

Name \_\_\_\_\_ Date \_\_\_\_\_

**American Antiquities Act of 1906**  
16 USC 431-433

**Excerpt - without Sections 3 and 4:**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fied unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Approved, June 8, 1906

December 28, 2016

**Statement by the President on the Designation of Bears Ears National Monument and Gold Butte National Monument**

Today, I am designating two new national monuments in the desert landscapes of southeastern Utah and southern Nevada to protect some of our country's most important cultural treasures, including abundant rock art, archeological sites, and lands considered sacred by Native American tribes. Today's actions will help protect this cultural legacy and will ensure that future generations are able to enjoy and appreciate these scenic and historic landscapes. Importantly, today I have also established a Bears Ears Commission to ensure that tribal expertise and traditional knowledge help inform the management of the Bears Ears National Monument and help us to best care for its remarkable national treasures.

Following years of public input and various proposals to protect both of these areas, including legislation and a proposal from tribal governments in and around Utah, these monuments will protect places that a wide range of stakeholders all agree are worthy of protection. We also have worked to ensure that tribes and local communities can continue to access and benefit from these lands for generations to come.

December 28, 2016

**Excerpt from: Presidential Proclamation -- Establishment of the Bears Ears National Monument**

**ESTABLISHMENT OF THE BEARS EARS NATIONAL MONUMENT  
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA**

**A PROCLAMATION**

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

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 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.

### **Reactions to Utah's new Bears Ears National Monument, from scathing to celebratory**

The Salt Lake Tribune

First Published Dec 28 2016 03:36PM • Last Updated Dec 29 2016 03:29PM

**Ty Markham, chairwoman, Mormon Environmental Stewardship Alliance:** "MESA (Mormon Environmental Stewardship Alliance) offers its deepest gratitude to President Obama for taking the necessary steps to protect this spectacular & culturally-rich area of our state called the 'Bears Ears.' It is exactly this kind of land that the historic Antiquities Act is designed to protect with 'National Monument' status. We are also very grateful to the folks at the Dept. of Interior who set an impressive, historic precedent in their amazing efforts to gather feedback from all local groups connected to this land, including the Inter-Tribal Coalition."

**Blanding resident Wendy Black, who owns vacation rentals in the area:** "We feel completely insignificant, as far as the federal government. We thought we could trust the system and we can't. ... The land will no longer be usable. At the moment, yes, we can drive out there tomorrow. Ten years from now, we will have more restrictions. Twenty years from now, it will be unrecognizable."

**Shaun Chapoose, chairman of the Ute Business Committee:** "President Obama has demonstrated today that our Native American heritage cannot be ignored. This national monument is the right solution at the right time, and we are pleased that the President has taken this step to ensure Bears Ears will remain in as pristine a condition as possible for generations to come."

"Our history and our future — our Ute identity — is inextricably tied to this place. The Bear Ears sacred landscape sustains our way of life and our cultural practices. The President's National Monument designation protects not only traditional activities like collecting medicine and performing ceremonies, it protects this land from looting, indiscriminate off-road use and destructive mineral development."

**Lynn Stevens, former San Juan County commissioner:** "It's a sad day. The legislative process is far more representative of the people than a unilateral action by the president. I thought the PLI solution was far more acceptable to the total scope of impact of something like that."

**Carleton Bowekaty, Zuni councilman and Bears Ears Inter-Tribal Coalition co-chair:** "Today's announcement honors and elevates the voices of the Tribes," said "Thirty sovereign Tribal Nations passed resolutions in support of monument protection at Bears Ears, as did the National Congress of American Indians. Support for this monument has been overwhelming in Indian Country, and we thank President Obama for hearing our call for permanent protection of this living cultural landscape."

**Val Dalton, a San Juan County rancher with grazing allotments within the monument:** "I don't know why anybody would want to lock up all the resources in this country so that we can't use them, and that's what they're doing."

**Utah Democratic Party Chair Peter Corroon:** "We are proud of President Obama for recognizing the need to protect the spectacular natural and historic lands in the Bears Ears area. Utah leaders have deliberated for years regarding how to best preserve Bears Ears. When our GOP leaders failed to find a solution that prioritized protecting these cherished lands while showing respect for indigenous culture and traditions, an executive order became a last resort to preserve this amazing part of Utah's landscape. This designation will only help grow our booming outdoor industry, bring more to Utah's economy, and ensure our children and grandchildren will be able to enjoy Utah's vast and beautiful landscape for many years."

"We need to be good stewards of the land for generations to come, and where our Republican leaders have failed, Utah Democrats are committed to fighting for our public lands."

**Utah Gov. Gary Herbert:** "I am more than disappointed by President Obama's decision today to designate a Bears Ears National Monument in southeastern Utah. I am deeply disturbed by what has resulted from a troubling process. By unilaterally locking up 1.35 million acres — an area roughly the size of the entire State of Delaware — the president has misused his authority under the Antiquities Act and violated assurances made by his Interior Secretary to take into account local concerns before making a monument designation.

"This decision ignores the will of the majority of Utahns. It disregards the desire of Native American groups who count these lands as their heritage to co-manage this culturally important area. It overlooks the unanimous opposition of Utah's statewide elected officials and Utah's entire congressional delegation. It runs roughshod over a resolution from Utah's legislature opposing such action. Today's designation demonstrates how overreach from the federal government often disregards the well-being and interests of rural Americans.

"This action will have long-term impacts on Utah and our public lands. Proper stewardship of public lands in the West requires an appreciation and understanding of our varied and unique terrain. Utahns know from sad experience how such unilateral and politically motivated monument designations can create division, distrust and conflict. Collaborative legislation, although more time-intensive, is the only durable solution to these complex issues.

"As outraged as many people are with today's decision, we know how to challenge this action appropriately through the many administrative, legal and legislative avenues available to us. We will aggressively pursue these options.

"All who have looked at this issue know that the Bears Ears area deserves greater protection than what the current Bureau of Land Management has chosen to provide. I am concerned that the wrong process has produced a result that could backfire because it is not in the best interest of the Native Americans and the local population who have reasonable expectations of responsible access and use. I promise to work tirelessly with the incoming administration, Utah's congressional delegation, our attorney general, the Utah legislature, and San Juan County officials to find the appropriate resolution to this important and complex issue.

"President Obama has shown little regard for the input of every elected official in Utah who represents this area. I am hopeful that this unfortunate decision made in the final weeks of an outgoing president will be dramatically improved in the first weeks of our incoming president."

**David Filfred, Navajo Nation Council Delegate representing Aneth, Teec Nos Pos, Red Mesa and Mexican Water Chapters in Utah:** "We are grateful for President Obama's brave action today," said David Filfred, Navajo Nation Council Delegate representing Aneth, Teec Nos Pos, Red Mesa and Mexican Water Chapters in Utah. "For the first time in history, a president has used the Antiquities Act to honor the request of Tribal Nations to protect our sacred sites. In doing so, he has given the opportunity for all Americans to come together and heal."

**Utah Rep. Jason Chaffetz:** "President Obama's unilateral decision to invoke the Antiquities Act in Utah politicizes a long-simmering conflict. This unfortunate act threatens to further inflame controversies that were near resolution. The midnight monument is a slap in the face to the people of Utah, attempting to silence the voices of those who will bear the heavy burden it imposes. Furthermore, the decision is a major break with protocol previously followed by this administration. It does not have the support of the Governor, a single member of the state's Congressional delegation, nor any local elected officials or state legislators who represent the area.

"After years of painstaking negotiations with a diverse coalition, Utah had a comprehensive bipartisan solution on the table that would have protected the Bears Ears and provided a balanced solution. Instead, the president's midnight monument cherry picked provisions of the Public Lands Initiative and disregarded the economic development and multi-use provisions necessary for a balanced compromise. In reality, a win-win solution never really had a chance as the very threat of the Antiquities Act prevented a serious negotiation with the stakeholders of PLI - many of whom never wanted a compromise to begin with.

"Finally, the so-called tribal coalition supporting the monument over the objections of their own Utah members will quickly find they have been misled. The president's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements - and the administration made little effort to help facilitate legislation that would have done so.

"We look forward to working with President-elect Trump to follow through on his commitment to repeal midnight regulations. We will work to repeal this top-down decision and replace it with one that garners local support and creates a balanced, win-win solution."

**Alfred Lomahquahu, Vice Chairman of Hopi Tribe and Co-Chair of the Bears Ears Inter-Tribal Coalition:** "As a coalition of five sovereign Native American Tribes in the region, we are confident that today's announcement of collaborative management will protect a cultural landscape that we have known since time immemorial. Our connection with this land is deeply tied to our identities, traditional knowledge, histories, and cultures. We look forward to working with the current and future administrations to fully and properly administer these lands for all to enjoy."

**Please review the 1906 Antiquities Act, the 2016 Presidential Proclamation establishing the Bears Ears National Monument, and the reactions of a variety of Utah natives to the Presidential Proclamation. Citing evidence from these texts, take your own stand for or against Utah's newest National Monument. Should Bears Ears remain a National Monument or not?**