



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

February 16, 2018

Ms. Victoria Tauli-Corpuz
Special Rapporteur on the rights of Indigenous peoples
Office of the United Nations High Commissioner
for Human Rights

Dear Ms. Tauli-Corpuz:

Thank you for your letter of January 26, 2018, expressing concerns regarding the Presidential Proclamation modifying the Bears Ears National Monument.

Please find the United States response attached.

Sincerely,

A handwritten signature in blue ink that reads "Jason Mack".

Jason R. Mack
U.S. Deputy Permanent
Representative to the UN Human
Rights Council

SUBJECT: U.S. Response to SR on Indigenous Peoples on Bears Ears

Acting upon the recommendation of U.S. Secretary of the Interior Ryan Zinke, and with the support of Utah's governor, Congressional delegation, local officials, and residents, President Donald J. Trump signed a proclamation to adjust the boundaries and management of Utah's Bears Ears National Monument (BENM). The proclamation modifies the boundary of this monument and results in two unique monument units, which protect important objects of historical and scientific interest.

When he signed the proclamation, President Trump remarked that "[n]o one values the splendor of Utah more than the people of Utah – and no one knows better how to use it. Families will hike and hunt on land they have known for generations, and they will preserve it for generations to come." President Trump explained his rationale in part as follows: "The Antiquities Act [the U.S. federal law that President Obama had used to establish the BENM] does not give the Federal Government unlimited power to lock up millions of acres of land and water, and it's time we ended this abusive practice. Public lands will once again be for public use."

The BENM's two monument units, Shash Jáa and Indian Creek, will continue to be jointly managed by the Bureau of Land Management and U.S. Forest Service. Shash Jáa is approximately 129,980 acres and Indian Creek is approximately 71,896 acres. Collectively, at approximately 201,876 acres in size, Bears Ears remains larger than Utah's Bryce Canyon National Park and Zion National Park combined. The new proclamation allows for increased public access to the land and restores traditional use allowance for activities like cattle grazing and motorized recreation, and tribal collection of wood and herbs. Objects that remain within monument boundaries include: the "Bears Ears" buttes, Lime Ridge Clovis Site, Moon House Ruin, Doll House Ruin, Indian Creek Rock Art, and Newspaper Rock. The federal lands excluded from the monument will

continue to be managed by the Bureau of Land Management (BLM) and the U.S. Forest Service.

In addition, the President's proclamation provides that the Bears Ears Commission will provide guidance and recommendations for the Shash Jáa unit of the monument and will be expanded to include a Native American San Juan County Commissioner elected by the majority-Native American voting district in that County. The President and Secretary will also request that Congress formally allocate tribal co-management of the monument.

Before making his determination, the Secretary of the Interior visited eight monuments in six states and personally hosted more than 60 meetings attended by hundreds of local stakeholders. Attendees included individuals and organizations representing all sides of the debate ranging from environmental organizations like the Wilderness Society and the Nature Conservancy to county commissioners, residents, and ranchers who prefer multiple uses of the land. Before traveling to Utah, the Secretary met with tribal representatives in his office. On his first day in Utah in May 2017, the Secretary met with the Bears Ears Inter-Tribal Coalition in Salt Lake City. Throughout the four-day survey of the Utah monuments, the Secretary also met with local tribal representatives who represent different sides of the debate. The Secretary also met with tribal representatives for their input on several other monuments across the United States. Additionally, the Department of the Interior hosted several tribal listening sessions at its Washington, D.C. headquarters and across the country, including a four-hour session with the Acting Deputy Secretary on May 30, 2017.