-reimbursable accounts to reimburse Tribal members for travel expenses to attend meetings in connection with NEPA, the Federal Land



Policy and Management Act, or NHPA Section 106 processes, or for time taken to discuss proposed projects, cultural resource site management, or traditional use areas. (See the Advisory Council on Historic Preservation Memorandum, *Guidance on Assistance to Consulting Parties in the Section 106 Review Process*).

Appendix H of the 2020 BENM MP states that, in collaboration with the Commission or comparable entity, the BLM and USFS should identify any programs, functions, services, and activities that Tribes can assume, as described in the Indian Self-Determination and Education Assistance Act of 1975 and later amendments, regulations, and agency policy associated with this act. Self-determination contracts, also known as “638 contracts,” and negotiated funding agreements to assume programs, functions, services, or activities for the benefit of American Indians because of their status as American Indians are available to use under the discretion of the manager.

Although 638 contracts or other sources of funding such as grants administered through non-governmental organizations (NGOs) may be used to fund programs, there is a need for the BLM and USFS to fund a Bears Ears Commission or comparable entity that will allow for ongoing engagement with Tribal Nations for collaborative management of BENM. In this way, there will be true collaborative management that goes beyond Section 106 consultation efforts.

The BEITC recommends that the BENM Tribal Management Staff be fully Federally funded, but not be part of a Federal agency. This would require an annual budget for each of the five Tribes of the BEITC for salaries and travel that would adjust annually to account for inflation. The Traditional Knowledge Institute (discussed below) would be staffed by the Federally funded BENM Tribal Management personnel and programs could be funded by individual tribes, the Federal government or non-governmental organizations (NGOs) at the direction of the Commission. A benefit of this structure would be that it would help to consolidate and focus efforts on projects in BENM. This would in turn create an efficiency that would ensure that more funds go to programs than to redundant management.

Traditional Knowledge Programs

Traditional knowledge of Tribal Nations with ancestral ties to the region is fundamental to collaborative management of BENM and long-term preservation of the cultural landscape. The Federal land managers will benefit from Native American insights and input. Juxtaposing traditional Native and mainstream Western understandings of time, space, and valid modes of knowledge would be of benefit to Natives and non-Natives alike.

A key question of a Native land management plan is: what is the benefit of collaboration to the people that comprise these Tribal Nations with cultural ties to the Bear’s Ears region that live beyond the boundaries of the Bears Ears National Monument? The BEITC recommends establishment of an interdisciplinary Traditional Knowledge Institute within BENM. This would be under the collaborative management by Tribal Nations and Federal agencies. There are three interrelated programs that would form the basis of the Traditional Knowledge Institute:



- **Natural Resources Program** -- The creation of a natural history program that would include indigenous perspectives on plants, animals, geology, astronomical, and water resources. One portion of this program would be establishing a Bear's Ears catalog that includes Native names, traditional uses, and narratives surrounding natural resources in the area. This traditional knowledge would augment the management-driven (i.e., Western scientific paradigm) studies that are mandated for Federal lands. It would help preserve this knowledge for Tribal Nations, but also be a component of other education programs for Natives and non-Natives alike.
- **Cultural Ranger Program** -- Establishing a cultural ranger program that emphasizes an indigenous knowledge approach to the cultural landscape that comprises archaeological sites, Native histories, and the natural resources of BENM. The program would amplify and bolster the visit with respect/leave no trace messaging of the BLM and USFS, with an emphasis on Native perspectives regarding the landscape. This program would be open to tribal members and help to train current and future land managers working within and beyond BENM. They could also monitor sites and train non-Native site stewards working in the region on indigenous perspectives.
- **Curriculum Development Program** – The emphasis would be on indigenous knowledge as well as taking scientific data that is generated in BENM and turning it into meaningful information to create curricula for Native people. This is a way for Tribal Nations with ancestral ties to the landscape of the Bears Ear's region to take information back to their people who now live out of the area. The program would also provide indigenous knowledge to non-Natives and Federal land managers to understand all perspectives on the landscape of BENM. This program would develop curricula regarding traditional knowledge that has been reviewed by individual Tribes in order to be shared outside of their communities so that culturally-sensitive information is not made public if it is to remain confidential.

Data Sharing and Acquisition

Data sharing between Tribal Nations and Federal land managers is fundamental to management of the Bear's Ears landscape. This information can increase the public's appreciation of history and the environment, and how to appropriately use the land and resources of the region. This applies to making both Native and non-Native people aware of environmental damage and how it affects their quality of life beyond the Bear's Ears landscape. Those who care about preserving America's natural and cultural landscape must share their views with others.

In addition to sharing extant data, there is a need for access to data on BENM resources including:

- archaeological data, including a complete inventory of BENM
- ethnographic research and TCP identification
- natural resources data on quality and conditions of water, plants, animals, birds, air
- land use and recreation data



Data sharing agreements would be put into place to preserve sensitive information regarding BENM resources. Specific traditional information may not need to be shared beyond the Tribes. Ongoing engagement would allow Tribal Nations to understand development and land use of the Bear's Ears region and they could identify any conflicts with traditional cultural properties without necessarily needing to share specific culturally-sensitive information with land management agencies.

The 2020 BENM MP states that the BLM and USFS should engage with Tribal partners to ensure access to and use of sacred sites, as defined in Executive Order 13007. The BLM and USFS should seek to enter into agreements to share capability, expertise, and insight into fostering the collaborative stewardship of sacred sites and other properties of traditional religious and cultural importance. The BLM and USFS will collaborate with Tribes when developing site-specific protection and management plans that pertain to sacred sites or properties of traditional religious and cultural importance. Site-specific protection and management plans may include procedures for utilizing Tribal expertise and capabilities regarding stabilization, patrolling, interpretation, stewardship education, or ethnographic insights into site use and significance including identification of traditional cultural properties and culturally significant landscapes. Federal land managers and Tribal Nations may formalize site-specific protection and management plans with the completion of an agreement document.

A Living Document: Adapting the Plan

The BLM and USFS developed the 2020 BENM MP with the intent of creating an ongoing two-way dialogue with American Indian Tribes, specifically those named in Presidential Proclamations 9558 and 10285. This document states that changes will be made in response to American Indian comments or feedback. Future changes to the plan should be made as necessary in order to adapt to future feedback from Tribal Nations.

This feedback and evaluation of the management plan would be made bi-yearly. Of interest will be the success of collaborative management by a Commission or similar entity and the Federal agencies including BLM and USFS. Collaborative management and ongoing tribal engagement will be adjusted as necessary to so as to best fulfill the mandates of the BENM MP.

Native Stewardship Training for Federal Managers

Appendix H of the 2020 BENM MP states that Federal employees working in the BENM should complete the most recent training courses on Tribal relations. Currently, the BENM MP emphasizes that Tribal Nations should be invited to attend and participate in agency training courses related to NEPA, lands, rights-of-way, cadastral surveys, wildfire and fuels management, and heritage resources. The Ute propose that the Federal agencies have this backwards – at the current time, it is the Federal managers that need to understand Native perspectives and lack such training as it is generally something that is encouraged rather than mandated. This change in the culture of Federal land management is needed to actualize collaborative management and meaningful tribal engagement.

Rather than Federal employees of the BLM and USFS taking advantage of cultural awareness training sponsored by Tribes, the BEITC recommends that this be a mandatory part of collaborative management training for Federal employees. This would strengthen Federal staff's understanding and



appreciation of Tribal traditional, cultural, and religious values, as well as treaties and other Tribal reserved rights on Federal lands.

Federal managers should encourage BENM staff to attend gatherings sponsored by Tribal entities, Tribal consortiums, or nonprofit organizations offering specialized knowledge and addressing issues important to Tribes. The BLM and USFS may also co-host workshops with Tribes concerning Tribal relationships, traditional cultures, and consultation. Presentations may include traditional technologies and crafts, a mutual understanding of traditional use areas, cultural landscapes, and the full scope of Tribal interests.

Change to the Utah Archaeological Site Form for BENM

The Utah Archaeological Site Form currently has shortcomings when it comes to ethnography and identification of Traditional Cultural Properties (TCPs). It is recommended that a confidential ethnographic attachment be created and appended to all site forms. This attachment would remain internal to BENM and be used to document: a) known TCPs in the study area, and b) any ethnographic information that would be pertinent to the archaeological site. In this way, archaeological inventories would be required to consider the non-material aspects of cultural sites in BENM.

It is recommended that ethnographic work be mandated for cultural resource inventories within BENM. Currently, the BLM and USFS do not require that ethnographic work be completed in conjunction with archaeological inventories. Tribes are consulted on the findings of archaeological inventories, which are most often completed by non-Native archaeologists. Having ethnographic work completed as part of cultural resource inventories would provide much more complete information to be used for land planning activities in relation to cultural resource sites. The five tribes of the BEITC should be involved with these ethnographic overviews on inventory projects within BENM. In this way, the Tribal Nations of the BEITC would be engaged prior to and during the data-gathering phases of land planning rather than consulted afterward on data that may be incomplete from a tribal perspective.

PROPOSED TIMELINE FOR ADAPTATIONS TO THE COLLABORATION FRAMEWORK

Year 1

- revise the existing 2020 BENM MP to incorporate collaborative management as outlined in this document, and/or create an MOU regarding collaborative management
- select members for the Commission to function in a full-time capacity for collaborative management
- hold a meeting of the Commission
- identify and secure on-going Federal funding for the Commission/Coalition
- request and receive all BENM geospatial data (GIS shapefiles) from USFS and BLM



Year 2

- establish Tribal protocols for collaborative management of BENM
- establish the Traditional Knowledge Institute in concert with the Federal land managers
- identify and secure funding sources for development of the Traditional Knowledge programs, including grants administered by non-profit organizations
- create an attachment to the Utah State Archaeological Form that would be for Bears Ears National Monument that is oriented toward ethnographic research needs and the cultural landscape

Year 3

- Identify and establish partners to assist with development of the Traditional Knowledge programs

Year 4

- Launch the Traditional Knowledge Institute programs

Annual Activities

- meet quarterly or more frequently with all members of the Commission to provide Tribe-to-Tribe updates
- meet yearly with all members of the Commission and Federal land managers, as well as other stakeholders
- develop contracts and grants to fund the programs of the Traditional Knowledge Institute

Bi-Annual Activities

- select Commission members for a 2-year term
- evaluate the workability of the Bears Ears collaborative management plan and adjust as needed



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**Bears Ears Inter-Tribal Coalition:
A Collaborative Land Management Plan for the Bears Ears National Monument**

Appendix A:
Tribal Resolutions (Hopi, Navajo, Zuni, Ute Indian Tribe, Ute Mountain Ute)



**Bears Ears Inter-Tribal Coalition:
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Appendix B:
Bears Ears National Monument Proclamations 9558 and 10285



**Bears Ears Inter-Tribal Coalition:
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Appendix C:
Tribal Review and Contributions to the LMP Categories
(based on 2019 BLM and USFS MMPS and 2020 ROD).

