



**Testimony of the Navajo Nation**  
**Submitted by President Russell Begaye**

**Before the U.S. Senate**  
**Committee on Energy & Natural Resources**  
**Subcommittee on Public Lands, Forests, and Mining**

**May 9, 2018**

Chairman Lee, Ranking Member Wyden, thank you for the opportunity to present testimony today on the law enforcement programs at the Bureau of Land Management (BLM) and United States Forest Service (USFS). My name is Russell Begaye, and I am the President of the Navajo Nation.

The Navajo Nation spans over 27,000 square miles within Arizona, New Mexico, and Utah. The Navajo ancestral territory is much larger, however, ranging through southern Colorado and radiating further into the other three Four Corners states than our current reservation boundaries. Accordingly, much of our ancestral land is now managed by the federal government through the Bureau of Land Management (BLM) and the United States Forest Service (USFS). In fact, three of our four sacred mountains are within national forest land. Blanca Peak, Siskaajini, "white shell mountain," the sacred mountain of the east, lies partially within the Rio Grande National Forest in Colorado; Hesperus Mountain, Dibe Nitsaa, "big sheep," the sacred mountain of the north, lies within the San Juan National Forest in Colorado, and; the San Francisco Peaks, Dook'ooosk'iid, "abalone shell mountain," the sacred mountain of the west, is located

within the Coconino National Forest in Arizona. We have fought to protect these sacred mountains from destructive development and will continue to do so.

Our ancestral territory also extends into BLM lands in the southeastern Utah canyon country and to lands within the San Juan Basin in New Mexico. These sites include the greater Chaco Canyon region and the Bears Ears region, places rich with cultural resources of the Navajo Nation and other tribes. The Navajo Nation, therefore, has a significant interest in the availability and ability of law enforcement personnel to protect Navajo, tribal, and public resources on BLM and USFS lands.

Today, I would like to discuss the importance of federal law enforcement to the protection of tribal resources on the lands in the Bears Ears region in southeast Utah. As this Subcommittee knows, tribal artifacts have been looted off federal lands in southeast Utah for decades. In 2009, after years of undercover work and coordination between the BLM and FBI agents, a sting operation on a multi-million dollar black market tribal antiquities trade led to 19 arrests.<sup>1</sup> The arrests were possible because of the work of BLM agents, who curbed decades of unchecked stealing of resources in violation of federal laws such as the Native American Graves Protection and Rehabilitation Act, Archeological Resources Protection Act, and the National Historic Preservation Act.

The Bears Ears region is home to hundreds of thousands of tribal antiquities and paleontological resources. With more than 100,000 archaeological sites—and up to 250,000 per square mile—the Bears Ears region had been called “America’s most significant unprotected cultural landscape.”<sup>2</sup> The area has been called out for additional protections since 1903, before the Antiquities Act was enacted in 1906.

Despite the federal crackdown on the antiquities trade in 2009, looting and grave robbing remain a problem. Between 2011 and 2015, the BLM documented 26 incidents of serious cultural resource damage in San Juan County. It is likely there were more. During this time, the BLM had only one law enforcement officer assigned to patrol the Bears Ears area. Although BLM added an additional law enforcement officer in late 2016, the increased visitation in the region makes accidental and purposeful damage to resources more likely, and a corresponding increased law enforcement presence more necessary.

Reports show that over fifty incidents of archeological crimes have occurred since 2011 in the Bears Ears region. These incidents include:

- 2012: Campers tore down a 19th-century Navajo hogan for use as firewood.
- 2013: Looters desecrated a burial site in Butler Wash.

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<sup>1</sup> See Joe Mozingo, *A Sting in the Desert*, LA Times (Sept. 21, 2014), available at <http://graphics.latimes.com/utah-sting/> (last visited May 7, 2018).

<sup>2</sup> Crow Canyon Archeological Center, *Archeologists Push for Bears Ears National Monument*, (2016) available at [http://www.crowcanyon.org/e-newsletter/2016/June/2016\\_June\\_Bears\\_Ears.html](http://www.crowcanyon.org/e-newsletter/2016/June/2016_June_Bears_Ears.html) (last visited May 7, 2018).

- 2014: A 2,000-year-old pictograph site in Grand Gulch was vandalized.
- 2015: Three remote burial sites in Cedar Mesa were dug up and looted, and a separate burial site was dug up in Reef Basin.
- 2015: Prehistoric walls were torn down at the Monarch Cave and Double Stack Ruins on Comb Ridge.
- 2016: a petroglyph was partially removed from a wall with a rock saw and chisel, badly damaging the ancient rock art; rock art in a cave was vandalized with names scratched into the art; a fire ring on Muley Point was constructed out of materials from a 2,000-year-old to 3,000-year-old site; ATV riders intentionally left the trail to drive through two archaeological sites in the lower Fish Creek Canyon Wilderness Study Area.<sup>3</sup>

We hoped that the establishment of the Bears Ears National Monument would provide additional law enforcement personnel to the region, which we desperately need. While we may not be able to stop completely the desecration of tribal cultural resources and antiquities, we are able to show that we value them and will make active efforts to protect them to the best of our abilities.

The Navajo Nation thanks the Subcommittee for allowing me to speak at this hearing. It is critical for federal law enforcement personnel to patrol and enforce federal law on BLM and USFS lands. As our trustee, we expect the federal government to work with the Navajo Nation and other tribes to protect tribal cultural resources on the nation's public lands. We hope that we can work together with Congress to accomplish this, and I welcome the opportunity to work with you to do so. Thank you.

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<sup>3</sup> Jenny Rowland, *Bears Ears Cultural Area: The Most Vulnerable U.S. Site for Looting, Vandalism, and Grave Robbing*, Center for American Progress (June 13, 2016), available at <https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/> (last visited May 7, 2018).