

To: Jordan Wirfs-Brock[JordanWirfs-Brock@rmpbs.org]
From: Kimberly Finch
Sent: 2017-02-04T04:44:11-05:00
Importance: Normal
Subject: Re: Bears Ears National Monument fact checking request
Received: 2017-02-04T04:44:14-05:00

Hi Jordan,

Thanks again for checking in with BLM-Utah regarding your documentary, for background and fact checking only, not for quotation or citation.

1. Land ownership prior to designation

The Bears Ears National Monument included the following lands prior to designation: Bureau of Land Management, US Forest Service, private lands, and State of Utah lands. No tribal or treaty lands were inside the designated

boundary. https://www.blm.gov/sites/blm.gov/files/documents/files/Utah_final.pdf

Land information can be found in this fact sheet on page

3: https://www.blm.gov/sites/blm.gov/files/documents/files/BE%20QA%20Fast%20Facts_1.pdf

2. Looting and vandalism in the monument

I'm sorry, but we can only responding to specific fact checking inquiries on looting and vandalism and will not be able to provide looting and vandalism statistics as a primary source for citation.

Sent from my iPhone

On Feb 3, 2017, at 12:01 PM, Jordan Wirfs-Brock <JordanWirfs-Brock@rmpbs.org> wrote:

Hi Kimberly,

Thanks so much – end of day is great!

We would like to be able to say how many incidents of looting have been reported to the BLM within what has now been designated as the Bears Ears National Monument. If you can give me an idea of how many incidents have been reported in the past year, or the past two years, etc., that would be great. But any sense you can give me of the scale of looting incidents that have been reported to BLM would work.

Cheers,
Jordan

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From: Kimberly Finch <kfinch@blm.gov>
Date: Friday, February 3, 2017 at 11:53 AM
To: Jordan Wirfs-Brock <JordanWirfs-Brock@rmpbs.org>
Subject: Re: Bears Ears National Monument fact checking request

Hi Jordan

I will have a response by the end of the day. What specifically are you including regarding looting and vandalism so I can check your information.

Sent from my iPhone

On Feb 3, 2017, at 10:36 AM, Jordan Wirfs-Brock <JordanWirfs-Brock@rmpbs.org> wrote:

Hi Kimberly,

Just checking in to see if you've been able to get any information on the looting/vandalism and land ownership questions. Thanks so much for your help!

Best,
Jordan

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From: "Finch, Kimberly" <kfinch@blm.gov>
Date: Wednesday, February 1, 2017 at 12:29 PM
To: Jordan Wirfs-Brock <JordanWirfs-Brock@rmpbs.org>
Subject: Bears Ears National Monument fact checking request

Hi Jordan,

Thanks for reaching out to the BLM and providing us an opportunity to help you check facts for your documentary.

I will need to get back to you on your inquiry regarding land ownership and looting and vandalism. I think the proclamation will answer your third inquiry regarding terms of the designation as it relates to energy development and wood gathering. Let me know if you need more information than what is cited here from the proclamation.

Background: <https://www.blm.gov/programs/national-conservation-lands/national-monuments/utah>

Proclamation: <https://obamawhitehouse.archives.gov/the-press-office/2016/12/28/proclamation-establishment-bears-ears-national-monument>

Cited from the proclamation:

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon

those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

[...]

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

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