

## **NEWS RELEASE - FOR IMMEDIATE RELEASE**

### **UTE INDIAN TRIBE CALLS BIDEN'S CAMP HALE – CONTINENTAL DIVIDE NATIONAL MONUMENT DECLARATION AN UNLAWFUL ACT OF GENOCIDE**

Ft. Duchesne, UT October 12, 2022

On October 12, 2022, President Biden designated a new National Monument in the middle of the Ute Indian Tribe's traditional homelands without tribal consultation and including the Tribe in the management of these lands. The Tribe and its elected leaders were even excluded from the event taking place on their homelands. Surrounded by forests, mountains, and towns named after the Tribe and its leaders, President Biden met with other tribes from the area, but did not include the Ute Indian Tribe and its Uncompahgre Band who sustained these lands long before the founding of the United States.

The Camp Hale – Continental Divide National Monument is within the homelands of the Ute Indian Tribe's Uncompahgre Band. The United States forced the Uncompahgre Band off these valuable lands in 1880. Today, the United States was back to further dispossess the Band from its lands by designating a monument without fully including the Tribe.

The Ute Indian Tribe Business Committee condemned the White House's actions. "They moved forward with a monument on our homelands without including us. They talk about tribal consultation, but their actions do not match their words." The Business Committee stated, "We cannot support a monument on our homelands that does not include the Tribe."

The Ute Indian Tribe learned about plans for the Monument just days ago. Concerned about management of their traditional homelands, the Tribe's elected leaders were quickly summoned for a call with the White House. Few details were shared and there was little time for the Tribe to share its knowledge and history of the area. Instead of fully engaging the Ute Indian Tribe and its Uncompahgre Band in designating the Monument, the White House rushed forward with its own priorities.

The Tribe will fight to protect its lands and resources in the area, including cultural resources and burial sites of the Tribe's ancestors. While the White House took credit for protecting tribal burial sites, the Business Committee commented, "It is a disgrace to our ancestors to exclude the Tribe in the care and protection of these burial sites. We are shocked that 200 years later, nothing has changed. This unlawful action by the President today is a desecration of our ancestors that remain buried on our homelands. Many of these Ute ancestors passed on seeking to protect these lands from further encroachment and others left us as part of the forced death march at the hands of the United States as we were moved out of Colorado at gunpoint. The Ute Indian Tribe will not stand by to accept further genocidal tactics that continue to be perpetuated against our people and our ancestors that came before us. The United States President is doing what the United States has always done and we will use all lawful measures at our disposal to stop this."

In an era where the Administration and Congress are desperately seeking tribal wisdom, ecological knowledge, and co-management to hold back the impacts of global warming and increasing drought, the President and the Administration are pursuing their own priorities and not listening to

the needs of Indian tribes. In designating the Monument, the President and his Congressional supporters reverted to discredited federal policies of “chief making” by attempting to pick and choose between tribes and tribal leaders. The President also violated his own directives on government-to-government consultation. In a January 26, 2021 memorandum to federal agencies, President Biden wrote:

“My Administration is committed to honoring Tribal sovereignty and including Tribal voices in policy deliberation that affects Tribal communities. The Federal Government has much to learn from Tribal Nations and strong communication is fundamental to a constructive relationship.”

Today’s actions violate the President’s commitment which was based on more than two centuries of a nation-to-nation relationship, federal trust responsibility, and treaties and agreements between the United States and Indian tribes. The Ute Indian Tribe opposes the designation of a new National Monument without full participation of the Tribe in protecting and managing its homelands. It is an act of genocide to attempt to erase the history and connection of the Tribe to these lands.

Business Committee Chairman and Uncompahgre Band Member Shaun Chapoose commented “We’ve tried to work with this Administration, but time after time they refuse to address the real issues tribes are facing.” He continued, “Even on our traditional homelands, they refused to work closely with us. These new monuments are an abomination and demonstrate manifest disregard and disrespect of the Ute Indian Tribe’s treaty rights and sovereign status as a federally recognized Indian Tribe. If it’s a fight they want it’s a fight they will get.”

The Business Committee called for the President to take action to restore and protect the Tribe’s current homelands in Utah. “While the President is out here in Colorado on our traditional homelands, his Administration is refusing to address ongoing attacks on our current homelands in Utah. First they took our lands in Colorado, and now they won’t address our lands at home.”

For almost two years, Secretary Deb Haaland and Assistant Secretary for Indian Affairs Bryan Newland have not addressed the Tribe’s request for restoration of lands within its Uncompahgre Reservation, making up the eastern half of its Uintah and Ouray Reservation. Secretary Haaland and Assistant Secretary Newland have refused multiple requests from the Tribe to resolve this issue. Section 3 of the Indian Reorganization Act (IRA) provides all the authority they need to take action and secure the Tribe’s homelands.

Meanwhile the Tribe’s Uncompahgre Reservation has been under attack ever since it was established in the 1880 Agreement and Act of Congress and an Executive Order in 1882. First, the Reservation was opened to non-Indian settlement and stockmen, and later, the Secretary of the Interior administratively transferred management of these lands to the Bureau of Land Management (BLM). Today, the BLM manages about 1.8 million acres within the Uncompahgre Reservation for the benefit of the Federal government and the state of Utah.

“That’s not right,” the Business Committee continued. “Nothing is being done to secure our Reservation homelands where we live and work. Indian reservation homelands must be protected and secured above all else! Every day, BLM and the State take more and more of our resources.

Resources that we reserved to provide for future generations of our Tribe. The President must take action to restore and secure our Uncompahgre Reservation homelands.”

Despite Interior’s past actions, lands within the Uncompahgre Reservation are eligible for trust restoration under the IRA. The Tribe’s lands should be restored to trust status the same as other Ute bands who were a part of the 1880 Agreement and Act of Congress. Congress never disestablished the Uncompahgre Reservation and never took title to the Tribe’s lands. The 10th Circuit Court of Appeals has repeatedly held that Reservation was never disestablished, and the U.S. Supreme Court has refused to review these decisions. In one of these decisions in 1985, the full 10th Circuit Court of Appeals found that allotment of the Reservation “doesn’t disturb the ownership of the land by the tribal group.”

The Ute Indian Tribe is pressing the Administration on the importance of restoring and protecting tribal homelands and including the Tribe in the protection of its ancestral lands and resources. Under the 1880 Agreement and Act of Congress, the Tribe was forced to build a new life on its Reservation in Utah. The Tribe’s homes, communities, and businesses are now in Utah. Securing and protecting the Tribe’s current homelands should be a priority for the Biden Administration.

The Ute Indian Tribe is calling for Congressional hearings and oversight of Secretary Haaland and Assistant Secretary Newland’s failure to address tribal priorities and protection of Tribal Reservation Homelands. The Business Committee commented, “We hear all these headlines about actions for Indian tribes, but where is this Administration on securing our homelands, increasing law enforcement to protect our communities, protecting our waters, and defending our lands and resources in federal court.” The Business Committee continued, “All too often the Secretary and Assistant Secretary are chasing their own priorities and not the priorities of Indian tribes. Or, even worse, they are often sitting on the wrong side of the table and not fulfilling the President’s commitments and solemn trust responsibility to Indian country.”

The Ute Indian Tribe notes that the Administration’s actions within a number of federal agencies violate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which requires that governments avoid any action “which has the aim or effect of dispossessing [indigenous peoples] of their lands, territories or resources;...” Endorsed by President Obama in 2010, the Tribe has repeatedly met with the White House and Administration Officials seeking actions consistent with UNDRIP.

In particular, the Tribe has asked the Administration to adopt a tribal consultation standard of Free, Prior, Informed Consent for any actions impacting tribal communities and tribal resources. The White House and the Administration have refused to recognize and uphold this international law principal as other developed nations with large indigenous populations, such as Canada, have sought to do. Failing to abide by this international standard casts a cloud on the United States and diminishes its standing among the world’s governments.

The Business Committee concluded, “The President’s actions today in declaring these National Monuments in the manner he did is a national disgrace. The United States cannot move forward without acknowledging and accepting its past and taking meaningful action to address these issues with our Tribal homelands now. Unless and until this happens, the United States will always have this deplorable history hanging over it as a black cloud and will never be able to advance to a

position of a nation with moral and legal legitimacy, which will forever limit its standing in the world community. Only on this basis can we have a true nation-to-nation relationship that allows us to work together to sustain our lands and resources for our future generations.”

**About the Ute Indian Tribe** - The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band, and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own tribal government and oversees significant oil and gas deposits on its 4.5 million acre Reservation. The Tribal Business Committee is the governing council of the Tribe.

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