

To: Pentecost, Brian M -FS[bpentecost@fs.fed.us]; Donald Hoffheins[dhoffhei@blm.gov]; Lance Porter[l50porte@blm.gov]
From: Ashcroft, Tyler
Sent: 2017-06-12T10:40:52-04:00
Importance: Normal
Subject: Fwd: Bears Ears Commission Letter on Review Authority and Process
Received: 2017-06-12T10:41:05-04:00
[ATT00001.htm](#)
[Bears Ears Comm Ltr Zinke re Monument Review and Comm Authority 6 7 17.pdf](#)

Mark,

Thought that this is something that you should be aware of. Probably a close hold document at this point.

----- Forwarded message -----

From: Edwin Roberson <eroberso@blm.gov>
Date: Mon, Jun 12, 2017 at 8:00 AM
Subject: Fwd: Bears Ears Commission Letter on Review Authority and Process
To: Anita Bilbao <abilbao@blm.gov>, Abbie Jossie <ajossie@blm.gov>, Lance Porter <l50porte@blm.gov>, Donald Hoffheins <dhoffhei@blm.gov>, tashcrof@blm.gov

FYI. We can discuss this week. I understand the Commission next week

Sent from my iPhone

Begin forwarded message:

From: "Nedd, Michael" <mnedd@blm.gov>
Date: June 12, 2017 at 6:53:19 AM MDT
To: Edwin Roberson <eroberso@blm.gov>, Christopher McAlear <cmcalear@blm.gov>, Nikki Moore <nmoore@blm.gov>
Cc: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, John Ruhs <jruhs@blm.gov>
Subject: Fwd: Bears Ears Commission Letter on Review Authority and Process

FYI

Take care and have a wonderful day! :)

Michael D. Nedd

Bureau of Land Management,

Acting Director

202-208-3801 Office

202-208-5242 Fax

mnedd@blm.gov

A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"

----- Forwarded message -----

From: **Rollie Wilson** <RWilson@ndnlaw.com>

Date: Wed, Jun 7, 2017 at 6:33 PM

Subject: Bears Ears Commission Letter on Review Authority and Process

To: "james_cason@ios.doi.gov" <james_cason@ios.doi.gov>

Cc: Gareth Rees <gareth_rees@ios.doi.gov>, Miles Janssen <miles.janssen@bia.gov>, "Ortiz, Hankie" <hankie.ortiz@bia.gov>, Michael D Nedd <mnedd@blm.gov>, Mike Black <Mike.Black@bia.gov>

Hi Jim,

The Bears Ears Commission asked me to forward you a copy of the attached letter regarding the Commission's view of the review process and, in particular, the Commission's role in the management of the National Monument. As you know, the Presidential Proclamation provides the Commission with a role in the management of the Monument. Under the Proclamation, the Commission asks that it be included in management discussions related to Secretary Zinke's Interim Report due on June 10th.

Please feel free to contact me to schedule these management discussions. Thanks,

Rollie Wilson

Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
Telephone: (202) 450-4887
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Fax: (202) 450-5106

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Tyler Ashcroft
Project Manager
Bureau of Land Management
(801)-539-4068

BEARS EARS



June 7, 2017

The Honorable Ryan Zinke
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Zinke:

The Bears Ears Commission, made up of the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Pueblo of Zuni, appreciates your efforts to continue discussions with the Commission and its tribes who hold sacred the lands and resources of the Bears Ears National Monument. As you know, on May 25, 2017, representatives of the Tribes who make up the Commission met with Acting Deputy Secretary James Cason to let him know that the President does not have the authority to modify or revoke any national monument, and in particular Bears Ears. These representatives also provided an overview of the substantial data and information supporting the size and scope of the Bears Ears National Monument, including voluminous information about cultural, anthropological, paleontological, biological, and geological sites and resources. As we explained, the area within the Monument is a vital part of the traditions of our people, and our Tribes use sites within the Monuments for ceremonies and traditional activities, such as hunting and herb gathering. We reiterate here that there is no statute authorizing any review of monuments, nor statutory authority for any public comment period, and certainly no authority—statutory or otherwise—to diminish or revoke any monument. Therefore, although we have no choice but to respond, the public process created by this order is unauthorized and void.

If you decide to move forward with the review process, the Presidential Proclamation establishing the Bears Ears National Monument provides the Commission with an essential role in the management of the Monument. The Proclamation requires that the Departments of Interior and Agriculture “meaningfully engage” the Commission in management of the monument. Under this existing law, the Commission must be involved in proposals that you put forward in your June 10th Interim Report.

While our tribes have always managed the lands and resources within what is now the Bears Ears National Monument, we began our work as the Commission in early 2017. As you can see in the enclosed materials, each of the five named tribes appointed a representative to the Commission and we quickly passed bylaws for the operation of the Commission. We have already met a number of times, began to develop management priorities and began to discuss management with your Regional and Field Offices.

Page 2 of 2

We look forward to discussing this further with you. Please contact my attorney, Matthew Campbell, at 303-447-8760 or mcampbell@narf.org to schedule further management discussions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carleton Bowekaty". The signature is fluid and cursive, with the first name "Carleton" written in a larger, more prominent script than the last name "Bowekaty".

Carleton Bowekaty, Chairman
Bears Ears Commission

Enclosures

cc w/enclosures:

The Honorable Sonny Perdue, Secretary
U.S. Department of Agriculture

Bears Ears Tribal Commission Bylaws

Preamble

In the proclamation of December 28, 2016 establishing the Bears Ears National Monument, President Barack Obama established this Commission in recognition of the leadership of the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and the Pueblo of Zuni (the Tribes) in bringing the Monument proposal forward. The purpose of establishing the Commission is to allow for collaborative management between the Commission and the Federal agencies, “to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge;” and “to provide guidance and recommendations on the development and implementation of management plans and on management of the monument.” The proclamation provides for the Commission to have broad discretion in carrying out its initiatives: “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.”

Mission

We have been called to protect and enhance this sacred cultural landscape that is the Bears Ears National Monument, homeland to each of our Tribes. It has been, is, and will always remain a place to heal, to pray, to sing and dance, to gather herbs and medicines, to hold gatherings, and to pay high honor to our ancestors and descendants. We pledge to preserve and improve the land conditions of the Monument and to provide robust protection of, and access to, the innumerable cultural resources of the area. To achieve these objectives, we are committed to working collaboratively with the federal agencies.

This will enrich the practice of land management by demonstrating how using our traditional knowledge combined with Western science and notions of land management can lead to a deeper and more profound understanding of the relationship between human beings and the natural world.

We irrevocably commit ourselves, our successors, and our honor to improving conditions day by day, month by month, year by year, forevermore.

Article 1 – Name

The name of this organization shall be the Bears Ears Tribal Commission (the Commission).

Article 2 – Membership

Section A. Member Tribes. The Commission is made up of the following five Tribes: the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni.

Section B. Additional Member Tribes. Tribes may join the Commission with approval of three of the five member Tribes. If the number of Commission Tribes grows, approval of additional Tribes shall require a majority plus one vote of the existing member Tribes.

Article 3 – Leadership

Section A. Commissioners. Each Tribe shall have the right to appoint one voting Commissioner. Each Commissioner shall be either a legislative officeholder elected by popular tribal vote or a person elected by the tribal government. The terms and the tenure for commissioners will be decided by the individual tribes.

Section B. Board of Commissioners (Board). The Board shall be comprised of the Commissioners. The Board shall be the governing body of the Commission and shall manage, control, and direct the affairs, policies, and property of the Commission. The Board may create committees and subcommittees as appropriate.

Section C. Co-Chairpersons. The Board shall have two Co-Chairpersons elected by the Commissioners at the first meeting of each calendar year. The Co-Chairpersons shall be responsible for calling and overseeing meetings, conducting relationships with federal agencies concerning collaborative management, working with advisors, guiding the Commission, organizing media outreach, and conducting other appropriate duties.

Section D. Commission Treasurer. The Commission shall elect a Treasurer at the first meeting of each calendar year. Unless and until delegated to staff, the Treasurer shall handle the Commission's finances and conduct other appropriate duties.

Section E. Commission Secretary. The Commission shall elect the Secretary at the first meeting of each calendar year. Unless and until delegated to staff, the Secretary shall take notes at meetings, distribute notes if necessary, make arrangements for keeping of records, and conduct other appropriate duties.

Section F. Support Staff and Advisors to the Commission. The Commission may retain, on a paid or volunteer basis, staff, subject matter experts, attorneys, and other personnel, as appropriate. Indian preference and shall be applied where appropriate.

Article 4 – Meetings

Section A. Scheduling of Meetings. Dates and locations of meetings of the Board will be held at the call of the Co-Chairpersons.

Section B. Quorum. All scheduled meetings of the Board will require a quorum of three Commissioners. While personal attendance is preferred, commissioners may participate by conference call.

Section C. Decision Making. Decisions of the Board Commission will be made at scheduled meetings except that, upon agreement of the presiding Co-chairperson, votes may be taken by electronic communication. Decisions will be made, when possible, by consensus. If consensus cannot be reached, then a majority vote of Commissioners constituting the quorum of Commission Tribes will determine Commission decisions.

Section D. Procedure. When possible, meetings of the Board will be conducted informally and by consensus. When the presiding Co-chairperson determines it to be appropriate, Robert's Rules of Order may be employed.

Article 5 – Financial documents

Section A. Contracts and other Writings. Except as otherwise provided by Commission policy, all contracts, deeds, leases, mortgages, grants, and other agreements of the Commission shall be executed by the Treasurer or other person to whom the Board has delegated authority to execute such documents in accordance with policies approved by the Board.

Section B. Checks and drafts. All checks, drafts, or other orders for the payment of money, shall be signed by any two agents of the Commission as determined from time to time by Board resolution.

Section C. Deposits. All funds of the Commission not otherwise employed shall be deposited from time to time to the credit of the Commission in such banks, trust companies or other depository as selected by the Board.

Article 6 – Amendments

Amendments to the Bylaws may be adopted by approval of two-thirds of the members of the Board.

Article 7 – Effective date of bylaws

The bylaws shall be in full force and effect when ratified by all member Tribes.

Date: 5/19/2017

Agreed:



Co-Commissioner



Co-Commissioner