

Affirming Indigenous Sovereignty: Limitations and Potential of the Bears Ears Model

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Abstract

The history of conservation in the United States has been marked by land dispossession, oppression, and violence against Native Sovereigns. To rectify this history, co-management, or the sharing of responsibility between two government entities, emerged as a powerful strategy in strengthening Native involvement in conservation to respect Native sovereignty. In 2016, a coalition of the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe proposed the creation of Bears Ears National Monument. In their proposal, the coalition delineated the necessity for the co-management of the Monument with the United States government. This paper assesses the limitations and potential of the National Monument's model of co-management. Bears Ears National Monument offers a promising and just model for conservation in the United States which serves as a helpful intermediary step towards respecting Indigenous sovereignty but should not be considered an ideal end goal.

Introduction

The Bears Ears buttes, protruding from Utah's southeastern landscape, have been revered by the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe for centuries (Figure 1). The geologic formation is distinct; each of the five different cultures assign it the same name in their respective languages. The region, now proclaimed a National Monument, is a contested landscape, with questions arising on how the area should be managed, and by



Figure 1: Photo of the Bears Ears Buttes in Southeastern Utah. Source: Photo by author.

whom. The establishment of Bears Ears National Monument (BENM) was proposed to President Obama by the Bears Ears Inter-Tribal Coalition (BEITC) in 2015. In their proposal, the coalition between the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe, explicitly delineated the necessity for the “collaborative management” of the Monument, which would give Indigenous groups a direct and shared responsibility to the care and governance of the proposed 1.9-million-acre region (Wilkinson 2018, 329). The prospects of meaningful and effective collaboration between federal and Tribal governments contrast with the history of conservation in the United States, which has violently excluded Native people from land management and evicted them from conserved areas.

Despite the proposal, the vision of Indigenous-led land management was never actualized in Bears Ears, as President Obama's proclamation fell short of agreeing to co-management. Instead, he agreed to the consultation of the Bears Ears Commission, a group of Native Sovereigns and stakeholders. Despite this reality, the proposed co-management model initiated a

conversation on how conservation and land protection efforts should include Native leadership, informing a more just future of land management in the United States. Centering environmental justice goals, this paper assesses the limitations and potential of the Bears Ears model for co-management in fulfilling the long unkept promise of respecting Native sovereignty and expertise. This paper concludes that co-management in Bears Ears is a useful intermediary step towards respecting Indigenous sovereignty but should not be considered the ideal end-goal.

The Bears Ears region in the southwestern United States holds great cultural value to the Indigenous people who have been connected to it for centuries. The area and its Native inhabitants, historically and presently, have also been subject to settler-colonial violence, more recently with the arrival of white Mormons beginning in the 19th century and continuing to the present. Therefore, despite the failure of Obama's proclamation in establishing a true co-management model, the creation of the Monument has still been celebrated by Native and non-Native people alike. The landscape carries significant cultural value to the Native Sovereign Nations who organized to conserve it, and under the National Monument designation the traditional sacred lands, ancestral sites, and freedom to practice ceremonies and rituals remain protected. The extent to which the Monument designation protects these essential practices and freedoms is in question, however, and other approaches to conservation and collaboration with Native people offer potentially better solutions. Nevertheless, to the disappointment of the BEITC and the 30 Native Sovereign nations in support of the National Monument designation, President Obama's historic proclamation of Bears Ears was short-lived. Less than a year after the Monument's establishment in 2017, the Trump administration used a new interpretation of the Antiquities Act to reduce the size of BENM by 85%, leaving only 201,876 acres (Turkewitz 2017). President Trump's proclamation on the modification of the Monument states that

President Obama’s proclamation encompasses objects that “are not unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest” (President Donald Trump 2017). In October of 2021, the Biden Administration followed with a reversal of the Trump Administration actions and reinstated the original proclamation, adding 11,200 acres. As a result of these turnovers in executive environmental policy, BENM is at the center of a politicized conversation on how land, specifically sacred land, should be managed and by whom. Consequently, the region has been subject to local and national attention from Indigenous people, conservationists, political figures, and outdoor recreationalists. BENM presently encompasses 1.36 million acres of southeastern Utah. Figure 2 reflects such fluctuations in the boundaries of the monument and of Grand Staircase-Escalante, a neighboring national monument also reduced by President Trump in 2017.



Figure 2: Map of BENM restoration and past designations in regional context. Source: Grand Canyon Trust.

Research Question

BENM is positioned to answer important questions on how justice for Native people is intertwined with the valuing and management of land. The decisions made on the protection of

the Monument can set important precedent for other Indigenous-led conservation efforts on sacred lands across the United States. The Monument has been rightfully celebrated as a step in the right direction for respecting Native land rights and knowledge of land stewardship. Its proposed model for co-management offers meaningful ways in which Tribal governments and the United States can collaborate in land protection in San Juan County. **What are the limitations and potential of the Bears Ears co-management model with regard to respecting Indigenous sovereignty?**

As the author of this paper, I acknowledge my positionality as a white student, studying at a predominantly white private liberal arts college in Colorado. My educational institution, where I have resided for the past four years, stands on the land of the Ute, Apache, Arapaho, Comanche, and Cheyenne peoples. Considering these facts, I am not positioned to prescribe solutions to the situation in Bears Ears. Using the resources available at my college and the knowledge I've accumulated as an environmental studies major, this research surveys the relevant literature on the topic of decolonization of conservation practices and co-management of conservation projects to form an assessment on the limitations and potential of the Bears Ears model for co-management. To supplement the literature, I conduct interviews with local stakeholders, business owners, and land managers to broaden my understanding of the political and cultural climate. I believe I have a responsibility to use my knowledge in the environmental realm to positively contribute to research in the area. Building a more robust understanding of co-management will make progress towards the goal of respecting Native land rights and affirming Indigenous sovereignty through conservation.

The details of co-management are complex but the case in Bears Ears arguably has a straightforward first step: listen to the Native organizers. The BEITC advocated for a National

Monument, and, in their proposal, defined how the Monument would be co-managed. Avoiding the risk of co-opting Indigenous goals and subsuming Native expertise, the solution here is arguably simple. Empower and legitimize Native leadership and knowledge by following their guidance in designating the originally proposed 1.9 million acres as the co-managed Bears Ears National Monument.

Background on San Juan County and Utah Diné Bikéyah

Bordering the towns of Blanding, Bluff, and Monticello and the sovereign Navajo Nation and Ute Mountain Reservation, Bears Ears National Monument involves various stakeholders with differing, and often conflicting views. The history of the Four Corners region is paramount to understanding the origins of the current political climate and demographic make-up of the area. Ancestral Puebloan people arrived in the Four Corners area around 550 AD and lived there for several centuries until approximately 1300 AD. In more recent times, Diné (Navajo people, in English) and Ute peoples inhabited the Bears Ears and surrounding regions. Trails created for travel across the landscape were used for hunting and ceremonial purposes by Diné, Ute, and Paiute people (Bears Ears Inter-Tribal Coalition). In 1880, centuries later, Mormon settlers, fleeing religious persecution and entering through the Hole-in-the-Rock trail, settled the town of Bluff, Utah. The legacies of this history are visible today. The population of San Juan County, which encompasses Bluff, Blanding, and Monticello, is 47.8% white and 49% American Indian (U.S. Census; San Juan County). A large percentage of white people living in San Juan County are members of the Church of Jesus Christ of Latter-day Saints (LDS), or Mormons. Much of the controversy over the establishment of BENM arises from conflicting ideas on land rights between Mormons, white settlers in general, and local Native people. Mormon people feel an entitlement to the land because their predecessors were the first white settlers in the area. This

sense of entitlement is characteristic of the same mentality that led to the first white settlement in San Juan County, and which propelled the Sagebrush Rebellion in the late 20th century. This settler-colonial mentality continues to create barriers to supporting Indigenous sovereignty and Native land rights in the Bears Ears region.

Recently, the process of increasing Native involvement in land management and seeking federal protection of the land has involved multiple stages and actors across different scales. Importantly, Native people in the region have been protecting and stewarding the Bears Ears region for centuries. Utah Diné Bikéyah (UDB), a Native-run non-profit working to protect the ancestral lands of Bears Ears, has been actively involved in legislation in the region since 2010. In the early years of the organization, UDB represented Diné people in Utah's Public Lands Initiative (PLI). In 2013, after 16 months of "data analysis, policy review, and decision-making by leaders at all levels of tribal leadership," UDB presented a proposal for the protection of Bears Ears to the PLI. Tellingly, UDB did not receive much response from state legislators other than a two-year postponement of San Juan County's proposal for the area. UDB recounts that, consistent with a history of excluding Native voices from policymaking, "in hindsight, the day we shared the Bears Ears proposal seemed to mark the day when UDB went from being treated as an ally and partner, to being ignored and shut-out of the public process by San Juan County" (Utah Diné Bikéyah, n.d.). Losing trust in the state legislative process, UDB turned to other Native sovereign nations in the region to form the Bears Ears Inter-Tribal Coalition. The BEITC proposal for Bears Ears National Monument, which stressed the necessity for co-management, was presented to the Obama White House in 2015. President Obama established the Monument through Presidential Proclamation in 2016. The co-management model proposed by the BEITC insisted on the collaboration with the federal government on all decisions made about the

Monument. However, while President Obama's Bears Ears proclamation highlights the vitality of consultation of and respect towards Native knowledge and values, it does not explicitly agree to joint responsibility of the land as proposed by the BEITC. President Biden's proclamation, which designated the current iteration of the Monument's boundaries and structure, also falls short in this area as it almost directly mirrors President Obama's proclamation. Additionally, the original proposal called for the protection of 1.9 million acres of land, however, both Obama and Biden's proclamation did not fulfill that entire request, excluding approximately 6 million fewer acres from their designations. Although Bears Ears is the first example of a National Monument spearheaded by Indigenous organizers, the disconnects between the Coalition's proposal and President Obama and Biden's proclamation give reason to investigate how the settler-colonial power of the United States government and its legacy of oppressive conservation practices still thrive within its bounds (Krakoff 2018, 214).

Settler Colonialism

Because "land is life," and Bears Ears involves the protection of a certain parcel of land, and "territoriality is settler-colonialism's specific, irreducible element," settler-colonial motives and themes are inseparable from the disputes over the Bears Ears region (Wolfe 2006, 388). Markedly, the web of political opinions, history, and differing cultural values surrounding Bears Ears is a prime example for understanding current manifestations of settler colonialism in the United States. Settler colonialism is unique from other forms of colonialism because it involves the physical replacement of the Indigenous population with the settler society. Therefore, the elimination of Native people and procurement of their land for the benefit of a settler society is the central project of settler colonialism (Krakoff 2013, 262). In the case of Yellowstone National Park, white settlers cleared the region of its Indigenous population for the use of non-

Indigenous settlers. The same process occurred in Yosemite National Park. In both cases, which are foundational to the trajectory of land protection and environmentalism in the United States, the settler-colonial power replaced the Indigenous society. This was achieved through the physical removal of people, a violent and genocidal process praised by Adolf Hitler (Thompson 2021, 60). Equally, the dispossession and removal of Native people in American society were furthered by the cultural construction of pristine, unpeopled “Wilderness” and a Western perception of nature. The United States, as Krakoff (2013) articulates, used American Indian law to firstly, eliminate the Native and subsequently employed natural resource law to secure the land for the non-Native (262). The Dawes Act of 1887 is one of the most pivotal pieces of legislation in Native history in the United States. The act divided up reservations to sell off land allotments to individuals. By creating individually owned parcels of land, the government encouraged Native landowners to farm their land. Overall, the act forced the assimilation of Native people into American society, and ultimately caused the loss of 90 million acres of Native land (Thompson 2021, 65). In addition to the Dawes Act, several treaties have been signed between white settlers and Tribal governments, especially those following the Revolutionary War in the 1780s. Many of these treaties “repeatedly failed” due to a plethora of shortcomings on the part of white settlers, “foreshadowing the next two centuries of the U.S.-Tribal relations” (Wilson 2014, 19). The linkages between settler colonial power and land conservation in the United States place in question the motives of National Parks, and National Monuments in the United States. The Bears Ears National Monument model for co-management and its unique attention to Indigenous land rights and environmental expertise distinguishes it from these foundations of United States conservation. However, the Monument continues to be bound by

the same scaffolding used to establish all National Monuments and Parks throughout history, challenging whether the Monument's co-management model can be truly sovereignty-affirming.

Historical Background on Conservation & Perceptions of Nature

In order to understand Bears Ears and create a holistic assessment of its co-management plan, one must first grasp the history of National Monuments, Parks, and values of land protection in the United States. With the arrival of European settlers on Native territory beginning in the fifteenth century, the land became subject to a new way of perceiving nature. U.S. federal conservation efforts also approached land management with their Western values of nature, which starkly contrast with the traditional knowledge and value systems of Native people. These Western perceptions of nature then informed the use and management of land and are intertwined with the United States' relationship with Tribal governments.

National Parks were designed based on a Western perception of nature that separated humans from the earth. This view was driven by the idea that nature was meant to be tamed and dominated by man. With increasing industrialization and urbanization in the 19th century making humans' impact on nature more visible in certain areas, this perception of nature was only strengthened. The Western views of nature are embedded within goals for westward expansion and "frontierism," as described by D.E. Taylor (2016). The ability to expand the nation's borders signaled the power and strength of the United States. Westward expansion and "manifest destiny" were symbols of progress and growth, a source of patriotism. In the eyes of American settlers, Native people, their "uncivilized" cultures, and "unproductive" uses of land justified their expulsion, dispossession, and murder. In fact, Indigenous people were seen "as part of the hostile environment that had to be conquered for the American West to develop and realize its 'manifest destiny'" (Poirer, Ostergren 2002).

American, and more broadly Western, perceptions of nature cannot be detached from the racialized history of the United States, especially because “Every white community in the western United States” originated from a “government giveaway that was never theirs to give away” (Thompson 2021, 37). Major figures in conservation were eugenicists and held racist ideas about land protection. Considered by some as the first American environmentalist, George Perkins Marsh believed that white people were more equipped to productively use the land. The health and productivity of the landscape were believed to be correlated with racial vigor (Krakoff 2018, 229). John Muir— co-founder of the Sierra Club and known colloquially as “Father of Our National Parks”—characterized the Paiutes he encountered in California’s high Sierras to be lacking dignity and expressed that he preferred an unpeopled wilderness (Dowie 2009, 6). Prominent conservationists advocated for uninhabited wild spaces, resulting in the elimination of Native people and an illusion of a virgin landscape to be enjoyed by white, elite tourists and recreationists. Moreover, “Whites Only” was posted in U.S. National Parks until 1920. For many white conservationists, protecting wilderness was a “proxy for protecting whiteness” (Krakoff 2018, 229).

As opportunities for further westward expansion dwindled in the late nineteenth century, a sense of loss of settlement and nostalgia for the “wilderness” increased across the nation (Keller and Turek 1998). These feelings of loss motivated the establishment of National Parks to protect pockets of the romanticized “wild.” Importantly, the designation of National Parks meant the creation of an “illusion of a virgin wilderness after the genocide of Native Americans,” erasing, both physically and ideologically, the Indigenous inhabitants who have resided in the federally protected areas for centuries (Keller 1998, 20). When Frederick Jackson Turner spoke of western United States, he described the “vacant lands” as “the richest gift that was ever

spread out before the civilized man” (Thompson 2021, 37). These violent and exclusionary ideas spread throughout the National Park System, especially in the creation of some of the first “crown jewel” Parks. Yellowstone, the first National Park created in 1872, was constructed and maintained as uninhabited and rid of Indigenous presence. As Krakoff (2018) explains, “[t]he making of Yellowstone National Park was, among other things, the unmaking of Indian country” (234). For many years, the National Park, marketed as a safe, serene getaway destination for white tourists, was a militarized space. The U.S. Cavalry was brought in to defend the area from “hostile indigenes” (Krakoff 2018, 234; West et al. 2006, 258; Wilson 2014, 75). For many years, the U.S. Army was frequently at battle with the local Indigenous groups.

Yosemite National Park, initially protected in 1890, followed a similar model to Yellowstone. Native people were violently removed from the land to create a space for people to vacation and recreate. The Mariposa Battalion, a volunteer militia made up of white settlers, led the force to eliminate Native tribes from the area (Taylor 2016, 355). The goal of the Battalion was to starve and freeze the Miwok people: they were “tracking, capturing, maiming, and summarily executing the Indians” (Taylor 2016, 355). Lafayette Bunnell, a prominent member of the Mariposa Battalion, called to “[sweep] the territory of any scattered bands that might infest it” (Keller and Turek 1998). Eventually, the settlers killed and removed all the Miwok people from the area, and Yosemite was officially established as a National Park in 1914.

With conservation-induced land dispossession as evidence, the history of public lands is inextricably linked to federal relationships with Native nations. There is a colonial legacy of land management that must be appropriately addressed and rectified. Nie and Mills expertly emphasize that “for the removal and exclusion of tribes from large swathes of land there would be no public lands” (Nie and Mills 2020, ii). Effective, sovereignty-affirming co-management

agreements between Tribal governments and federal US agencies are problematized by these colonial legacies.

U.S.-Tribal Relations and the 1906 Antiquities Act

Treaties have been signed for centuries between Tribal governments and the United States. However, the treaties were frequently unsuccessful, broken, and revised because of “misunderstandings regarding the terms and conditions of the documents, the lack of full participation by all tribes in the area, false presumptions that the indigenous leaders who signed the agreements in fact spoke for others within the tribe or nation, the absence of U.S. government enforcement regarding settlement restrictions, and the lack of recognition of indigenous land right by white settlers” (Wilson 2019, 19). Important conservation policy followed in the wake of these preliminary failures in intergovernmental relations, namely the 1906 Antiquities Act which has led to the protection of multiple cultural sites since its inception, including Bears Ears National Monument in 2016. In the late 19th century and into the 20th century, there was a growing awareness and concern for the loss of cultural and historical artifacts. Looters and homesteaders entered archeological sites in the Southwest and removed ancient, Native artifacts. The U.S. government and the public responded to this destruction with the 1906 Antiquities Act. The legislation grants the president the authority to designate National Monuments to protect historically and culturally valuable sites across the United States (Wilkinson 2017, 323). Theodore Roosevelt, president at the time, signed the Antiquities Act into law and soon after, established Mesa Verde National Park in Colorado.

The Antiquities Act has been used to protect vital cultural sites across the United States. When President Obama used the Act to establish Bears Ears National Monument (Presidential Proclamation 9558), he used it to protect not only the ruins and petroglyphs but also the

“traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region,” due to its cultural importance and modern scientific relevance. However, the strength and power of the Antiquities Act are in question after President Trump used it to *remove* protection from the Monument. Trump’s use of the Act has been deemed illegal by the BEITC and Friends of Cedar Mesa, an environmental conservation non-profit based in San Juan County. Originally, the Act was intended only to protect the land and artifacts, effectively separating those physical objects from the humans whose ancestors left them behind. This separation played a large role in the ongoing erasure of Indigenous groups: “Native people were erased from the landscape and estranged from their culture in the name of preserving their own heritage, as well as to protect lands and resources” (Krakoff 2018, 257). Importantly, President Obama’s proclamation of Bears Ears also called for the meaningful engagement of the Bears Ears Commission, which would include representatives from the five Indigenous groups. However, the Antiquities Act does not provide the legal framework to support the co-management model proposed by the BEITC. The weakness of the Antiquities Act in meaningfully protecting Native land rights and expertise in land protection signals a broader trend in US conservation efforts where Native livelihoods and land rights are undervalued.

Because the Antiquities Act was intended to protect unliving artifacts, instead of a living landscape and community, it may limit traditional use of the land. A National Monument designation runs the risk of perceiving the land as unliving and disconnected from the people who steward it. While the National Monument designation could provide vital protection for the land and ancient cultural artifacts, it could also restrict its usage. The Native people who have shared a connection to the landscape for centuries continue to use the land for traditions, ceremonies, and collecting herbs and medicine. The ability to practice cultural traditions and

freely use their ancestral homelands is important to exercising Indigenous sovereignty. If a National Monument designation becomes an obstacle to doing so, it is then ineffective in empowering Native communities and governments.

Native Value of the Bears Ears Region & the Importance of Land

The history of conservation projects, law, and policy in the United States reveals how colonialism, genocide, and land dispossession are enmeshed with the protection of land. Although this history complicates the efficacy and potential of the BENM model, what remains clear is the connection Native people share with the land. The Diné, Ute Mountain Ute, Ute Indian Tribe, Pueblo of Zuni, and Hopi Tribe, claim their right to the land as their ancestors were the original inhabitants of the Four Corners region. Historically, and in the present, this land has been regarded as sacred for the aforementioned five Native groups and their ancestors. The book Edge of Morning: Native Voices Speak for the Bears Ears is a compilation of interviews, poems, and short essays from Native people connected to and organizing to protect the landscape. Each entry explains why Bears Ears is important, what meaning it holds for the five Tribes, and why the area needs a national monument designation to protect it. San Juan County Commissioner Willie Grayeyes maintains that the goal of establishing Bears Ears National Monument is to “stabilize our community and to bring the youth back to the reality of the natural world” (Keeler 2017, 39). Lyle Balenquah, a Hopi Cultural Resources Consultant, wrote that protecting Bears Ears is about “more than just preservation for preservation’s sake...it’s about the protection of Indigenous cultures so that we retain our ability to pass on our traditional knowledge to future generations” (Keeler 2017, 79). Balenquah also details how, while the tangible historical and cultural objects within the Bears Ears region are an important connection to the ancestors, there is also an intangible history living within the Bears Ears region: “The Spirit of Place” (Keeler

2017, 77). These Native characterizations of the land represent an important contrast between Native and Western perspectives. As Balenquah recounts, the connection to ancestral spirits “transcends both time and space, so that as a Hopi person enacts their own ceremony...they are recalling the hardships and accomplishments of their ancestors” (Keeler 2017, 78). As repeatedly expressed by many Native people, some government officials, and non-Native people involved with the Monument, the five Tribes view the land as alive; the ancestors still “spiritually occupy these places” (Keeler 2017, 79).

In Edge of Morning, Lloyd Lee, professor at the University of New Mexico and member of the Navajo Nation, articulates that “The land is the core of what it means to be human and Native. Its vitality, energy, and power is reflected in the Native people’s narratives” (Keeler 2017, 57). In a similar vein, Heid E. Erdrich, Turtle Mountain Ojibwe poet wrote that “We were the land before we were people” (Keeler 2017, 115). As expressed by many people in different ways, land is central to what it means to be Native in the United States, underlining the importance of the fight for the millions of acres of Bears Ears. Traditional ecological knowledge and many Indigenous ceremonies and traditions require the land in order to be practiced and continued in the future.

Since traditional knowledge systems and ways of life are threatened by a disconnect from the land, the loss of land as a result of forceful displacement and settler colonialism is an especially traumatic aspect of Native American history and present realities. For example, “The loss of buffalo and land traumatized Lakota peoples...not only because it resulted in a loss of traditional ways of life, but because such a loss is perceived as a failure to uphold the sacred responsibility Lakota people have to the land” (Bacon 2019, 65). The foundational idea of colonialism is a forced “disconnection from land, culture, and community” (Corntassel 2012,

88). In fact, the procurement of land is “paramount to the colonial project” and “the separation of Indigenous peoples from their land [is] a crucial component to colonization” (Dominguez 2020, 1). Land brings power, which is why it was, and is, the central part of the colonization of the Native people in the United States, and why the designation of BENM is crucial in empowering Native communities.

Indigenous sovereignty over their lands in San Juan County is obstructed by other populations of people in the region, namely white settlers. As he expressed in discussion with the author on July 8, 2021, Lewis K. Shumway, a Mormon living in Blanding, opposes the establishment of the original BENM and supports the reductions made by the Trump Administration in 2017. Having grown up in the region, he felt that the cultural and physical remains of the Ancestral Puebloan and Anasazi people needed protection. Initially, Shumway supported Friends of Cedar Mesa in their efforts to protect the area. However, he withdrew his support when the non-profit began to pursue a national monument designation at the federal level, instead of a National Conservation Area designation at the state level. A central reason Shumway opposes the monument is due to the increases in visitation since its establishment. Shumway holds that Trump’s 2017 changes of BENM into the two smaller Shash Jaa’ and Indian Creek units are better equipped at preserving the cultural artifacts in the area. He believes that support to save the expansive 1.3 million acres in Bears Ears dilutes the saving and preservation of each specific cultural site. Shumway’s opinions contrast with that of the Diné, Ute Mountain Ute, Ute Indian, Zuni, and Hopi people who wrote the proposal for BENM. In the proposal, Malcolm Lehi of the Ute Mountain Ute Tribe shares that ““We can still hear the songs and prayers of our ancestors on every mesa and in every canyon”” (Bears Ears Inter-Tribal Coalition 2015, 3). Moreover, when offering their reasoning for the Monument’s boundaries, the

Inter-Tribal Coalition initially proposed 1.9 million acres to protect land used for “gathering of medicines and herbs, worshipping at sacred areas, holding ceremonies, protecting archaeological sites, gathering firewood, hunting, protecting wildlife habitat for deer, elk, and bighorn sheep, and maintaining natural beauty and solitude” (Bears Ears Inter-Tribal Coalition 2015, 20).

While the cultural and archaeological remains from ancient Puebloan people are highly valued, the entire landscape, whether or not there are petroglyphs or archeological remains there, is sacred to the five Native groups within the Coalition. When asked about these contrasts between the proposal and his opinions about the monument boundaries, Shumway expressed skepticism of its sacredness to Native people and remarked that it was equally as sacred to him as it was to the local Native people: “I go to these places to pray, to take photographs, to look at stars, to look at the visual landscape’... ‘It’s just as sacred to me as to a Navajo” (Robinson 2018, 41).

Charles Wilkinson commented on the Mormon connection to the land remarking: “They think they own the land.... ‘They don’t think it’s federal land. And in my view...I think it’s important to acknowledge that that’s their worldview, and you want to try to respect that. It’s just that they make it hard to do because it traces into racism and intolerance that is firmly held” (Robinson 2018, 175). This sense of entitlement is commonplace among white people who neighbor public lands; Jonathan P. Thompson describes that such sentiments of land ownership are also ingrained in his family, who are residents of the region and grew up recreating in and collecting cultural objects from the surrounding region (Thompson 2021, 36). Thompson and Shumway’s reflections on their relationship to the land place in question whether sovereign nations, such as Navajo Nation, hold a unique place within local politics as more than just another stakeholder. Framing these debates within the goal of affirming Indigenous sovereignty helps identify whose voices should be prioritized and how the tensions within local politics should be accounted for.

Importance of Indigenous Involvement in Land Management

Despite these barriers posed by the cultural and political climate in San Juan County, robust evidence supports the inclusion and centering of Indigenous people within land protection. Because land is essential to the empowerment of Indigenous people, and Indigenous knowledge is crucial in land management, meaningful involvement of Native people within conservation must become commonplace. Across the globe, various scholars studying conservation have discussed the importance of the role of Indigenous people within conservation. Abukari (2020) uses the examples of protected areas in Tanzania and Ghana to discuss how “human communities that have coexisted with the plant and animal communities within a landscape, are often not equally considered as essential elements of the biodiversity to be protected” (Abukari 2020, 1). Abukari states that inclusive measures to protect biodiversity are more likely to receive support from local people. Moreover, protected areas that are backed by local support are more likely to be effective in conserving biodiversity and mitigating climate change. As Abukari describes, local communities must be empowered or receive socioeconomic benefits as a result of the protected area. Artelle (2019) expands on the same ideas as Abukari by arguing that Indigenous-led governance has immense potential in “driving rapid, socially just increases in conservation” (Artelle 2019, 1). In fact, Artelle affirms that promoting conservation will not be “possible, justified, nor legal without Indigenous consent and partnership” (Artelle 2019, 1). Indigenous involvement is essential for protected areas to reach their full potential, cover more land, and contribute to a just future for local communities. Both authors, Abukari and Artelle, confirm that the best future for conservation includes the meaningful involvement of local and Indigenous people within protected area establishment and management.

Weighing Strategies for Indigenous Involvement within Conservation

The importance of Indigenous involvement within conservation is clear, but the methods for designing a meaningful model for such engagement are understudied and largely non-existent in practice. What remains certain is that the involvement of Indigenous groups within conservation efforts must be clearly defined in order for it to meaningfully engage, consider, and empower the voices of Native people. In the context of the United States, Section 106 of the National Historic Protection Act (NHPA) of 1966, “requires tribal consultation in all steps of the process when a federal agency project or effort may affect historic properties that are either located on tribal lands, or when any Native American tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property’s location” (United States General Services Administration 2020). The United Nations Declaration on the Rights of Indigenous People (UNDRI) affirms the need to receive “free, prior, and informed” consent from Indigenous people before making legislative or administrative decisions that may affect them.

However, many Native organizers and land protectors feel that this consultation process is often insufficient in protecting their rights, ways of life, and land. In theory and as written in policy, consultation often appears to be a strong method for meaningful Indigenous involvement in decision-making. As Nie and Mills comment, “even the best-written agency Tribal consultation policies are often poorly implemented” (Nie and Mills 2020, 27). Even as consultation with Native communities has become more commonplace in land management, the protection of public land has been prioritized over the consultation of Native nations, which is often seen as an “additional burden or only ancillary to their mission” (Nie and Mills 2020, iii). Consultation processes are frequently criticized by Native groups as “unenforceable, discretionary, and variable” (Nie and Mills 2020, 30). Furthermore, consultation often places

Native groups in a reactive position, having to defend their stake in decision-making instead of holding a meaningful seat at the table (Nie and Mills 2020, 28).

In the context of land management specifically, part of the reason consultation has been ineffective is because public land management and policy have historically excluded and ignored the stake and expertise of Native people. Therefore, the current models and policy surrounding land management are ill-equipped for meaningful Tribal involvement. Artelle (2019) emphasizes the importance of “recognizing Indigenous Peoples as authorities in their territories, not simply as stakeholders used to achieve top-down conservation targets” (6). As Angelo Baca, Cultural Resources Coordinator at Utah Diné Bikéyah, remarked in a conversation with the author on September 7, 2021: Indigenous people were the first scientists, and their centuries of accumulated knowledge on the land should be valued, not overshadowed by Western knowledge.

Potential and Limitations of the Bears Ears Model for Co-management

The Bears Ears model for co-management between Native nations and the federal government stands as a viable and exciting opportunity for reconciliation. Because it was fully spearheaded by Indigenous leadership, the Monument revealed the potential for a more just future of conservation. As Sarah Krakoff writes, “Bears Ears in particular shows that conservation and public land laws can become vehicles for equality and justice, even if they initially served the interests of the politically and economically powerful” (Krakoff 2018, 216). Acknowledging the violent and painful history of Native people and conservation in the United States, Bears Ears provides evidence that opportunities exist to use elements of the current model of federal conservation to create positive change. The co-management of a conserved area, such as Bears Ears, is an example of how federal conservation practices can “be redeemed through indigenous agency and activism” (Krakoff 2018, 217).

However, there are significant barriers to creating a co-management model that meaningfully engages Native voices and expertise. For one, there is not widespread agreement on what co-management means, which often leads to differences in its application. Moreover, some scholars claim that policy, while some of it has worked to involve Indigenous people in federal decision making, is not equipped to fully support “consistent, effective, and broad-based federal-Tribal co-management partnerships” (Nie and Mills 2020, ii). To help clarify its definition and provide a framework on such forms of co-management, Nie and Mills (2020) offer six core principles of co-management:

1. Recognition of tribes as sovereign governments
2. Incorporation of the federal governments trust responsibilities to tribes
3. Legitimation structures for tribal involvement
4. Meaningful integration of tribes early and often in the decision-making process
5. Recognition and incorporation of tribal expertise
6. Dispute resolution mechanisms (67-68)

In other words, a co-management model should 1) function in accordance with the acceptance of the sovereignty of Native Nations; 2) ensure that Native perspectives play an equal part in decision-making; 3) create the scaffolding and ensure the general understanding of the Native role within conservation; 4) incorporation of Native input early in the management planning process, so as not to place Native Nations in a reactionary position; 5) include and value traditional ecological knowledge in management plans and decision-making; 6) establish systems and strategies to manage disputes and conflict between co-managers. Based on Nie and Mills (2020), a successful co-management model is one that affirms Indigenous sovereignty, supports the self-determination of Native nations, and meaningfully incorporates the expertise of Native

communities. The BEITC also offered a succinct definition for what they believe “collaborative management” should resemble in the Bears Ears region. Under the Antiquities Act, the Coalition argued that the president has the power to enforce a collaborative management model whereby “The Agencies and the Tribes shall, from the beginning to the conclusion of all plans and projects, collaborate jointly on all procedures, decisions, and other activities except as otherwise provided in the Proclamation” (Bears Ears Inter-Tribal Coalition 2015, 22).

Limitations

Despite the undeniable potential for co-management to empower Indigenous communities connected to Bears Ears, the model is limited by a variety of factors. Oftentimes, as many authors emphasize, local governance is better equipped and more successful at managing land, and co-management agreements bring in state or federal authorities that are unfamiliar with local needs and priorities. Sibyl Diver, analyzing co-management with the Karuk Tribe in the Klamath Basin in California, underlines the risk of co-optation when entering co-management agreements, wherein the community interests are “captured by the other party” (Diver 2016, 534). Co-optation becomes a risk especially when co-management becomes institutionalized, as described by Nadasdy (2005). When co-management, an agreement meant to bolster Indigenous sovereignty, is designed to fit within existing federal structures for environmental conservation, which historically served violent, colonial interests, the agreements quickly lose power in empowering Indigenous people within decision-making processes. Therefore, co-management arrangements “may actually be serving to extend state power into the very communities that [they are] supposedly empowering” (Nadasdy 2005, 216). Angelo Baca spoke to this point in conversation with the author, sharing that Native people are reluctant to share their traditional knowledge with Westerners due to the centuries of distrust of federal agencies. Sharing such

valuable information runs the risk of subsuming cultural knowledge to serve the dominant culture. When UDB and other organizations were advocating for a national monument designation, a “small but vocal” group of Diné and Ute people, including San Juan County Commissioner Rebecca Benally, expressed their opposition to the monument, arguing that “a national monument would place ancestral lands under greater control of a federal government that in their view has abused and betrayed Native Americans for years” (Robinson 2018, 110). These limitations of collaboration between the United States and Tribal governments gesture to broader systemic issues within U.S. federal land management projects. Co-management models, in order to be effective, must recognize the problematic history of land management in the United States which violently excluded Native people. Otherwise, as Nadasdy (2005) stresses, “To be “empowered,” local people must first agree to the rules of the game, rules that they had no role in creating and that constrain what it is possible to do and think” (220). Co-management models must work to create systems to rebuild relationships of trust, which are transparent in their goal of centering and empowering Native people, and not ambiguous or conniving. The extension of state power is a major factor to consider when assessing the efficacy and strength of co-management agreements. Indigenous communities have long been barred from sovereignty and self-determination at the hands of state power, so the overreach of the government by means of a co-management agreement, meant to strengthen Indigenous power, is a particularly concerning possibility.

Focusing specifically on the co-management of forests in the Klamath Basin, Diver (2016) acknowledges the structural barrier to land management of accounting for colonial legacies. The continued use of oppressive institutions and norms, even when creating a co-management agreement, will continue and strengthen colonial pasts and stand in the way of

reconciliation with and justice for Indigenous communities (Diver 2016, 544). Willow (2015) emphasizes that “employing ‘naïve or simplistic accommodations of diversity in ways that deny the embeddedness of power and privilege in social, economic, and environmental relations at all scales will reproduce the problems in new forms rather than open up new possibilities” (30).

Co-management agreements also fall short of empowering Indigenous people when they value Western science and authority over traditional knowledge and Indigenous leadership. Even when genuine concern is expressed for the interests of Native communities, such as in President Obama’s response to the Bears Ears proposal, the dominant settler government continues to be centered (Willow 2016, 29). Tribal Nations have made great strides in incorporating traditional knowledge and asserting Native authority in many cases across the continent. However, these efforts are “limited by the confining structure of Western statutory law” (Wood 2008, 395). While extensive and important environmental law and policy has been developed throughout the United States over time, much of it has excluded the input of Native people. Moreover, these efforts can incorrectly and unjustly homogenize Native communities and their cultural knowledge into one generalized body, effectively tokenizing their role within environmental management. As previously discussed, conservation policy has intentionally attempted to eliminate and disconnect Native people from their land and land-based traditions. Due to this fact, while efforts to protect Native land rights, promote Native legitimacy within land management decision making, and incorporate Native knowledge into conservation efforts are undoubtedly steps in the right direction, they continue to be limited by the confines of the dominant Western conservation approach. In BENM, the co-management plan offers a glimpse into a promising, more just future of conservation, yet continues to be trapped within colonial structures and exclusionary approaches to land management. Positive changes should be

celebrated, but the systemic issues backing conservation in the United States cannot be overlooked. The Bureau of Land Management (BLM) and the United States Forest Service (USFS), which jointly manage the Bears Ears National Monument, have a history that is tied up with colonial power, and the oppression and land dispossession of Native people in the United States. Diver (2016) highlights evidence of the colonial history of the United States Forest Service in aiding the removal of the Karuk Tribe from their land. Similar evidence exists across the nation, which has added to the cycles of trauma and distrust in the government among Native communities.

Certain critics of co-management assert that agreements between federal entities and Native Nations are insufficient in respecting Indigenous sovereignty and cannot be valued as even an intermediary step towards Indigenous self-determination. Grey and Kuokkanen (2019) maintain that because co-management is rooted in settler-colonialism and neoliberalism, it proves “most adept at subverting Indigenous peoples’ inherent rights and reinforcing state systems and jurisdictions” (1-2). The authors highlight important similarities between treaty-making throughout American history—which led to the displacement of many Native people—and co-management agreements. Many scholars would agree with Grey and Kuokkanen yet would continue to promote co-management as a transitional solution that will eventually lead to full Indigenous sovereignty and self-determination. Grey and Kuokkanen (2019) criticize this approach because, they argue, it deceives people of alternatives to co-management. Instead, the authors advocate for removing co-management as a “barrier to Indigenous peoples’ governance over their own cultural heritage” (3). Co-management allows the government to settle for a power-sharing agreement and “resolve Native title issues short of Indigenous self-determination” (Grey 2019, 11). These agreements then risk ignoring the systemic causes (and their

accompanying system-based solutions) of an issue by pacifying Indigenous Nations with a co-management agreement.

Although these risks presented by Grey and Kuokkanen (2019) raise valid concerns, a co-managed National Monument was proposed by the BEITC as the best strategy to protect the Bears Ears region. In order to empower Native voices and legitimize their leadership within environmental conservation, the best course of action is to listen to the BEITC and support their proposal for Bears Ears National Monument. Between the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe, Native people in the area have centuries of information and knowledge on the Bears Ears landscape. While the political and cultural hurdles may obscure a clear path towards sovereignty-affirming conservation practices, it is important to remember that Hopi, Zuni, Ute, and Diné people are knowledgeable stewards of the Bears Ears landscape, with centuries of practice as proof.

Potential

Co-management with the federal government has strong potential. As Diver (2016) argues, co-management is valuable because it is a step towards “increasing equity in natural resource management and realizing a new paradigm in post-colonial conservation” (544). Although co-management may not be the ideal, it nevertheless has the power to “shift norms and environmental policy” (Diver 2016, 534).

Diver (2016) considers the benefits and potential of incremental change. While the ideal outcome would be allowing Indigenous people to manage their own land based on their own knowledge and systems of governance, “creating Indigenous resource management initiatives in a multi-jurisdictional context requires time and resources for capacity building, both for tribes and state agencies” (Diver 2016, 544). Therefore, Diver (2016) proposes co-management as a

valuable “interim strategy” to “build tribal capacity in resource management decisions” (544). When considering co-management as an interim strategy, it must be viewed as truly “interim,” a step on the path towards the community’s desired model for full Tribal sovereignty and self-determination (Diver 2016, 544).

In Bears Ears, the final co-management model was partially proposed due to obstacles at the state level which forced the inter-Tribal coalition to pursue an agreement with the US government at the federal level. Tribal leaders and organizers attempting to work with the PLI felt disrespected in the process and expressed that extractive industries and resource development were being prioritized over the conservation of the region and the rights of Native people (Utah Diné Bikéyah, n.d.). Because Native leaders did not feel listened to or respected in the decision-making process with Utah state legislators, they decided to write a proposal to the Obama White House in pursuit of a co-managed national monument. Some Native organizers express that working with local people at a regional level is preferred. However, even if collaboration with the PLI was successful, the subsuming of Native knowledge was still a risk due to the tensions within local politics, as expressed by Angelo Baca in conversation with the author (September 7, 2021). This process exemplifies the cultural and political barriers faced by Indigenous organizers in Bears Ears. Considering that regional efforts to promote meaningful Tribal involvement within Bears Ears were unsuccessful, the proposed co-management model by the BEITC at the federal stands out as all the more beneficial, feasible, and the most ideal approach to take given the context and circumstances.

Moreover, in line with respecting Native land rights, it is crucial to listen to what Native people suggest when deciding their relationship and interactions with the federal government. Native people are especially familiar with the colonialism embedded within United States

conservation history. In Bears Ears National Monument, the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe, explicitly delineated the necessity for the “collaborative management” of the Monument in their proposal to the Obama Administration (Bears Ears Inter-Tribal Coalition 2015). As Diver explains, Indigenous people are operating within political constraints but choose when and how they operate within them (Diver 2016, 535). If, in Bears Ears, Native representatives asked for co-management, then the best avenue for empowering Native voices in that region is to advocate for co-management. Andrew Curley, a Diné professor at the University of Arizona, expresses in *Edge of Morning: Native Voices Speak Up for Bears Ears*, “Critics will rightly contend that co-management is not an ideal status for tribes. We are indigenous to the land and by right should have complete authority. But the political reality is that we don’t” (Keeler 2017, 72). While there may be a clear solution to these debates on co-management, Curley argues that one cannot be blind to the current political and cultural climate. It is indisputable that the oppression of Indigenous people is systemic and inherent within the US political sphere, what remains to be known is how to achieve systems-based solutions. In contrast to critics such as Grey and Kuokkanen (2019), Curley maintains that “A national monument status with co-management is not the ideal form of Indigenous sovereignty, but it is a step toward it” (Keeler 2017, 73). As the political and cultural climate within San Juan County reveals, there is strong opposition to power-sharing among Indigenous Nations, non-Indigenous locals, and US government entities. Non-Native Blanding residents are opposed to the idea of strengthening Native sovereignty because of their own sense of entitlement and right to the land. In other words, the cultural and political climate is not prepared to acquiesce to a broad change in leadership, especially since many people are opposed to the co-management of the land in the first place.

The Kasha-Katuwe Tent Rocks National Monument, located in New Mexico and bordering the Cochiti Pueblo, exemplifies how Native Sovereign governments and federal agencies can collaborate effectively in land protection. The managing Bureau of Land Management and the Pueblo of Cochiti concur that the agreement of shared responsibility of the Monument is “true co-management” (Pinel 2011, 594). As Pinel (2011) describes, this agreement works for both involved parties “despite a history of conflict over federal control of customary tribal lands that discouraged the Pueblo from working with federal agencies,” mirroring Krakoff (2018) which argues that the legacy of settler violence within conservation can be redeemed through a co-management model (593; 217). The Kasha-Katuwe National Monument receives praise from federal and Tribal stakeholders because of a combination of factors. Pinel (2011) cites the respect demonstrated by BLM officials and land managers when collaborating with the Tribal council members (598). Leading with a foundation of respect allowed both parties to build confidence in each other and convinced the Cochiti Pueblo to participate in land management decision-making with the government agency. Moreover, the agreement diverged from more standard examples of federal efforts to include Indigenous people in land management, elevating the Cochiti Pueblo to a “partner” in the planning process, rather than “just another stakeholder” (Pinel 2011, 599). By sharing authority with Cochiti Pueblo, the BLM was able to achieve more of its goals in land management and conservation (e.g., access to roads, additional resources, and the construction of Monument facilities). For the Cochiti Pueblo, the “true co-management” model allowed them to strengthen protections of their privacy, cultural objects, and traditions. For example, the Pueblo was able to educate visitors about the cultural significance of the area and the BLM is careful not to pressure the Pueblo to disclose information on sacred sites in the area (Pinel 2011, 599). The example of Kasha-Katuwe Tent

Rocks National Monument demonstrates that with respectful and continued dialogue and an equal consideration of the needs of both partners involved in the agreement, a co-management model for a National Monument can be effective and produce positive outcomes for both federal and Tribal entities. Moreover, this example, which shares many similarities with the Bears Ears case (i.e., acting federal agency, location, and designation), resolves many of the limitations of a co-management model, providing hope that a similar model could be successfully implemented in BENM.

Conclusion

Co-management, when executed well, is a viable intermediary option between the current approach to conservation and a future of conservation that centers and empowers Indigenous people. The history of conservation in the United States highlights why the systems for conserving land need rethinking. Settler colonial motives have tainted and shaped land protection measures. Policy to preserve culturally valuable objects, such as the 1906 Antiquities Act, is limited in its ability to protect humans and their cultures. In San Juan County, the political climate restricts immediate systemic change from occurring in Bears Ears. Therefore, incremental change is necessary, and the BEITC proposed co-management agreement models an ideal way to spur such change. A truly co-managed National Monument would shift norms and long held beliefs that have excluded Native people from the management of their own land. Eventually, these agreements could be modified to expand Native leadership and control of the landscape.

Bears Ears National Monument, its history, and its potential sits within a broader conversation on the need to prioritize equity, justice, and inclusion within land management and environmental sustainability projects. As the global environmental crisis intensifies, the

centering of environmental justice within any land-based work becomes increasingly more necessary and urgent. Native knowledge should be centered within these discussions and decisions, as Indigenous people have centuries of knowledge on land management and stewardship. Under current Western models of conservation, broader systemic issues hinder possibilities for sustainable and equitable conservation. As the climate rapidly changes and environmental issues arise more frequently, the world is under pressure to reevaluate the systems in place which have caused this crisis. As environmentalists, policymakers, and the general public work to adapt to and mitigate the climate crisis, it will be important to look towards other worldviews, such as those of Native people, to rethink how humans interact with the earth.

As it stands today, co-management does not exist in Bears Ears. Following President Biden's proclamation in 2021, the BEITC celebrated the restoration of the Monument but urged for the shared management of the region and the collaboration on a new land management plan. If established, the co-management agreement in Bears Ears would set precedent for future efforts of Indigenous-led conservation in the United States. To witness an effective and successful example of inter-Tribal and inter-governmental collaboration in conservation would shift norms within land management to be more inclusive, thus shedding elements of conservation's settler-colonial past.

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