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‘Political football’? Biden wants review of Bears Ears, Grand Staircase boundaries

Utah politicians issue statement cautioning new president

By Amy Joi O'Donoghue@Amyjoi16 Updated Jan 20, 2021, 5:02pm MST



The Bears Ears of the Bears Ears National Monument are pictured from the air on Monday, May 8, 2017. *Scott G Winterton, Deseret News*

SALT LAKE CITY — As expected, President Joe Biden said he will have the U.S. Department of Interior conduct a review of the boundaries for Bears Ears and Grand Staircase-Escalante national monuments, both of which were created in a tempest of controversy and then later reduced amid equal outcry.

Former President Donald Trump slashed Grand Staircase-Escalante National Monument nearly by half to 1 million acres and broke up Bears Ears into two separate units totaling 228,700 acres in December 2017 through an executive order.

The boundary reductions happened at the urging of Utah's top political leaders, including the congressional delegation, the governor and after a resolution passed by the Utah Legislature.

At the time, Trump indicated it was the pressure and persistence of former Sen. Orrin Hatch, R-Utah, that ultimately helped convince him to make the boundary changes.

Utah's congressional delegation as well as state officials including Gov. Spencer Cox, Attorney General Sean Reyes, Senate President Stuart Adams, R-Layton, and House Speaker Brad Wilson, R-Kaysville, issued a statement Wednesday cautioning the new president.

“For over 25 years Utah has been the center of controversial and divisive unilateral national monument decisions. Roughly two-thirds of our backyard belongs to the federal government, which has meant land management actions have often been done to us rather than with us,” the statement said.

“A review in name only with predetermined results, which ultimately leads to a unilateral executive order enlarging the monuments' boundaries, will not solve the root of the problem and will only deepen divisions in this country.”

The group went on to note that Biden “championed” a message of unity during his campaign — something they hope he delivers when it comes to controversial monument decisions.

Bears Ears was created in the waning days of the Obama administration after he sent then-Interior Secretary Sally Jewell to visit the remote region in San Juan County that is said to be an archaeological treasure trove boasting more than 100,000 cultural artifacts from Native Americans who hold the area sacred.

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The designation of the 1.35-million acre monument brought cries of protest from Utah's conservative leaders who accused Obama of abusing his authority under the Antiquities Act.

That act gives presidential authority to create monuments for resource protection, but critics say it has been widely misused to lock up vast acres of land and other resources that go beyond the scope of the law.

Trump shrank both monuments after his interior secretary, Ryan Zinke, took a tour of Bears Ears by helicopter and on horseback, as well as visiting areas at Grand Staircase.

After those monuments were reduced in size, multiple groups filed lawsuits in federal court challenging Trump's authority to make those reductions. Those lawsuits are still pending.

Josh Ewing, executive director of Friends of Cedar Mesa — a pro-monument organization — said ideally, there should be a legislative solution to the Bears Ears question.

“My hope is that the review is done thoughtfully with regard to the global significance of this area and how critical these resources are, and also with regard to how we may have permanent protection so that this is not a political football that gets tossed back and forth every four years,” he said.

“In order for there to be a permanent solution, it would need some sort of congressional compromise. I won't speculate on what that compromise would look like. ... It is a deeply contentious issue so it would certainly not be easy to have something like that happen.”

San Juan County Commissioner Bruce Adams, who opposed the monument's creation, said he fears the Biden administration will go beyond the designation made under former President Barack Obama and expand the monument to 1.9 million acres.

Such a move, he said, will hurt San Juan County.

“To expand Bears Ears to its original size or even larger will have negative impacts on our county's expenditures, and we will deal with all the impacts to our sheriff's office, our emergency medical services and roads with all that being increased due to more visitation.”

Adams said at the very least, if the Biden administration increases the size of Bears Ears, the change should come with some revenue for the county.

“The federal government has never paid the county its full Payment in Lieu of Taxes money.”

That money, which compensates counties for federal lands off limits for producing property taxes, comes to about \$1.2 million to San Juan County, Adams said, estimating it's short by about another \$5 million.

“It would help our revenue so we could actually provide the services the public expects and demands of us when they visit,” he said.

Patrick Gonzales-Rogers, executive director of the Bears Ears Intertribal Coalition, said tribes have been in touch with the Biden transition team on restoring the monument's boundaries.

“What we had put forth is that we would like it to be reinstated to the original Obama boundaries and subsequently later in the year, we would like a path to go forward to the original tribal proposal of 1.9 million acres and to make it a permanent designation,” he said.

Just as in Bears Ears, Utah's conservative leaders railed against the 1996 designation of Grand Staircase by then President Bill Clinton.

The surprise designation has been largely viewed by critics as a slap in the face to Utah, with Clinton announcing the designation from neighboring Arizona — not stepping foot in the state.

The Biden transition team has been in touch with monument supporters over the last couple of months.

Mountain Pact, a collection of elected officials representing 80 communities in the West who are focused on promoting outdoor recreation economies, called on Biden this month in a letter to restore boundaries in both of Utah's monuments.

Signatories included representatives from Park City, Moab, Bluff and Alta, as well as Grand, Summit and San Juan counties.