

Nonprofits and Indigenous Leadership in the Management of Bears Ears National Monument

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Introduction

The Bears Ears region in southeast Utah, long before any new national monument boundaries were mapped or erased, had been a contested landscape among various communities and settlers. Distinct and often conflicting claims to the land and how it should be managed have risen and fallen for decades, with archeological evidence of the earliest inhabitants of the region dating back roughly 13,000 years (BEITC 2022; Gulliford 2022). Although the region is now a proclaimed national monument, Bears Ears continues to raise questions – under whose management does the land rightfully belong, and why? To address such questions in the face of a landscape as contested as Bears Ears, however, requires a view of its history as one that is not simply past, but rather, is alive today – a history upon which all visitors and stewards of the land tread as they roam the monument’s valleys, canyons, and mesas. As historian Andrew Gulliford aptly writes, “The struggle over bears Ears is not just a fight over a million acres of federal public land. It is the contest over the very soul of a landscape” (Gulliford 2022, 7).

The struggle Gulliford mentions here only gained the attention of popular media late in former president Obama’s second term when Cedar Mesa, located in the heart of what is now Bears Ears National Monument, gained public and official attention as the site of a potential national monument (Ruple 2019). In response to management plans proposed by Utah’s Public Lands Initiative (PLI), which aimed to keep much of the area open for commodity development (Ruple 2019), local nonprofit Utah Diné Bikéyah (UDB) organized the formation of the Bears Ears Inter-Tribal Coalition (BEITC) to pursue their own management proposal (BEITC 2022). The governments of the five tribal nations which compose BEITC – Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and Pueblo of Zuni – have significant cultural, ancestral, religious, and spiritual ties to the land within BENM

(BEITC 2022). The coalition’s proposal called upon President Obama’s legislative authority to craft a plan for the monument that would emphasize the “collaborative management” – otherwise known as co-management – of the region, whereby Indigenous groups would share the responsibility of governing and managing the proposed monument with federal land management agencies (FLMAs) (BEITC 2022; Wilkinson 2018, 329). At the time, the request for collaboration between U.S. and Tribal government agencies represented a stark contrast with past practices of conservation agencies in the United States, which has historically ignored nearby indigenous groups from the landscapes they shared or occupied regionally. Past conservation areas, national parks, monuments, and other protected areas have excluded nearby indigenous communities from decision-making regarding the management of lands and proceeded under the banner of conservation.

Today, in the southeast corner of Utah lay the proposed boundaries of the 1.35 million-acre BENM (See Figure 1 for the original, rescinded, and now restored boundaries of BENM). It is here where the co-management model of land management is slated to become implemented, and managerial power is to be divided among the five sovereign tribal nations which compose BEITC and federal land management

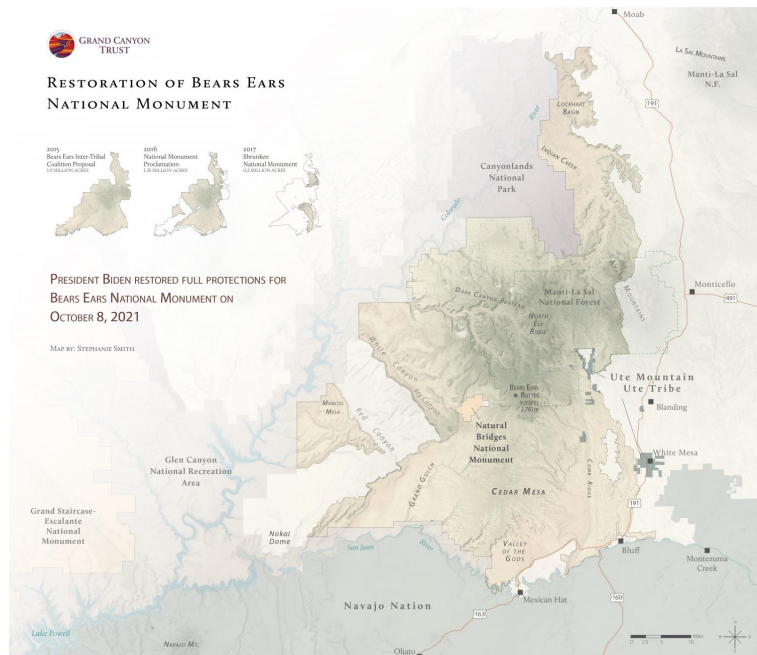


Figure 1: Map of the Bears Ears region showing the original, rescinded, and restored boundaries of Bears Ears National Monument. Source: Grand Canyon Trust

agencies (BEITC 2022; Biden 2021). While BEITC has spearheaded the movement for indigenous leadership in the management of BENM, this accomplishment has not been a singular effort; rather, the current proposed management plan for BENM is the result of years of environmental advocacy work done by multiple actors that have contributed to change on a local level.

The Road to Bears Ears

Despite their original proposal submitted in 2015, BEITC's vision of indigenous leadership in land management did not come to fruition under the Obama administration. The central ideas presented to Obama in their proposal, however, did not remain dormant. Rather, their proposal gave momentum to the notion that decision-making regarding the conservation of America's landscapes and natural resources should include indigenous perspectives. Through the turmoil of two presidential administrations resulting in its downsizing and re-establishment, BENM is now the first national monument proposed to be managed collaboratively by both FLMAAs and indigenous tribal nations (BEITC 2022). As such, BENM represents an exception to the legacy of indigenous displacement and cultural erasure that has long defined the establishment of this country's parks, monuments, and protected areas (Krakoff 2018).

As for the actors behind the effort to get BENM to the state it is in today, local nonprofits have played no small role. Nonprofits such as Utah Diné Bikeyah (UDB), Bears Ears Partnership (BEP – formerly known as Friends of Cedar Mesa), Grand Canyon Trust (GCT), The Southern Utah Wilderness Alliance (SUWA), and many others have collaborated with BEITC in the shared pursuit of indigenous leadership in the management of the Bears Ears region. Much of the conversation surrounding the incorporation of indigenous knowledge systems into western

management frameworks centralizes the role of FLMAAs to facilitate this change (Jacobs et al. 2022; Watson 2012; Diver 2016; Natcher et al. 2005). While the function of FLMAAs is certainly a crucial component to the facilitation of co-management, this study will address a scarcity in the literature surrounding the reformation of conservation goals held by nonprofit conservation groups, and the potential of their role in facilitating indigenous leadership in land management. Historically, conservation groups have set objectives that have adhered primarily to western definitions of sustainability, and in doing so, have had little regard for indigenous sovereignty (Jacobs et al. 2022; Tompkins 2020). While conservation groups may often be well intentioned, the establishment of U.S. parks and protected areas (PPAs) is layered atop colonial legacies that, left unaddressed, can result in the reinforcement of inequitable management practices (Krakoff 2018). The collaboration between the several conservation groups involved in the establishment of BENM and BEITC is representative of a turning point for western conservation practices. Whether the strategies deployed by these conservation groups were motivated by the pursuit of environmental justice, or monetary incentives, these organizations played a pivotal role in affording BENM and the BEITC with the protections they have today.

Research Aims and Key Findings

Because of the nature of indigenous-led conservation efforts already underway, my interests here are modest, focused on discerning the role of nonprofits in the development of BENM, and how they may shift with indigenous co-management over the next few years. What political, financial, and advocacy strategies were used by nonprofits to achieve respective conservation and environmental justice goals in the establishment of BENM?

This paper aims to identify some of the conservation strategies used by nonprofits and other conservation groups in the process of getting BENM to the state it is in today. I analyze components of these strategies to identify their respective strengths and limitations for considerations of both environmental justice and conservation. This study examines and assesses the efficacy of strategies used by local not for profit organizations (nonprofits) in achieving respective conservation goals and facilitating indigenous leadership in the establishment and management of Bears Ears National Monument (BENM).

I suggest that the work of nonprofits in the Bears Ears region is exemplary of a transition in the conservation movement towards more inclusive land management practices when compared to the historically dominant priorities of other conservation organizations. Specifically, I identify two primary abilities that nonprofits in and around the Bears Ears region have to facilitate indigenous leadership. Furthermore, I identify five key strategies that nonprofits may use in their fulfillment of these abilities and assess the efficacy of each strategy to facilitate co-management in Bears Ears with regard to what relevant literature on the subject implies.

Methods and Sources

In researching this paper, I read and analyzed relevant literature on the subject of nonprofits' roles in facilitating indigenous leadership in land management. In total, the literature analyzed in researching this paper consists of 29 peer reviewed articles (including legal cases and law reviews), 7 website articles (authored by various nonprofits, and magazine publications), and 3 presidential proclamations. To supplement relevant literature on this topic and to further inform my understanding of the mechanisms behind the facilitation of indigenous leadership in land management, I conducted a total of 3 interviews, and exchanged a total of 39 emails with various

staff and board members (both Native and non-Native) of local nonprofits involved in the Bears Ears issue. I conduct a comprehensive analysis of the research conducted for this paper by comparing my findings from interviews and email exchanges to relevant findings in the literature on this subject. Furthermore, I assess which strategies commonly used by nonprofits may have the most potential to successfully facilitate indigenous leadership in land management in terms of what the relevant literature implies.

Resituating the Role of Nonprofits in Indigenous Leadership in Land Management

Although relevant literature on the subject identifies many obstacles that stand in the way of successful facilitation of co-management, there remain facets to this dilemma that appear to be seldom addressed in the literature. While other scholars have looked primarily toward the reformation of FLMAs for solutions to the issues that arise in the implementation of co-management, the role of nonprofit organizations, NGOs, and other conservation organizations or companies remains relatively unexplored. There were multiple nonprofit and non-governmental conservation organizations involved in the formation of BENM, including Bears Ears Partnership (BEP – formerly Friends of Cedar Mesa), Grand Canyon Trust (GCT), Southern Utah Wilderness Alliance (SUWA), The Wilderness Society, and many others. Although the advocacy work and active involvement in legislation in the Bears Ears region of nonprofits such as these long predates the establishment of BENM, there has been a noticeable shift in the aims of these conservation groups since the effort for indigenous involvement in the management of the region gained traction. When former President Donald Trump made reductions to BENM in 2017, BEITC, Bears Ears Partnership (then, Friends of Cedar Mesa), Patagonia, and multiple other conservation and environmental organizations quickly sued to invalidate President Trump's

use of the Antiquities Act and consequent reductions to Bears Ears (Ruple 2019; Seamon 2018; Hopi Tribe v. Trump 2017; UDB v. Trump 2017; Wilderness Soc’y v. Trump 2017; Nat. Res. Def. Council v. Trump 2017; Grand Staircase Escalante Partners v. Trump 2017).

These organizations and the actions they are taking is representative of a shift in the way conservation groups have historically gone about addressing conservation goals – while many conservation groups have set goals that adhere primarily to western conceptions of conservation, an increasing number of conservation groups are beginning to focus on concerns of equity and indigenous claims to land in their missions. Despite many conservation groups and organizations across the U.S. expanding the scope of their goals to address concerns of equity, very little research exploring the mechanisms behind this shift has been conducted. These groups, although small, have the potential to play big roles in assisting indigenous groups seeking co-management with greater access to decision making spaces, identifying and addressing sources of tensions or conflict that can arise in co-management, and facilitating change where it needs to occur in order for co-management to be successful.

Historically, many predominantly white-led conservation organizations have perpetuated racist ideals and set goals without consideration of their social implications, often leading to the further marginalization of traditionally underrepresented groups. This troubling history, however, is one that an increasing number of conservation organizations have begun to reconcile, both in public statements and in their environmental work. Take for instance the Sierra Club, founded in 1892 by John Muir. In July of 2020, at the near height of a global pandemic and amidst a national movement to reexamine past and present racism, executive director of the Sierra Club, Michael Brune, wrote on the Club’s website addressing their problematic origins. Conversations surrounding the legacy of John Muir, as Brune aptly points out, often fail to acknowledge the

myriad ways in which his writing, advocacy, and conservation work perpetuated white-supremacist ideals (Brune 2020; Muir 1997, 327; Kantor 2007, Cronon 1995). “The whiteness and privilege of [the Sierra Club’s] early membership fed into a very dangerous idea ... that exploring, enjoying, and protecting the outdoors can be separated from human affairs ... the wild places we love are also the ancestral homelands of Native peoples, forced off their lands in the decades or centuries before they became national parks,” writes Brune (Brune 2020). Multiple other conservation organizations have begun to acknowledge their place in the “dark side” of conservation.

Since the early days of the effort to involve indigenous communities in the management of Bears Ears, nonprofits in the Bears Ears region have been shifting their aims – some completely rebranding themselves. Bears Ears Partnership (BEP), for instance, has been active in the region for decades under the organization’s former name, “Friends of Cedar Mesa”. The organization has completely re-branded itself, taking on the role of advocating for indigenous leadership in the Bears Ears region. BEP now collaborates on multiple advocacy efforts with Tribes and Pueblos in the region, state land management agencies, business owners, community members, and other nonprofit organizations (BEP 2023). Among the multiple nonprofit organizations and conservation groups that BEP engages with are Southern Utah Wilderness Alliance (SUWA), the Wilderness Society, and Grand Canyon Trust (GCT), all of whom have since dedicated much of their work to facilitating indigenous leadership in the Bears Ears region.

The Potential and Limitations of Nonprofits in Facilitating Indigenous Leadership in Land Management

Nonprofits have the potential to alleviate many shortcomings of the co-management model that have been pointed out by various other scholars. Research on the co-management model shows that its potential to yield innovative management outcomes is dependent on the contributions of ideas by the actors involved (Natcher et al. 2005). In practice, the facilitation of co-management must be concerned primarily with the management of relationships as paramount to achieving any secondary goals concerning the management of resources (Natcher et al. 2005). Perhaps the most crucial of a nonprofit organization's abilities to address and ameliorate this potentially problematic aspect of the co-management model is that of elevating indigenous voices and perspectives into managerial decision-making spaces. The ability of tribes to engage in successful communication with FLMA's may be limited by their access to resources that enable effective communication.

As policy director at BEP, Carleton Bowekaty, notes, "Easily the biggest hurdle is of course funding. On one hand we're utilizing ... funding from private donors and organizations, but at the same time we have assistance agreements with the Bureau of Land Management ... For example, on the BLM side, we have assistance agreements to engage with our tribal partners and bring them out to the landscape and provide feedback to the BLM. In some areas, it's not necessarily the funding ... it's utilizing the funding correctly, and making sure that we're, in some ways, being fiscally responsible" (Bowekaty 2023). Above all else, tribes are sovereign nations whose successful facilitation and management requires the utmost attention; although the prospect of sharing managerial authority with FLMA's may be high among the list of priorities for some, tribal concerns may often lay far beyond the scope of gaining access to the spaces that would enable them to facilitate such collaboration. The time and resources available to tribes are

seldom sufficient to enable the prioritization of anything other than the management and regulation of their own sovereignty.

The Primary Abilities of Nonprofits in Facilitating Indigenous Leadership

Nonprofit organizations' abilities to address issues concerning tribal access to decision-making spaces are twofold: the first is the ability of a nonprofit organization or other conservation group is to provide tribes with the resources necessary to enable the prioritization of smooth and effective collaboration with FLMAs. Breakdowns in communication between FLMAs and indigenous groups have the potential to adversely affect equitable sharing of managerial decision-making authority (Diver 2016; Natcher et al. 2005). Nonprofits, with the necessary resources available, may be able to provide tribes with funding, publicity, and advocacy that would enable smoother and more effective communications with FLMAs. This solution, however, relies on the presumption that it is the resources available to tribes on which the efficacy of their communications with FLMAs hinges; to the contrary, the efficacy of communication between tribes and FLMAs may be dependent, rather, on the ability of FLMAs to implement indigenous worldviews into their management strategies (Natcher et al. 2005). As they stand today, FLMAs are not structured to accommodate the incorporation indigenous epistemologies or ontologies (Diver 2016, 535; Vaughan 2012; Weir 2012).

This brings me to the second primary ability of nonprofits to elevate indigenous voices to decision-making spaces: to advocate for the needs or priorities of tribes in such a way as to ease the incorporation of such needs into the institutions of FLMAs. Since the work of FLMAs is informed by western land management frameworks, the incorporation of indigenous knowledge systems, or traditional ecological knowledge (TEK) into such frameworks can prove to be difficult (Jacobs et al. 2022; Diver 2016; Natcher et al. 2005). Furthermore, institutions used by

FLMAs which may deem certain management decisions, frameworks or claims to land as ‘legitimate’ often include criteria that indigenous claims to land cannot fulfill (Alcorn 1993; Li 1996).

One role which nonprofits may take on to address such issues is that of an informed advocate of tribes, assisting in the incorporation of tribal values into FLMA frameworks and institutions. This is a role which many nonprofits in the Bears Ears region fill in multiple ways. One such way in which nonprofits advocate for tribes is through their participation in the National Environmental Policy Act (NEPA) process; in the process of drafting public comments during commenting periods for specific environmental issues, nonprofits may base their comments on the needs of the tribes, and structure them in such a way as to adhere to institutions of FLMAs. For instance, as the Southern Utah Wilderness Alliance (SUWA) looked through the BEITC’s management proposal, they identified which requests made by the BEITC complied with certain environmental laws and structured their comments accordingly. As SUWA’s Wildlands Attorney, Judi Brawer puts it, “the tribes are in the lead here and we’re just trying to magnify what the tribes are saying ... I’m able to kind of put what the tribes are saying into more of a legal perspective ... So being able to amplify what the tribes are saying and put it into kind of ‘BLM speak’ is something that we’re really able to do” (Brawer 2023). By identifying aspects of the BEITC’s proposal that are in accordance with environmental laws with which FLMAs have the duty to comply, nonprofits have the ability to make a persuasive case as to why and how FLMAs can incorporate tribal values into their management strategies.

The translation of indigenous epistemologies and ontologies into so-called “agency-speak”, however, is associated with the significant risk of misrepresenting tribal values. Such a distortion holds the potential to result in an arrangement between state agencies and tribes that

insufficiently represents the needs of indigenous communities (Diver 2016, 535; Vaughan 2012; Weir 2012). Furthermore, in instances where the respective objectives of managerial actors were in misalignment with one another, historically dominant management frameworks have ended up informing management goals, thus reinforcing the very disparities in managerial power which the co-management model seeks to denounce (Natcher et al. 2005; Watson 2013; Nadasdy 2007; Nadasdy 2003). Additionally, the acquisition of indigenous knowledge can be a slow process, and one that may hinder a nonprofit's ability to stay informed of tribal values amidst changes in staff and board. For instance, former lieutenant governor for the Zuni tribe and current and policy director for Bears Ears Partnership, Carleton Bowekaty, describes a moment when on a site visit with BLM and USFS officials, they approached a shrine, whereupon Bowekaty and his cultural leader asked agency officials for space so that they could make an offering: "those connections are really kind of what informed me in trying to make sure that the agencies understood what needed to be protected in the monument plan," (Bowekaty 2023). Bowekaty goes on to explain, however, that many of the experiences and knowledge he has accumulated from them have been the result of multiple years of building trust and connections with those who have that knowledge – hence their request for agency officials to briefly vacate the area. "There are certain esoteric things that [native] people understand and know, and sometimes it's shared and not shared. Even though I may be a member of a kiva, even though I may be Zuni, I don't have access to certain information because some of the information you have to either earn your place in it or you have to be dedicated to that way of life," (Bowekaty 2023). The dissemination of certain indigenous knowledge is careful, intentional, and essential to certain aspects of indigenous culture and tradition; this, however, inevitably restricts the access of certain individuals in charge of management decisions for whom this knowledge may be crucial.

Of these two abilities of nonprofits, the former has less foreseeable potential for problematic outcomes – as it allows tribes to be fiscally responsible for their own decision-making – although the latter may be of more use in practice – as although tribes may require the support of external actors, this support may not necessarily result in an agency’s ability to implement change.

Utah Diné Bikeyah and the Bears Ears Inter-Tribal Coalition

While the effort to involve indigenous voices in the management of the Bears Ears region is a relatively recent development in the work of FLMAAs and other various actors and organizations, indigenous led stewardship of the region is by no means new. Indigenous leadership in the conservation of the Bears Ears region has been an effort involving multiple actors, one of the most notable being Utah Diné Bikeyah (UDB). UDB is a indigenous-led nonprofit organization that has been involved in conservation activism and legislation of the area since 2010.

In its first year, UDB aimed to voice the perspectives of Dinè (Navajo) people to Utah’s elected officials as the then developing Public Lands Initiative (PLI) sought to draft a management plan for the Bears Ears region (UDB 2023; Ruple 2019). By 2014, however, it was clear to UDB that the PLI and its plans to keep much of Utah’s public lands open to resource extraction and commodity development did not share its interest in the inclusion of indigenous perspectives, let alone the potential for the implementation of the co-management of Utah’s public lands (UDB 2023; Ruple 2019). As former co-chair of the Bears Ears Inter-Tribal Coalition, Carleton Bowekaty recounts, “We weren’t getting the same feedback [from various Utah representatives and senators] we were getting from the Obama administration that

collaborative management would be a key component of this initiative” (Bowe Katy 2023). UDB echoes Bowe Katy’s remark: “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” (UDB 2023).

UDB then withdrew from the PLI process and looked towards sovereign tribal governments for assistance in securing protections for the region (UDB 2023). By 2015, after calling on multiple tribal nations for their support, UDB saw their efforts come to fruition with the formation of the Bears Ears Inter-Tribal Coalition (BEITC) – comprised of the Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and Pueblo of Zuni (see Figure 2 for the seals of each of the tribal nations which compose BEITC). BEITC went on to develop and submit to then President Obama its proposal for the creation of a 1.9 million-acre national monument (BEITC 2015). Nearly two years later, President Obama issued Presidential Proclamation 9558, designating the 1.35 million-acre Bears Ears National Monument – the first national monument formed at the request of indigenous Tribal Nations (Obama 2016). Through the turmoil of two presidential administrations – which included its downsizing under the Trump administration, and its reestablishment in 2020 under President Biden – Bears Ears still stands today in its original 1.35 million acre form (Ruple 2019; Biden 2021).

Each of the proclamations that both established and reestablished BENM, however, fell short of meeting the requests outlined in BEITC’s proposal. Former President Obama’s proclamation that formed BENM failed to explicitly agree with one of BEITC’s proposals main tenants: the need for collaborative management, and shared stewardship between tribal leaders and FLMAs (Obama 2016). Furthermore, what BEITC proposed was a 1.9 million acre national

monument, and what their efforts secured after more than two years was a 1.35 million acre monument – excluding approximately 6 million acres of land seen fit by BEITC for the protections that National Monument status affords (Obama 2016; Biden 2021; BEITC 2015). While the creation of a national monument was no small feat, the disconnect between BEITC’s proposal and the two resulting proclamations raises questions of what challenges are faced by nonprofits and other actors in the effort to involve indigenous perspectives in management decisions. To understand such challenges requires a more in-depth review of the history of settlement in the region, and the wide variety of stakeholders involved in the formation and management of BENM.

San Juan County: A Seemingly Unlikely Location for a New Monument

Located in the heart of San Juan County – bordering Bluff, Blanding, Monticello, and the Navajo Nation and Ute Mountain Reservation – Bears Ears National Monument finds itself amidst various stakeholder groups, each of which bring distinct and often conflicting views on its management to the conversation. Because of these multiple and often contradictory views surrounding BENM, an understanding of the history of the Four Corners region is critical to that of the current political climate and some of the controversies regarding the monument.

The earliest evidence of inhabitants in what is now the Bears Ears region is from hunter gatherers who moved through the region as early as 11,000 to 13,000 years ago (BEITC 2022;



Figure 2: The official seals of each of the sovereign tribal nations which compose the Bears Ears Inter-Tribal Coalition. Source: The Bears Ears Inter-Tribal Coalition

Gulliford 2022, 19; Asay et al. 2023; Ruple 2019). Archaeological evidence from 2,000 BC to AD 200 shows that Late Archaic hunter gatherers had domesticated plants, built storage pits and constructed permanent villages, and participated in spiritual ceremonies (Gulliford 2022). Their way of life ultimately gave way to Basketmakers and Ancestral Puebloans who still hunted and gathered, but also lived and farmed in the region from roughly 550 AD to approximately 1300 AD (Gulliford 2022). Beginning approximately 700 years ago, the majority of the Ancestral Puebloans that had inhabited the region for centuries began to move east. The Ute people made their way to the Bears Ears region in the early 1600s, soon establishing trails (BEITC 2022). Hopi and Zuni people moved from foraging to farming roughly 3,500 years ago and constructed permanent villages, many of which remain today (BEITC 2022). During this time, Navajo people also hunted and lived in Bears Ears (Gulliford 2022; BEITC 2022). Today, each of these tribal nations and their people still view the Bears Ears region as part of their ancestral homeland and currently participate in cultural, religious, and subsistence practices in the region (BEITC 2022; Wilkinson 2018; Krakoff 2018; Ruple 2019).

The region saw no permanent settlers until centuries later, in 1880, when members of the Church of Jesus Christ Latter-day Saints (Mormons) traveled in covered wagons to the Bluff valley via the Hole-in-the-Rock Trail, which still exists today (Gulliford 2022; Bluff, Utah 2023). These early Mormon pioneers were called by the church for a mission to colonize southeastern Utah with the goal of securing the land before other settlers may attempt to do so, and to flee religious persecution in part because the church sanctioned polygamy or plural marriage (Gulliford 2022). Mormon pioneers eventually settled Bluff, Utah before moving north to create the towns of Blanding and Monticello. Over time, the Hole-in-the-Rock Expedition

story would come to shape claims to land held by descendants of those who survived the long journey.

The current demographics and political climate of Bluff and its surroundings reflect the legacy of settler colonialism within the area; 61.29 percent of Bluff's population is white, of whom a large percentage are Mormon, while the remaining 38.71 percent is Native American (WPR 2023). The population of San Juan County, which encompasses Bluff, Blanding, and Monticello, is 49.4% White and 47.1% "American Indian and Alaska Native" (U.S. Census, San Juan County). As one enters Bluff today, they will see a sign that reads "BLUFF UTAH EST. 650 A.D." – a year that long predates the arrival of Mormons; Bluff, however, is unique in its willingness to acknowledge both the history of, and ongoing, native presence in the region. Nearby towns like Blanding and Monticello have yet to include any such public recognition of their history predating the arrival of European settlers. Controversies and disputes over BENM, how it should be managed and by whom, have thus been informed by the competing origin stories of Mormons, other Anglo settlers, and native peoples. It is arguable that for some stakeholders, particularly Mormons and those of European descent, it was a sense of entitlement to the land informed by their respective origin stories that gave momentum to the Sagebrush Rebellion: a 1970s movement organized by ranchers and farmers against federal land-use laws implemented in part by the Federal Land Policy and Management Act, and one of the most pivotal moments in recent US conservation history (Clayton 1981). As BENM was in the early stages of its conception, the involvement and inclusion of non-indigenous perspectives in its planning were then promising (UDB 2023; Ruple 2019) – early ideas of collaboration between indigenous and Mormon or other non-indigenous stakeholders, however, have gone unexploited. Whether this has been the result of either stakeholder's exclusion of the other,

miscommunications between the two or more groups involved, or the outright refusal to participate in collaboration, the lack of Mormon involvement in the establishment of BENM is certainly representative of a missed opportunity. An understanding of why such opportunities for collaboration have remained untapped requires a broader view of how the establishment of the national parks, national monuments, and protected areas has historically proceeded.

The Invention of Wilderness and the “Dark Side” of Conservation

With the arrival of Mormons and other settlers of European descent, land in the Bears Ears region and across the U.S. that had been occupied and stewarded by indigenous tribes for centuries became subject to western perceptions of the natural world. Around the turn of the 19th century, wilderness – or what is now commonly referred to as such – was in the early stages of its construction. As late as the eighteenth century, the word “wilderness” was associated with far different adjectives than those prescribed to it today (Nash 1982, 1-22; Oelsehlaeger 1991; O.E.D. ‘*wilderness*’); as writer and conservationist William Cronon puts it, “To be a wilderness then was to be ‘deserted’, ‘desolate’, ‘savage’, ‘barren’ – in short, ‘a waste’” (Cronon 1995, 2). This conception of the natural world remained the dominant one until the influential writings of Henry David Thoreau, John Muir, later, Wallace Stegner, and many others – some now recognized as the pioneers of the environmentalism movement – began to alter the narrative surrounding “wilderness” to one longing for the days before development and industrialization (Cronon 1995, 2-9; Muir 1911; Muir 1912; Thoreau 1937). Only after these early ideas of protecting the natural world were ingrained in America’s collective consciousness were such things as conservation, recreation, and enjoyment added to the list of acceptable uses to be made of the land.

Furthermore, in contrast with contemporaneous ideals of industrialization, these early 20th century nature writers conceived of nature as something which was entirely separate from human interaction or manipulation – the two were thought to be incompatible even (Kantor 2007, 46). Take, for instance, Muir’s account of native peoples in and around the Yosemite Valley in his essay *The Mountains of California*. Although none of the sixteen chapters in the essay are devoted to detailing the lives of the native peoples in the region, there is a moment in which he describes encountering them on a trail, remarking that they were “mostly ugly and some of them altogether hideous”, having “no place in the landscape[.]” (Muir 1997, 327; Kantor 2007, 45-47). As the myth of an “unpeopled”, “virgin” wilderness was perpetuated, so too was the idea of conservation as a means of justifying the cultural erasure and displacement of indigenous peoples from their lands.

While the mechanisms and actors behind this reconceptualization of the natural world were many, I provide a simplified account to avoid digression and emphasize that this emergent ideology during this turbulent time in U.S. conservation history contributed profoundly to legislation that has caused great harm to Native American lives (Blake 2021, 255-259; Kantor 2007; Krakoff 2018; Murdock 2022). The then prevalent “dualistic vision” (Cronon 1995, 11) of nature – which posits humans as separate from the natural world – made hasty influence on U.S. conservation policy, converging, uncoincidentally, with an era prolific with the emergence of multiple “federal Indian policies,” particularly those of allotment and assimilation (Krakoff 2018, 220).

One such piece of legislation that would drastically alter the course of indigenous inhabitation in the U.S. was The Dawes Act, which aligned with the tail end of the Indian wars, wherein indigenous groups were forcibly removed from their homelands and relocated (Cronon

1995, 9). The Dawes Act, signed into law in 1887, allowed for individual allotments on remaining communally held reservation lands, so that these could be sold to and bought by non-indigenous individuals (Brewer et al. 2023, 308). In effect, the Dawes Act was aimed at perpetuating individual, fee title ownership, property on indigenous peoples. The goal of the Dawes Act was an increased assimilation of indigenous people into “American society,” through the concept of private property, depriving them not only of their culture, but ultimately 90 million acres of Native land in the contiguous U.S. (Krakoff 2018, 225-226; Brewer et al. 2023, 311). Many of America’s most beloved national parks and monuments stand today upon the legacy of settler colonialism and violent displacement that enabled their establishment.

Take for instance, Glacier National Park (GNP); before it was called by the name it has today, GNP was home to the Blackfoot Tribe. The Blackfoot’s presence on their land after the establishment of GNP was limited to serve only as means of advertisement – an artificial cultural experience was catered to tourists, fabricated by the presence of tipis on lawns, Blackfoot art, Blackfoot greeters, and other insulting and culturally appropriative displays of Blackfoot culture. The Blackfoot were stripped not only of their land, but in turn, access to practices like hunting, gathering, and ceremonies on which their cultural and material livelihoods depend (Spence 1996). Many other U.S. national parks and protected areas such as Yosemite National Park, Yellowstone National Park, Canyon de Chelly National Monument, and Mesa Verde National Park to name a few share similar origin stories (Kantor 2007; Krakoff 2018; Blake 2021, 294-297; Spence 1996; Ruple 2019). In sum, national monuments, forest reserves, and other parks and protected areas have historically been established on indigenous land, and the people who inhabited the areas were dispossessed, or worse yet, ignored as culturally attached to the conserved areas, under the banner of antiquities or environmental conservation. Because of this

colonialist legacy, nonprofits who advocate for indigenous leadership in land management find themselves in the difficult position of reconciling conservation legislation with indigenous welfare – two things which have historically been at odds with one another. The establishment of Bears Ears, however, is representative of a shift in the way conservation legislation has historically been used.

Conflicting Interpretations of Conservation Legislation: Is Bears Ears the “New Standard” for Uses of the Antiquities Act?

When President Obama established Bears Ears National Monument in 2016, he used the Antiquities Act in a way that it had seldom, if ever, been used before – stating that the protections his designation would afford would be not only for the material objects within Bears Ears, but “The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation” as well (Obama 2016). The Antiquities Act, signed into law in 1906 by President Theodore Roosevelt, has historically secured indigenous land in a much different way than in the case of BENM. The act was created in large part due to concerns over the looting of various cultural and archaeological sites across the American Southwest (Squillace 2003; Krakoff 2018). To combat this, The Antiquities Act made it within presidential legislative authority to “declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,” (Antiquities Act 1906) thus protecting such lands from looting. The “antiquities” that qualify lands for protections, however, are the heritage of indigenous peoples; historically, protections provided by the act have not been at the request of indigenous

communities such as those which compose the BEITC, but rather, at the expense of their cultural and material livelihoods (Blake 2021, 255-259; Krakoff 2018; Kantor 2007).

Indeed, only roughly a year after BENM was established, former President Donald Trump used the Antiquities Act in a way equally as unprecedented as did Obama, but to separate ends. On December 4th, 2017, President Trump issued a presidential proclamation, which “modified and reduced” Bears Ears National Monument, replacing it with two smaller monuments – Indian Creek, and Shash Jaa National Monuments (Trump 2017). His reductions removed roughly 85% of the monument’s area, representing – along with the reduction of Grand Staircase Escalante, which occurred on the same day – the largest presidential reduction to a national monument that has ever been made (Ruple 2019; BEITC 2022.).

Although Bears Ears has since been restored to its original boundaries (Biden 2020), Trump’s actions serve as a reminder of the antiquated nature of the Antiquities Act, among other US conservation legislation. The Antiquities Act was signed into law with the goal of protecting unliving artifacts, not the communities to whom such artifacts hold value; it is because of this that the very legislation that allowed for the establishment of Bears Ears may limit the potential for indigenous leadership in the management of the region. The perception of these lands as separate from human manipulation has long excluded indigenous people from using the land for traditional, religious, ceremonial, and subsistence purposes, and is in turn, infringing on the sovereignty of tribal nations (Koester & Bryan 2022; Diver 2016; Kantor 2007; Krakoff 2018).

The Emergence of the Co-management Model, and its Implications

In response to this history fraught with injustices, many have looked towards the reformation and decolonization of western land management frameworks to better suit concerns

of equity and indigenous claims to land. Collaborative management, or co-management as it is generally referred to, is a management framework that has emerged from debates involving reparations for past injustices, respecting indigenous sovereignty, and reintegrating indigenous communities or other disenfranchised groups with the land. (Jacobs et al. 2022; Krakoff 2018; Nadasdy 2007; Diver 2016). Co-management can be generally defined as the management of a natural resource wherein managerial decision-making is collaborated upon by federal land management agencies (FLMAs) and a community or organization of stakeholders – in the case of BENM, indigenous sovereign nations – such that managerial authority is shared equally by both groups.

Potential of the Co-management Model

One of the central premises supporting the co-management framework is the belief that ensuring the representation of historically marginalized groups will ultimately translate to enhanced management performance (Natcher et al. 2005, 245). Multiple studies have shown the efficacy of co-management frameworks in facilitating equitable power sharing between indigenous communities and FLMAs, as well as the potential for the incorporation of traditional ecological knowledge into western management frameworks to have myriad ecological benefits (Diver 2016; Ostrom et al. 1990; Olson et al. 2004; Trosper et al. 2004). In partnership with FLMAs such as the Bureau of Land Management (BLM) and the United States Forest Service (USFS), indigenous communities are able to gain greater access to environmental decision-making (Diver 2016). Co-management also has the potential to challenge dominant conceptualizations of wilderness that have guided land management frameworks in the US. These dominant perceptions, which situate wilderness as something which exists separate from human interaction, have historically been at odds with indigenous epistemologies, and highly

reliant on displacement and cultural erasure. Integrating indigenous knowledge systems into these conceptions, therefore, may be effective in addressing legacies of injustice off which FLMAAs currently operate (Krakoff 2018; Diver 2016; Jacobs et al. 2022).

While the concept of reparations is vague in this context, seeming perhaps far-fetched to some, one of the more overlooked potentials of co-management is that of improving indigenous welfare. Among the primary difficulties that most tribal nations face is that of economic security. Furthermore, the predominant ways in which tribes may achieve economic viability incentivize development and extraction on tribal lands – practices that are often contrary to tribal values. One component of the economic development scheme enacted by the Indian Reorganization Act of 1934, aside from government subsidies, was to allow for assessments for oil and gas, coal, timber, and other such natural resources on tribal land, which would enable tribes to lease land for development (Kelly 1975; Bowekaty 2023). But behind the facade of “opportunistic development” is the truth that extractivism, for many tribes, runs contrary to cultural values.

To quote Carleton Bowekaty, such practices on tribal lands would in effect be “erasing part of the history of a nation that needs it,” (Bowekaty 2023). Carleton Bowekaty describes that a common feeling among many indigenous peoples is that of having no place in the world beyond the boundaries of whatever land has been allotted to their tribe. “Even myself growing up,” Bowekaty says, “I had the idea that the Zuni reservation was... well that was it. As soon as I leave my boundaries, I’m no longer part of the Zuni world. I can maybe even in some sense, not even be Zuni anymore ... I’m trying to show them [Zuni peoples] that the Zuni world is bigger than they think” (Bowekaty 2023). In practice, co-management has the potential to incentivize the incorporation of traditional tribal values into the process of developing the economy of tribes

as sovereign nations – an initiative which, at the moment, is neither incentivized by government agencies nor thought of as one of the responsibilities of FLMAs (Johnston 2000, 91).

Limitations of the Co-management Model

While in theory co-management offers possibilities for social justice, multiple studies acknowledge the potential for conflict that may arise as culturally diverse groups with fundamentally different value systems engage in collaborative decision making (Natcher et al. 2005; Nadasdy 2007; Watson 2013; Diver 2016). One of the co-management framework's most alluring aspects, along with its implications for social justice, is its potential to generate innovative management outcomes; this notion, however, is based on the preconception that group heterogeneity will inevitably prompt a diverse set of problem-based solutions that contribute indirectly to more innovative management strategies (Natcher et al. 2005, 245). The efficacy of group heterogeneity in generating innovative management outcomes thus seems to be dependent on the willingness of individuals to contribute ideas in decision making space. In order for a co-management framework to achieve desired outcomes, whatever those may be, its facilitation must therefore be concerned primarily with the management of relationships as paramount to achieving any secondary goals concerning the management of resources (Natcher et al. 2005).

Multiple studies have identified lapses in communication between FLMAs and indigenous communities to be a barrier to the facilitation of co-management. Breakdowns in communication between FLMAs and indigenous groups have the potential to adversely affect equitable sharing of managerial decision-making authority; disagreements over who is entitled to management authority, and where this authority comes from, has been seen to occur between FLMAs and indigenous groups (Diver 2016; Natcher et al. 2005). This poses significant risks of

the co-management framework reinforcing the very disparities in managerial power which it seeks to denounce (Natcher et al. 2005; Watson 2013). For instance, as they stand today, FLMAs are not structured to accommodate the incorporation indigenous epistemologies or ontologies; consequently, any translation of indigenous knowledge systems that is designed to fit within western management frameworks may result in compromise that insufficiently represents the needs of indigenous communities (Diver 2016, 535; Vaughan 2012; Weir 2012). Multiple case studies of co-management found that in instances where the respective objectives of managerial actors were in misalignment with one another, historically dominant management frameworks have ended up informing management goals (Nadasdy 2007; Nadasdy 2003; Watson 2013). Considerations of respective epistemological understanding of the land, value systems, management goals, and sociocultural context of the relations between managerial actors are therefore all crucial components to facilitating group collaboration, and in turn, achieving the desired outcomes of co-management (Nadasdy 2007; Watson 2013).

Considerations such as those which, if properly addressed, have the potential to facilitate effective collaboration between FLMAs and indigenous tribes have recently been informing the work of conservation and environmental organizations in the Bears Ears region. While local environmental groups like Bears Ears Partnership (BEP – formerly Friends of Cedar Mesa) and Southern Utah Wilderness Alliance (SUWA) have been involved in activism in the region for decades, these organizations and many others have increasingly shaped the direction, discussion, and roles of these nonprofits and their changing goals.

Findings and Discussion: Assessing Strategies Used by Nonprofits

Of the multiple ways nonprofits and other conservation organizations structure their work, there are five prominent strategies used by nonprofits in their efforts to facilitate indigenous leadership in land management. These five strategies include: advocating for tribal values in legal language, participating in the National Environmental Policy Act (NEPA) process, consulting with tribes, holding events and gatherings, and fundraising for tribes. Many of these strategies are more passive than they are active; this, however, is not to say that nonprofits were not active in their support and advocacy for indigenous leadership in the management of BENM. Rather, it is the awareness that tribes are the actors whose voices have priority in all matters upon which nonprofits structure their work – advocacy with the goal of the tribes being the primary decision makers. Below, I analyze these strategies with regard to each one's ability to effectively facilitate indigenous leadership in land management.

Advocating for Tribal Values in Legal Language

Indigenous communities often possess intricate knowledge systems and cultural values which are deeply intertwined with their connection to their ancestral lands. To ensure that tribal values are acknowledged and integrated into predominantly western land management strategies, conservation organizations can act as vital advocates. By identifying which areas of tribal requests or tribal values may be in accordance with certain environmental laws, conservation organizations can, through a variety of advocacy strategies and efforts, articulate tribal values in the context of western land management frameworks, government policies and regulations. In doing so, conservation organizations can assist in the integration of indigenous worldviews into land management practices historically informed by western ideas of nature and conservation. Advocacy efforts structured in this way have the potential not only to preserve the rich heritage of indigenous cultures, but also to make the incorporation of indigenous knowledge systems into

western land-management frameworks more accessible and actionable for government agencies and non-indigenous stakeholders.

Participating in the National Environmental Policy Act (NEPA) Process

The active involvement of nonprofits and other conservation organizations in the National Environmental Policy Act (NEPA) process is instrumental in fostering indigenous leadership in land management. While the tribes that compose the BEITC possess a profound understanding of the land which they have stewarded for generations, and the prospect of placing indigenous worldviews at the forefront of the management of the bears ears region has myriad implications for reparations of past injustice, the dissemination of indigenous knowledge is often limited by two primary factors. Firstly, indigenous communities have historically been excluded from decision making processes; this has enabled FLMA's to assert western land-management ideals over indigenous sovereignty and led consequently to the further marginalization of indigenous communities. Secondly, current institutions that recognize certain management practices or claims to land as legitimate are not designed to accommodate indigenous worldviews; consequently, although tribes may communicate to agencies about their interests, this does not guarantee that agencies will be able to implement change. Conservation organizations can address issues such as these by amplifying the voices and expertise of indigenous leaders during NEPA assessments. By participating in the NEPA process conservation organizations can help ensure that aspects traditional ecological knowledge and indigenous epistemologies and ontologies can be elevated into decision-making processes. The ability of a conservation organization to draft public comments that accurately reflect tribal values, however, is highly dependent on multiple factors, including the degree of mutual trust between the organization and the tribe, and the ability of the conservation organization to

translate tribal values into “agency jargon” without misrepresenting such values. Speaking on behalf of a tribe can pose a significant risk of misrepresenting tribal values, and potentially leading to environmental decisions that infringe on indigenous sovereignty.

Consulting with Tribes

The significance of conservation organizations collaborating and consulting with indigenous tribes cannot be overstated. While conservation organizations can help ensure that the voices and perspectives of indigenous tribes are not only heard but are also actively integrated into land management practices, the extent to which tribal values may be accurately portrayed by a conservation organization is dependent on that organization’s understanding of tribal needs and values. By engaging in meaningful consultations, conservation groups may foster a deep understanding of indigenous values with which to inform the organization’s goals, drafting of public comments, and advocacy efforts. Furthermore, consultation with tribes can increase the chance that nonprofits will be able to accurately reflect tribal values in their various advocacy efforts.

Holding Events and Gatherings

Conservation organizations play a pivotal role in hosting events and gatherings as a means of facilitating indigenous leadership in land management. These events serve as platforms for fostering collaboration, knowledge exchange, and an understanding between indigenous communities, conservationists, and the wider public. By organizing such gatherings, these organizations create spaces where indigenous leaders can share claims to land, traditional ecological knowledge, and cultural connections to the land. Not only do such gatherings empower indigenous voices, but they also have the potential to educate and raise awareness among non-indigenous attendees. These events can promote a sense of unity and shared purpose,

strengthening the collective effort towards responsible land management that honors both ecological and cultural values. Ultimately, these gatherings help bridge the gap between indigenous and non-indigenous perspectives, fostering a more inclusive and effective approach to conservation that respects and integrates indigenous leadership in land management.

Nonprofits & Fundraising

Conservation organizations play a pivotal role in fundraising for indigenous tribes. Indigenous communities often face resource constraints that hinder their ability to effectively engage in collaboration with FLMA's. By organizing fundraising initiatives, conservation organizations can provide financial support and resources to tribes, enabling them to participate more actively in conservation efforts. This financial assistance allows tribes to invest in vital initiatives such as land preservation, habitat restoration, and cultural heritage conservation. Furthermore, it empowers indigenous leadership by reducing the financial barriers they face in navigating complex regulatory processes and engaging with government agencies. Ultimately, fundraising initiatives bridge the gap between the aspirations of indigenous communities and the resources needed to realize those goals.

Conclusion

This paper sheds light on the invaluable role that nonprofits play in facilitating indigenous leadership in the management of Bears Ears National Monument. Although the challenges faced by nonprofits advocating for indigenous leadership in land management are many, there are various strategies available to reconcile past colonialist conservation practices, each with its own set of potential benefits and drawbacks. Through a comprehensive analysis of their strategies, I conclude that nonprofits act as crucial informed advocates in the complex

relationship which arises as indigenous tribes and federal land management agencies engage in the collaborative management (co-management) of a natural resource. This study underscores two primary functions of nonprofits in this context: 1) amplifying indigenous voices and perspectives and thus easing access to decision-making spaces and 2) providing tribes with the necessary resources and funding for effective collaboration with federal management agencies.

The first key function of nonprofits highlights their importance in dismantling barriers to indigenous participation in the decision-making process. By advocating for tribes in legal language, and actively participating in the National Environmental Policy Act (NEPA) process, nonprofits are able to make actionable the incorporation of indigenous knowledge systems into land-management framework historically informed by western ideals of conservation. The efforts of nonprofits related to their second key function of providing tribes with the resources necessary to engage in effective collaboration with FLMA's (consulting with tribes, organizing events and gatherings, and fundraising) further enhances the visibility and influence of indigenous perspectives.

While much of the literature on co-management posits the reformation of FLMA's as a key component on the path to effective co-management, this research repositions nonprofits as pivotal players in addressing the complex issues which arise as a natural resource is managed collaboratively. By recognizing the pivotal role that nonprofits play in advocating for tribes, I emphasize the importance of collaboration and partnership in addressing the complexities of co-management, and ultimately achieving sustainable and equitable conservation goals.

To ensure the effective management of Bears Ears National Monument, the necessity of fostering strong partnerships between nonprofits, indigenous tribes, and FLMA's cannot be understated. Nonprofits stand as catalysts for change, amplifying indigenous voices and

channeling the resources required for meaningful collaboration with FLMAAs. This research speaks to the potential of nonprofits, conservation organizations, or other such entities in the pursuit of environmental and cultural preservation, offering a unique perspective and avenue for addressing the complexities of co-management in practice.

Researcher Positionality

The college at which I have studied for the past four years, Colorado College, is positioned at the edges of several indigenous homelands, including the unceded territory of the *Nu'ichi* (Ute) peoples. The land was also utilized by the *N'de* (Apache), *Hinono'eino* (Arapaho), *Numinu* (Comanche), and *Tsitsistas* (Cheyenne) peoples. Writing from this college, and the irony of writing about Bears Ears, is not lost on me. While I recognize that such acknowledgements can seem hollow without action behind them, they are intended to reverse invisibility and bring awareness to those who were the original stewards of the place from which I write this paper. Furthermore, I acknowledge my position as a white undergraduate student, studying at a predominantly white liberal arts college to emphasize that I am in no way suggesting or prescribing solutions to challenges regarding the establishment and management of Bears Ears National Monument. Rather, the aims of this paper are to provide an account – from the interested perspective of someone committed to the pursuit of inclusive conservation practices – of the nonprofit groups and processes behind the effort in Bears Ears to bring indigenous perspectives into the historically exclusionary conversation of the management of America's public lands. With the resources available to me at Colorado College, I have earned an Environmental Studies major and accumulated knowledge on conservation issues, many of which are relevant to the situation in Bears Ears. In writing this paper, I use knowledge I have

gained from the region, relevant literature, and key informants and stakeholders to contribute to research on the topic of co-management and the decolonization of management practices in the Bears Ears region.

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