

**To:** Kimberly Finch[kfinch@blm.gov]  
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## What's Next for Bears Ears? Panel Discussion

Celebrate Cedar Mesa: March 4<sup>th</sup>, 2017

Bluff Community Center

Panel scheduled to start approximately 11:15 AM

### *Format:*

- Introduction by Carl Rountree, former Head of BLM National Conservation Lands in Washington, D.C.
- Brief opening statements and introductions of panel participants
- Questions from moderator (no audience questions...audience can be encouraged to ask their own questions of panelists at lunch)
- Carl will direct questions to appropriate panel members to avoid putting panelists in tricky positions (e.g. BLM would not be asked to speculate about legal scenarios).

### *Panelists:*

- John Ruple, Wallace Stegner Center for Land Resources and the Environment, University of Utah
- Alfred Lomaquahu, Vice-Chairman of the Hopi Tribe and Co-Chair of the Bears Ears Inter-Tribal Coalition
- Nada Culver, Director of The Wilderness Society BLM Action Center
- Tentative: BLM representative TBD

## Potential Moderator Questions

\*\*\*Panelists are encouraged to provide feedback on questions prior to the event to help us avoid problematic situations and/or framing. We will likely not get to all of the question due to time constraints, so Carl may skip questions to cover a range of topics.\*\*\*

*State Director Ed Roberson should only be asked questions for which he has the authority, experience, and expertise to speak on. We will request that certain questions not be presented to him in that regard. Please do not ask the state director to speculate on politics.*

### “Undoing” or Shrinking the National Monument

No point avoiding the elephant in the room ...so we'll get right to it. Recently the Utah Governor and Legislature requested the Trump Administration to “undesignate” or dramatically shrink the size of the Bears Ears National Monument. At this point, we have no indication if the Administration will take action or how quickly it might do so. (Obviously, this might change before the panel...and that would require some reframing of questions.)

- Under the Antiquities Act of 1906, what authority does a President have to undo a previous national monument designation? What past precedent is there to give us an idea of what might happen?

This question is not appropriate for the Utah State Director to address.

Mar. 1, 2017 ver. 1pm

- What would be the response from the Tribes and conservation community to an Executive “undesignation” or shrinkage of Bears Ears?

This question is not appropriate for the Utah State Director to address.

- Given that the litigation challenging a potential action to undesignate the Bears Ears National Monument will be the first legal test of a president’s authority to do so under the Antiquities Act, what will be the likely legal basis for not undoing the designation? Given that past presidents have modified the boundaries of previously designated monuments, do these actions provide any legal basis or precedent/nexus for undoing a designation?

This question is not appropriate for the Utah State Director to address.

- What, if anything, will happen in terms of the Monument’s management prior to the Administration making a decision on Utah’s request? Is it likely the Administration will restrain the federal agencies and Tribal Commission from doing any planning or anything different from the current management for the monument?

Ed Roberson response: I cannot speak for the Administration; I can only speak for BLM Utah as the state director. We have a national monument now, and like any of the public lands we manage, we will follow existing laws, policies, and guidelines and will continue to coordinate activities with our partners, stakeholders, local and state leaders, and the public. We have been managing this land for many years. Almost 70 percent of the BLM lands that are within the Monument are in areas that have some special land designation, such as wilderness study areas, special recreation management area, areas of critical environmental concern,

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We look forward to working with the new Administration and our new leadership including the newly confirmed Secretary of the Interior Ryan Zinke.

- Is this likely to change if litigation challenging any Administrative shrinkage or de designation is taken? Will the courts impose a stay?

While I can’t speak to speculations about what will happen to the national monument, I can say that we will continue to care for the lands we’ve been entrusted with to the best of our ability under the existing laws and policies. We will continue to manage lands in the Bears Ears National Monument according to the proclamation until new laws and policies are enacted.

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#### The Role of Tribes in the Planning and Management of the National Monument

For nearly 113 years, various advocates have been calling for protection of the Bears Ears area. The area was finally protected largely due to the outspoken advocacy of Native American Tribes. The final proclamation was obviously a historic act, with Tribes for the first time joining together to protect traditional homelands.

- What’s unique about the Bears Ears proclamation?

This question is not appropriate for the Utah State Director to address.

Mar. 1, 2017 ver. 1pm

- How do Tribes feel about the proclamation?

This question is not appropriate for the Utah State Director to address.

- Will it be more or less difficult for Tribes to stay united and engaged in the National Monument now that it has been created?

This question doesn't appear to be directed toward the Utah State Director.

- Obviously, lands containing valuable cultural sites were left out of the National Monument? Will Tribes and the conservation community continue to advocate for protection for those areas via other means?

This question doesn't appear to be directed toward the Utah State Director.

- The Proclamation creating the Bears Ears National Monument calls for the creation of a Bears Ears Commission which will be composed of one elected officer from each of the 5 Tribes that formed the Inter Tribal Coalition to support protection of the National Monument. This is the first time such a model has been created for planning for and managing a national monument. How do you see this model working; what challenges do you foresee in assuring its success?

Ed Roberson: We are excited for this new opportunity to work with the tribes. While we have always sought to achieve the highest level of coordination with tribes before making land management decisions, the Bears Ears Commission provides a new way of collaborating.

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- The proclamation also calls for the creation of a ~~Federal Advisory Council~~ monument advisory committee (per the FACA) to provide advice and information for the development of the monument's management plan.

- How does that ~~Council~~ committee process work?

The BLM will publish a call for nominations in the Federal Register to recruit members for the new MAC, including representation from state and local governments, tribes, recreation users, local business owners and private landowners. The MAC will consist of citizens and representatives with a variety of backgrounds who will advise the BLM and USFS on developing a monument management plan and on key issues associated with the new national monument. We cannot accept nominations outside of this process, because it has to be a fair and open process where everyone is notified at the same time of the process and opportunity to participate.

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- How do you see the ~~Council~~ committee and Bears Ears Commission working together and how might their roles differ?

Ed Roberson: It's too soon to say. The Bears Ears Commission is an independent entity and our coordination will be a two way street. Once the Bears Ears Commission is organized we will meet meet and discuss how we can best work together. We have already met with the Tribes that are identified in the proclamation, and we look forward meeting with the entire Bears Ears Commission.

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Monument Advisory Committees meet with the BLM one to four times per year and advise the BLM as a committee on a variety of key topics. We always provide at least 30 days advance notice to the public about the meetings and they are open to the public. We have not issued a call

for nominations for the MAC yet, but we will issue a news release when we do. The Governor of Utah must also approve the BLM's proposed committee selections.

#### "National Monument Planning"

The Proclamation creating the Bears Ears National Monument calls for the development of a management plan. This is standard for National Monuments and other protected areas.

- Briefly, what will the plan address and how might it differ from other Forest Service and BLM management plans?

The monument management planning process would be similar to the process the USFS and BLM currently follow. Land use planning is governed by laws like the National Environmental Policy Act. In addition, each agency has its own rules and regulations it has to follow. There will be a lot of opportunities for public involvement. During the monument management planning process the BLM/USFS will look at range of management options to protect the specific objects identified in the proclamation. Different than other planning processes the BLM will not be required to address some traditional multiple uses such as new mineral development because public lands in the monument are now withdrawn by way of the proclamation.

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- What are the challenges and opportunities of the Monument having two land management agencies involved in planning and management?

Ed R.: The BLM and USFS have a lot in common and have successfully worked together on a number projects. For example, we routinely coordinate our fire management activities. We have also worked together for years on coal and oil and gas projects, and on planning efforts such as sage grouse. Because we fall under two different departments in the federal government, each agency has to follow its own rules and regulations. This can add a layer of complexity. However there are potential benefits, for example we can also share resources and costs.

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- How will this sensitive and heavily visited area be managed in the interim, before a management plan is finalized?

In general we will continue to manage public lands in the national monument under the umbrella of our existing 2008 Monticello Field Office resource management plan. For example, we plan to continue to use our existing permit system for the canyons on Cedar Mesa. Before taking actions in the monument the BLM will need to determine if the action is consistent with the RMP, but we will also look at the proclamation and make sure we are protecting the objects identified. A lot of lands within the national monument were already afforded some level of protection prior to designation. For example 560,000 acres, or over 50% of the monument, are managed as special recreation management areas.

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Even before the national monument was created the BLM was investing considerable funding, time, and effort in stabilizing and protecting cultural sites, improving visitor experiences, and creating partnerships to help expand our capacity. Programs like the statewide site stewardship program, which involves Friends of Cedar Mesa, are very important to the BLM. Last year we also launched the Respect and Protect campaign to reach the public and provide guidance on how to visit sensitive sites with care and respect.

All of you can help us by making sure that you are informed on how you should visit cultural sites. We also encourage you to get involved by sharing our cultural resource protection messages, and by volunteering to be a site steward or in another capacity.

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- Will interim measures be taken to protect objects and values outlined in the proclamation while the planning process proceeds?

There are no specific interim measures planned. However, the BLM has the ability to take action, if needed to protect the objects identified in the proclamation.

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As I previously mentioned, even before the national monument was created the BLM was investing considerable funding, time, and effort in stabilizing and protecting cultural sites, improving visitor experiences, and creating partnerships to help expand our capacity.

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#### "Immediate Agency Actions"

- What changes does the proclamation designating the Bears Ears National Monument require that are different from the area's current management?

The BLM has only had about two months to read and understand the proclamation. We received it on the same day as the rest of the public. However, this is the 27<sup>th</sup> monument that is managed by the BLM. Because we manage other National Monuments, including the Grand Staircase Escalante National Monument here in Utah, we have learned some important lessons. We also have national guidance that helps us know what steps we need to take now that we have a proclamation.

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There are a few immediate notable changes. One of those changes is that the area is withdrawn from mineral activity, with the recognition of existing rights, like current leases. Another notable difference is the establishment of a Bears Ears Commission. As soon as the Commission is formed the BLM will begin to coordinate with them on projects.

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- Have any steps been taken to implement these changes?

We've only been managing the land as a national monument for two months; we're still gathering information and working with stakeholders, tribes, and within our agencies and departments to determine the best way forward. We've met with communicated with all of the tribes identified in the proclamation, who will also form the Bears Ears Commission.

- What are the more immediate changes we can expect?

To prepare for the visitor season, we are developing improved visitor information including maps, frequently asked questions, brochures, other website materials, and social media updates. We also welcome suggestions for how to provide better information for visiting the area. You can also expect to see a call for nominations for the monument advisory committee.

- Now that the area has been designated, the number of visitors will likely increase, at least for the next few years. To better protect the area, information and educational materials will be necessary. What steps are being taken to provide these?

To prepare for the visitor season, we are developing improved visitor information including maps, FAQs, brochures, other website materials, and social media updates. We also welcome suggestions for how to provide better information for visiting the area. You can also expect to see a call for nominations for the monument advisory committee. We are also planning to improve some existing recreation facilities like trailheads and campgrounds.

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- **Are any BLM or FS staff currently assigned to the Bears Ears National Monument and are additional staff being contemplated?**

The BLM and USFS are looking at the staffing needs. We don't know what our future funding will be and that will impact how we decide to staff the national monument. We currently have identified an existing employee to serve as a national monument project manager. He works with the USFS and the local area managers, like Lance and Don, to coordinate national monument activities.

- **What role can the public and groups like the Friends of Cedar Mesa play assisting in the management of the Bears Ears NM?**

Organizations like Friends of Cedar Mesa have helped the BLM develop educational information and guidance for visiting cultural sites carefully and with respect. The education and outreach that they provide is very helpful. There are a lot of people that are knowledgeable and passionate about this area. The BLM always welcomes ideas from the general public and from organizations about how we can care for these areas. The BLM recognizes we have limited resources and we're dependent upon partners and the public to help us care for these special places; whether it's through stewardship, sharing your experiences on social media, or with your friends and families, or volunteering on a resource protection project.

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- **Recognizing that a federal hiring freeze is currently in place, are there plans to hire a Monument Manager for the Bears Ear National Monument?**

As previously mentioned, we have identified a project manager to help coordination in the interim before we select a monument manager. Since it's only been two months, we're still analyzing what the staffing needs are. The hiring freeze doesn't prohibit the BLM from bringing on seasonal hires and we are working to make sure we have the seasonal staff we need to support our fire, recreation, and natural and cultural programs.

- **Will these staff be separate and apart from district and field office staff, or will they share other district and field office duties?**

The BLM and USFS are still looking at staffing needs and options. Some of the decisions we make will be driven by funding.

- **Will the Bears Ears National Monument be treated the same as the GSENM in Utah BLM's organization; i.e., reporting directly to the Utah State Office, or a part of the Canyon Country District or Monticello Field Office?**

We are still determining what makes the most sense. Again this decision is partially dependent on funding.

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