

# Congress of the United States

Washington, DC 20515

December 15, 2016

The Honorable Russell Begaye  
President  
Navajo Nation  
100 Parkway  
P.O. Box 7440  
Window Rock, Arizona 86515

Dear President Begaye:

We are troubled by recent news that U.S. President Barack Obama may designate a massive new National Monument in southeast Utah in the next few weeks.<sup>1</sup> Such a unilateral designation infringes on the rights and the way of life of the Federally Recognized Indian Tribes in the area, including the Navajo. This decision could abruptly and permanently close off a substantial area of land respected and used by generations of local Indian Tribes in an area already containing numerous national parks and monuments.<sup>2</sup>

One of the most alarming aspects of this prospective action arises from potential misrepresentations made by the U.S. Department of the Interior (DOI) to Indian tribes that DOI and the tribes will allegedly co-manage the monument.<sup>3</sup> As noted in a recent letter to Interior Secretary Sally Jewell, DOI lacks authority to enter into any such cooperative management arrangement with the Tribes in the absence of authorization from Congress.<sup>4</sup> We believe that such misleading promises may have been made by DOI in an attempt to persuade Navajo, and members of other tribes, to support a possible designation. With the long and sordid history of the federal government's treatment of tribal obligations it would be the height of irresponsibility to designate a monument based on misrepresentations.<sup>5</sup>

With this extremely controversial decision allegedly pending, we write to, again, strongly and unequivocally voice our opposition to designating Bears Ears as a national monument. Doing so will not only deprive local Navajo of use of land they have valued and rights they have

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<sup>1</sup> Brian Maffly, *If Obama declares a mini Bears Ears monument, would anyone in Utah be happy?*, THE SALT LAKE TRIBUNE, Dec. 9, 2016, available at <http://www.sltrib.com/home/4689454-155/if-obama-declares-a-mini-bears>.

<sup>2</sup> Brian Maffly, *If Obama declares a Bears Ears monument in Utah, could President-elect Trump undo it?*, THE SALT LAKE TRIBUNE, Nov. 11, 2016, available at <http://www.sltrib.com/news/4563968-155/if-obama-declares-a-bears-ears>.

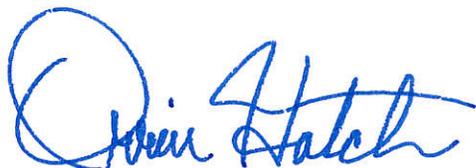
<sup>3</sup> Dept. of Interior Sec. Order No. 3342 (Oct 21, 2016).  
[https://www.doi.gov/sites/doi.gov/files/uploads/so3342\\_partnerships.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/so3342_partnerships.pdf).

<sup>4</sup> Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, to Hon. Sally Jewell, Sec'y, U.S. Dept. of the Interior (Dec. 9, 2016).

<sup>5</sup> Hansi Lo Wang, *Broken Promises On Display At Native American Treaties Exhibit*. NATIONAL PUBLIC RADIO, Jan. 18, 2015 available at <http://www.npr.org/sections/codeswitch/2015/01/18/368559990/broken-promises-on-display-at-native-american-treaties-exhibit>.

enjoyed, but it will also ensure that we will be unable to work towards a commonsense Congressional solution that could allow for co-management with affected Tribes.

Sincerely,



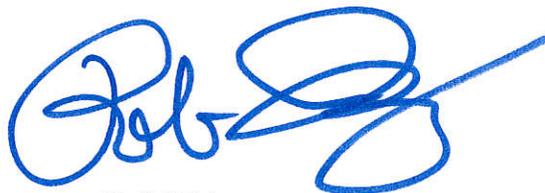
Orrin G. Hatch  
United States Senator



Jason Chaffetz  
Member of Congress



Michael S. Lee  
United States Senator



Rob Bishop  
Member of Congress

Enclosure

cc: President Barack Obama