



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2017 SPF:007

OPPOSITION TO THE UTAH PUBLIC LANDS INITIATIVE ACT (H.R. 5780)

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** on January 5, 1882, a reservation, known as the Uncompahgre Reservation, was formally established for the Uncompahgre Utes in Utah by President Chester A. Arthur pursuant to an Executive Order; and
- WHEREAS,** the 10th Circuit Court of Appeals found in *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir. 1985) (Ute III), reaffirmed by *Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1528 (10th Cir. 1997) (Ute V) that the Uncompahgre Reservation has not been disestablished or diminished; and
- WHEREAS,** Congressman Rob Bishop (R-UT), the chairman of the House Natural Resources Committee, has introduced the Utah Public Lands Initiative Act (H.R. 5780), which would take more than 100,000 acres of land within the Tribal Nation's reservation. In addition, the bill would affect the Tribal Nation's sovereignty, water rights and jurisdiction over another 300,000 acres of lands within the reservation; and
- WHEREAS,** this legislation reflects a western state's movement to "take back" federal lands, and so sets a dangerous precedent for all Tribal Nations; and
- WHEREAS,** these lands within the Uncompahgre Reservation are currently managed by the Bureau of Land Management, but should have been restored to Indian trust status and managed by the Bureau Indian Affairs following the passage of the Indian Reorganization Act in 1934; and
- WHEREAS,** in seeking to take the Ute Indian Tribe's Reservation lands within the Uncompahgre, H.R. 5780 is unjust, counter to existing Federal law, undermines modern federal policies promoting Tribal self-determination and economic development, undermines the Ute Indian Tribe's role as a major energy producer and engine for economic growth in northeast Utah, and is likely to result in long-term litigation, which will serve to bring more uncertainty and conflict to land disputes in Utah; and
- WHEREAS,** the Utah Public Lands Initiative Act does not account for and is counter to Tribal interests and existing federal laws related to Tribal water rights and rights-of ways on Tribal lands and within Indian Country; and

WHEREAS, USET SPF finds that the era of taking ancestral Indian homelands for the benefit of non-Indians is long over and that further efforts to take Tribal lands should be opposed by all; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

RESOLVED the USET SPF Board of Directors calls upon the Secretary of the Interior to immediately issue an Order of Restoration restoring all remaining surplus lands located on the Uncompahgre Reservation pursuant to 25 U.S.C. § 463 to protect the Ute Indian Tribe's reservation and homeland; and, be it further

RESOLVED the USET SPF Board of Directors calls for thorough consultation with all Tribal Nation stakeholders in Utah before further action on the Utah Public Lands Initiative Act, with the intent of reaching consensus and with the requirement of Tribal consent; and, be it further

RESOLVED the USET SPF Board of Directors opposes any attempt in the Utah Public Lands Initiative Act to take the Uncompahgre Reservation homelands of the Ute Indian Tribe for the benefit of non-Indians; and, be it further

RESOLVED the USET SPF Board of Directors calls on the United States Congress to oppose the Utah Public Lands Initiative Act and seek the removal of all provisions taking Uncompahgre Reservation homelands from the bill; and, be it finally

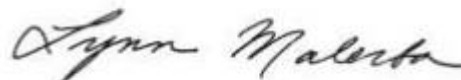
RESOLVED USET SPF Board of Directors opposes any attempt to transfer federally-protected public lands to state or private ownership, thus abrogating the federal trust responsibility and Tribal treaty rights protecting the use of Indian ancestral homelands for hunting, fishing, gathering, cultural and traditional uses, or other Tribal uses/access.

CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting, at which a quorum was present, in Cherokee, NC, October 26, 2016.



Chief Kirk Francis, President
United South and Eastern Tribes
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund

Because there is Strength in Unity