



SOCIETY FOR AMERICAN ARCHAEOLOGY

October 31, 2022

Project Manager
BLM Monticello Field Office
365 North Main Street
Monticello, UT 84535
ATTN: Monument Planning

RE: Bears Ears National Monument Resource Management Plan

The Society for American Archaeology (SAA) is pleased to present the following comments to the Bureau of Land Management (BLM) and the US Department of Agriculture Forest Service (USFS) as part of their intent to revise the resource management plan (RMP) and associated environmental impact statement (EIS) for the Bears Ears National Monument (BENM). The BENM is one of the most significant cultural landscapes in the nation. To ensure that the archaeological sites and artifacts located within its restored boundaries are protected to the maximum extent possible, we advocate that the Monument's RMP specifically address and protect its heritage resources for research and interpretation.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

BEARS EARS ARCHAEOLOGY

According to archaeologists who work extensively in the area, approximately 9,000 *recorded* archaeological sites lie within the restored Monument boundaries, but given that only 10% of the land in the BENM was professionally surveyed and inventoried to date, the total number of sites is necessarily much greater. Experts estimate that at least 100,000 sites are present within the BENM, closely associated with Native American tribes of the Southwest (Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute, and Zuni, among others) whose ancestors' presence in the area dates back at least 12,000 years. The sites include rock art installations, settlements, religious and ceremonial sites, hunting camps, and agricultural centers. Prior to the December 2016 creation of the BENM, cultural resources in the area were exposed to greater impacts from looting, mismanaged recreational land use, and inappropriate energy and mineral extraction activities, due in large part to weaker legal protections and insufficient funding for management of these heritage resources. The designation of the BENM—and its restoration in October 2021

with a slightly enlarged acreage—drew the public’s attention to the value of these irreplaceable resources to our nation’s heritage and ensured that these treasures will receive the maximum legal protection available under law.

HISTORY OF THE SAA AND BEARS EARS NATIONAL MONUMENT

The SAA worked with other preservation groups to urge the Obama administration to create the BENM in 2016. Later, once the Trump Administration announced that it would proceed with a review of large-scale monument designations under the Antiquities Act, with an implied intent of downsizing the Bears Ears and Grand Staircase-Escalante National Monuments, the SAA and numerous other organizations worked to raise opposition. In the spring of 2017, 3,127 people used the SAA’s Take Action portal on our website to contact their elected representatives on Capitol Hill and Trump administration officials, to express their opposition to that administration’s proposed review of large-scale monument designations and the threat it posed to the cultural resources in those monuments and the Antiquities Act itself. Another 610 SAA members wrote to the Department of the Interior and Congress through our website to voice their concerns about making archaeological objects and sites vulnerable under a potential reduction in boundaries. The SAA also filed comments with Secretary of Interior Ryan Zinke on May 25, 2017, urging protection of the Monuments. Further actions by the SAA included a December 4, 2017, statement to the Department of the Interior opposing the reduction of the Monuments; opposition to the scoping process for new management plans for the Monuments on November 15, 2018; and a statement in opposition to the new RMP and EIS for the Monuments on November 15, 2019.

The SAA, with other archaeological organizations, submitted an amicus brief on November 19, 2018, on behalf of plaintiffs in the cases filed in the US District Court for the District of Columbia: Hopi Tribe et al. v. Trump et al. (Case Nos. 1:17-cv-02590 [TSC], Civil Action No. 1:17-cv-02605 [TSC]; Civil Action No. 1:17-cv-02606 [TSC]). The brief challenged President Trump’s authority to issue the proclamation altering the boundaries of the Monuments and, in practical effect, to excise protected objects from the Monuments or diminish the protection of archaeological resources to facilitate surface-disturbing activities.

Finally, the SAA expressed its support for the restoration of the original boundaries for the Monuments in a letter to President-elect Biden’s transition team on December 4, 2020, as well as a letter thanking Secretary Haaland for the Department of the Interior’s report urging restoration of the Monuments on June 18, 2021.

WHAT SHOULD BE INCLUDED IN THE RMP?

Restoration of the BENM requires that the archaeological resources contained within its boundaries receive the highest level of legal protection available. To maximize the stewardship of those resources, the new RMP has to address the following priorities:

1. Stopping looting and other forms of intentional destruction—over the years, San Juan County, Utah, which includes the BENM, has proved to be a center for the looting of archaeological sites and artifacts, particularly tribal objects of cultural patrimony and

spiritual importance to the Indigenous community. The damage done by these activities to both the archaeological record and Native American heritage cannot be overstated. The new RMP needs to include provisions for increased funding and staff to combat these violations of the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act.

2. Conducting a comprehensive inventory of cultural resources—a complete inventory of cultural resources within the BENM, as per Section 110 of the NHPA, is needed. Without such an inventory, the BLM and the American public will not gain a full understanding of the BENM, its past inhabitants, and their relationship both to the land and their living descendants. The RMP should also provide for increases in funding and staff positions to meet this objective.
3. Implementing a landscape-scale approach to preservation—once the Section 110 inventory is finished, the RMP must manage the identified cultural resources on a landscape basis. Programmatic, landscape-scale management of the BENM’s archaeological resources is the only way to effectively preserve and interpret the history and cultures of the peoples who called that area home in their proper contexts and to do so in a timely and cost-efficient manner. For more information, please consult our 2016 reports and recommendations on the subject [here](#).
4. Addressing a changing environment—climate change is impacting our physical world, and with it the tangible remains of our past, our irreplaceable cultural resources along with our histories, cultures, and heritage values. Because archaeology is the study of those who came before us through the examination of the remnants of their daily lives and lifeways, archaeological research has great potential to provide both data and insights into how people in the past dealt with challenges from climate change and how their reactions may help us understand how we will and/or should react. This information could, in turn, help us to deal better with the changes that are happening today. The RMP should allow for continued scientific research and inquiry into the archaeological record of Bears Ears.
5. Ensuring tribal involvement—Native American tribes must continue to actively participate in the development and implementation of the new RMP for the BENM. That land is the land of their ancestors and is their heritage. The reconstitution of the Bears Ears Commission to “provide guidance and recommendations for the development of the management plan and incorporate traditional and historical knowledge” was a good first step. The Hopi, Navajo, Ute Mountain Ute, Ute Tribe of the Uintah and Ouray Reservation, and Pueblo of Zuni are represented on the commission. Earlier this year representatives of the BLM and USFS signed an intergovernmental cooperative agreement with the five Tribal Nations of the commission “to obtain input from the Commission for the development and implementation of the Monument Management Plan.” Federal officials must work closely and actively with the tribes in identifying and properly managing all of the resources within the Monument of importance to Native American cultures—not only archaeological sites but Traditional Cultural Properties and the natural resources that play key roles in tribal spiritual and religious practices. Finally, under Joint Secretarial Order 3403, in managing federal lands and waters, the BLM and USFS must recognize trust and treaty responsibilities, and tribal consultation and collaboration must be major components of federal land management priorities for preservation, conservation, and recreation within the BENM.

The BENM is a natural, historical and cultural treasure that the SAA and many other groups and individuals worked hard to preserve and protect from adverse policy decisions by the previous administration. The revision of the RMP and associated EIS should be carried out in as comprehensive and collaborative manner as possible, addressing the points cited above. Only by doing so can we ensure that our shared cultural heritage will be preserved for the benefit of present and future generations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sandweiss', with a horizontal line underneath.

Daniel H. Sandweiss, PhD, RPA
President