FINDING COMMON GROUND: MORAL VALUES AND CULTURAL IDENTITY IN EARLY CONFLICT OVER THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

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I. INTRODUCTION

The south rim of the Grand Canyon in Arizona was bustling with activity on the morning of September 18, 1996. President Bill Clinton was about to officially announce that he was using his power under the Antiquities Act of 19061 to reserve 1.7 million acres in southern Utah as the new Grand Staircase-Escalante National Monument (hereafter GSENM or “the monument”). It would be the first national monument to be managed under the jurisdiction of the Bureau of Land Management rather than the National Park Service. Amidst the crowd, wilderness advocates and environmentalists assembled in support of the new monument, the designation of which would essentially stymie development of the Kaiparowits coal field and the Andalex mine.2 Representatives of regional Indian tribes were invited to join the celebration, but few attended.3

The following day in Kanab, Utah,4 one of the communities on the periphery of the new GSENM, black balloons decorated the town and mannequins of President Clinton and then Secretary of Interior Bruce Babbit were hung in effigy. Expressing widely felt disdain that Clinton had minimal communication or consultation with Utah's state government or Congressional delegation regarding the GSENM and had chosen a location outside of Utah to announce the new monument, the billboard on a local fast food restaurant reportedly read “Clinton Special—100% Chicken.” Widely considered to be a political move to gain environmentalist favor in an election year, Clinton's declaration of GSENM incensed local governments and residents. Monument designation and management and the construction of GSENM visitor and science centers in the towns of Kanab and Escalante were hotly contested by vocal local residents.5

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3 Personal communication with Sidney B. Dietz, III to author (Apr. 6, 1998).
4 Kanab is approximately 200 road miles from the Grand Canyon South Rim. Direct distance, “as the crow flies,” is only approximately seventy-five miles.
5 See, e.g., Utah Ass’n of Counties v. Clinton, 255 F.3d 1246 (10th Cir. 2001); See also, e.g., Dixie Brunner & Carol Sullivan, Commission gets public reaction to National
Kanab community leader Jim Matson described GSENM designation as “the straw that broke the camel’s back.” The local violence, protest and outrage over GSENM designation and management were influenced by past events, perceptions and relationships. Following on the heels of decades, if not a century, of perceived stymies to prosperity in the hands of the federal government and environmentalists, the declaration, planning and management of the GSENM sent many local residents “over the edge.”

Natural resources are valued by different groups, individuals, agencies and institutions in many different ways. The GSENM conflict illustrates how one parcel of land can simultaneously be attributed scientific, aesthetic, recreational, preservation, economic development, and access values. These contrasting values are often at the heart of conflict over land and resource management. While the National Environmental Policy Act, Multiple-Use Sustained Yield Act and Federal Land Policy and Management Act require that multiple forms of value are “considered” in federal land management and administration, substantial latitude is granted and little guidance is offered in assessing the appropriate

Monument designation, SOUTHERN UTAH NEWS, Sept. 18, 1996, at 1-2; Letters to the Editor: Ron Hamblin, Don’t put it in Park Service hands, Jim Pardee, Spend money on kids-not monument, SOUTHERN UTAH NEWS, Sept. 18, 1996, at 4-5; Carol Sullivan, Frustrated officials and citizens hold “Loss Of Rights” rally, SOUTHERN UTAH NEWS, Sept. 25, 1996 at 3; Dixie Brunner, Commission declares war over National Monument designation, SOUTHERN UTAH NEWS, Oct. 9, 1996, at 1. Both proposed GSENM visitor’s centers were attempts to integrate the monument into the community by combining BLM-managed interpretive center with city-managed visitor center and local history museum. In Kanab, the proposal was to construct a GSENM interpretive center on city land in collaboration with Kanab City government and a tourist visitor center. Vocal local opposition to this plan occurred on the basis that Kane County was contemporaneously party to a lawsuit contesting the legality of the GSENM designation under the authority of the Antiquities Act of 1906 and on the basis that such a joint venture was a conflict of interest.

In the town of Escalante, local history, theater and arts enthusiasts had been working to establish a museum and arts center for several years. The Escalante Center was an attempt to fund this effort by combining it with a BLM-affiliated scientific laboratory and public interpretive center focused on scientific investigation of GSENM. Part of the goal of this joint venture was to provide hands-on scientific educational experiences for local elementary and high school students. A vocal group of local GSENM opponents stymied this effort with protests of BLM involvement. Interview with Suzanne Winters, (June 22, 2000); see also “The Escalante Center” (on file with author).

6 Interview with Jim Matson (July 16, 1999).

significance and magnitude of diverse values. Furthermore, accounting for these multiple divergent values can defy quantitative comparison and as a result, they are often dismissed, overlooked or omitted from consideration.

In response to the special issue of the *Journal of Land, Resources & Environmental Law* dedicated to discussion of lessons learned from designation and planning of the GSENM, this paper traces the historical, moral, cultural and religious values of three groups with a stake in the management of the landscape and resources within the GSENM: the Kaibab Paiute Indians, wilderness advocates, and local practicing Mormons, especially those with close ties to their pioneer heritage. This paper then discusses how understanding these valued histories can facilitate the initial steps in productive alternative conflict resolution.

My goal is not to present a comprehensive update on legal, political or community activity since the 2000 conference upon which the 2001 special issue of the *Journal of Land, Resources & Environmental Law* is based. Rather, I use the GSENM case to illustrate and underscore three points. First, according to principles of successful conflict resolution and executive order on federal consultation and coordination with Indian tribal governments, American Indian tribal governments should be formally consulted in federal land management when they have a stake in the outcome. The tribal liaison position on staff of the Grand Canyon Parashaunt National Monument provides one example of how this can be accomplished. Second, moral, cultural and religious values should be

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8 The National Environmental Policy Act, 42 U.S.C. § 4332 (1969) ("... to the fullest extent possible (1) the policies, regulations and public laws of the United States shall be interpreted and administered ... and (2) all agencies of the Federal Government shall ... (B) identify and develop methods and procedures ... which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations."); see also The Multiple-Use Sustained-Yield Act, 16 U.S.C.A. §531 (1960) ("... with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."); The Federal Land Policy and Management Act, 43 U.S.C.A. § 1702 (1976) ("The term “multiple use” means the management of the public lands and their various resource values ... with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.").


11 See, e.g., Utah Ass’n of Counties and Mountain States Legal Found. v. Bush, 455 F.3d 1094 (Utah 2004).

acknowledged in resolving conflict over federal land management, including wilderness designation. I provide suggestions for accounting for these values. Finally, I suggest that acknowledging and understanding the moral, cultural and religious values at play and identifying where the values of different stakeholders converge and diverge can be one way to build trust and work toward identifying common ground in wilderness and land management conflict. By providing an avenue for addressing value conflicts and including all stakeholders, the results of this paper are directly relevant to federal land management issues in Utah and throughout the American West.

The conclusions of this paper are based on eighty-one open-ended, semi-structured interviews, observations of public meetings, and archival analysis all conducted between 1997-2004 in Kanab, Escalante, Boulder, Cedar City, St. George and Salt Lake City, Utah, and in Pipe Springs, Arizona.13

II. CULTURAL HISTORY, MORAL VALUES, AND IDENTITY

Economic stability is vital for Utah’s rural communities.14 Yet while economic values tend to dominate policy debate, they are only one of the many ways in which land and resources are valued. The GSENM proclamation15 for example, emphasizes the scientific value of the landscape, as in its potential to contribute to the advancement of geologic, archeological, paleontological and ecological discovery and knowledge. In the GSENM case, cultural and moral values are rooted in historical relationships to the landscape and are also central to the identities of parties engaged in conflict.

In this section, I briefly outline the cultural histories of three groups affected by and interested in the GSENM management plan and its implementation and discuss how these historical and cultural values were reflected in early conflicts over monument designation and management. While not the only, nor perhaps even the most visible stakeholders, I focus on the Kaibab Paiute Indians, descendents of Mormon pioneers, and wilderness advocates because the conflicting values held by these three groups are both integral to understanding conflict over GSENM designation and management and relevant to land and resource conflict throughout the American West.16

16 See DALE L. MORGAN, THE STATE OF DESERET (1987); In the Light of Reverence (Bullfrog Films 2001); DANIEL KEMMIS, THIS SOVEREIGN LAND: A NEW VISION FOR
A. Paiute Values and the Importance of Government-to-Government Relationships

Although none of the 6,800 citizen letters received by the GSENM planning team in response to the draft management plan were sent by members of an Indian tribe, Paiute Indians have a legitimate seat at the GSENM planning and management table and the BLM in Utah could have done a better job interacting with tribal entities on a government to government basis in the GSENM planning process.

Seven tribal groups have an interest in the management of the land and resources within the GSENM. Of these, the Kaibab Paiute and Paiute Tribe of Utah presence in present-day GSENM is most recent and most closely overlapping geographically and temporally with the monument boundaries and with historical Mormon pioneer settlement in the area. Furthermore, the reservation and tribal headquarters for these two tribes are geographically closest to GSENM and the surrounding communities. For these reasons and due to limited space, I focus here on the Kaibab Paiute and Paiute Tribe of Utah.

The Paiute have a cultural and spiritual connection to the landscape now within the GSENM that constitutes a significant part of their identity. Prior to white settlement, the Paiute relied directly on plants, animals and minerals in the region for survival. The traditional Paiute relationship with nature is one of respect and honor. Morally, the Paiute view the plants, animals and rocks on par with humans.

Within the lives of Southern Paiute, there is an inherent understanding that all things are placed on this land with a breath of life, just as humans. This land is considered to be their home, just as it is for man, and it is taught that one must consider the rocks, trees, animals, mountains and all other things are on the same level as man. Each has a purpose in life, and the one who created every living thing on this earth placed all living things here to interact with one another… . It is said that the plants, animals, and in fact, everything on this land, understands the Paiute language and when one listens closely and intently enough, there is affirmation and a sense of understanding.
This intimate connection with the landscape including plants, animals, water and land is an integral part of the Southern Paiute identity, especially that of the Kaibab Band.

We, the Kaibab Paiute people, were placed here by the Creator. We remain connected to this land that has sustained us from the beginning of time. We have been able to survive because we live with nature and respect the land—its plants, animals and water. These precious resources will continue to provide life to the People as long as we care for these gifts from the Creator. Living in harmony with the environment provides security, happiness and well being in our lives. We care for this land and thank the Creator for all that surrounds us.\(^{19}\)

In this view, humans are neither part of nor separate from but in relation to nature. In terms of GSENM management, the Kaibab Paiute would like access to their traditional homeland and co-management of resources, and they oppose resource damage or destruction.\(^{20}\)

The place name for the Kaiparowits Plateau is a Paiute word meaning “seed valley people.” The Kaiparowits Band of Paiute once inhabited this plateau. Mormon settlers provided many Southern Paiute people with refuge from Ute, Navajo, and Mexican slave traders. Yet, as the Mormon settlements were established, the Paiute were denied access to traditionally used springs and water sources and to their traditional food and resource base, effectively losing their autonomy and traditional way of life. Members of different bands migrated to be with other Paiutes and are among those that are now members of the Kaibab Paiute Tribe and Paiute Tribe of Utah. By the early twentieth century, entire bands, including the Kaiparowitti Band who lived most prominently within the

\(^{19}\) Id.

boundaries of present day GSENМ, had been decimated by disease and loss of access to resources.21

In this way, the Southern Paiute relationship with Mormon settlers and Euro-American institutions (i.e. the The Church of Jesus Christ of Latter-day Saints (LDS Church or the Mormons) and U.S. Federal Government) evolved into one of domination, “dependency and paternalism.”22 Ironically, Holt describes the powerlessness of the Paiute during white settlement in terms that echo contemporary criticisms of federal agency decision-making.

The opinions or preferences of the Paiutes were seldom elicited and, when they were consulted, they were generally offered only a series of preconceived alternatives one of which they were forced to accept.23

With federal policies that terminated the tribal status of Paiute in Utah in the mid-1950s, Southern Paiute population dropped considerably as people lost access to healthcare and income to meet their basic needs. Federal recognition of tribal status was restored for Utah bands in 1975.24 Since that time, access to housing and healthcare has improved, yet tribal members continue to confront education,

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21 See Letter from C.M. Bradley, Chairperson Kaibab Paiute Tribal Council, to President William Jefferson Clinton via Bruce Babbitt, Sec'y of the Interior (Dec. 4, 1996); see generally ROBERT C. EULER, SOUTHERN PAIUTE ETHNOHISTORY (1966); RONALD L. HOLT, BENEATH THESE RED CLIFFS, AN ETHNOHISTORY OF THE UTAH PAIUTES Ch. 1 & 2 (1992); see also Isabel T. Kelly, Southern Paiute Bands, 36 AM. ANTHROPOLOGIST 548-560 (1934); MARTHA C. KNACK, BOUNDARIES BETWEEN: THE SOUTHERN PAIUTES, 1775-1995 (2004); R. W. STOFFLE ET AL., supra note 20 at Ch. 2 & 3; GARY TOM & RONALD HOLT, The Paiute Tribe of Utah, in A HISTORY OF UTAH'S AMERICAN INDIANS 123-65 (2000); NETHELLA GRIFFIN WOOLSEY, THE ESCALANTE STORY (1964). The Kaibab Paiute Tribal government and reservation is located at Pipe Spring, Ariz., about twenty miles south of Kanab, Utah. The Paiute Tribe of Utah tribal office is located in Cedar City, Utah, where the GSENМ BLM planning team was located during the planning process.

22 See RONALD L. HOLT, BENEATH THESE RED CLIFFS, supra note 21, at xv; Isabel T. Kelly, Southern Paiute Bands, supra note 20, at 548-60; Isabel T. Kelly, Southern Paiute Ethnography, supra note 20; R. W. STOFFLE ET AL., supra note 20, at Ch. 2; see generally ANGUS M. WOODBURY, HISTORY OF SOUTHERN UTAH AND ITS NATIONAL PARKS (Zion Natural History Association 1997).

23 See generally RONALD L. HOLT, BENEATH THESE RED CLIFFS, supra note 21.

24 Paiute Indian Tribe of Utah Restoration Act, Pub.L. No. 96-227 (1980). In the mid-1950s, the tribal-trust relationship between Indian tribes and the U.S. federal government was terminated in exchange for economic incentives. See also Michael C. Walch, Terminating the Indian Termination Policy, 35 STAN. L. REV. 1181, 1181-1215 (1983). At this time the tribal status of the Shivwits, Indian Peaks, Kanosh, and Koosharem Bands of Utah Indians was formally terminated, but the Cedar Band in Utah was overlooked and maintained its status. The Kaibab Paiute Tribe headquartered in Pipe Spring, Ariz. (near Fredonia and just south of Kanab, Utah) also retained its tribal status, choosing to forego the economic incentives offered by the termination policy. See also personal communication with Angelita Bulletts (Nov. 22, 2002) (on file with author).
unemployment and chronic health problems. Paiute people have had to uproot from the land and adapt to white settlement. A history of colonization, forced assimilation, termination and restoration has left Paiutes with diminished access to land and resources of traditional use now within GSENM.\(^{25}\) Since restoration of the Paiute Tribe of Utah in 1979, many Paiute in Utah are trying to regain traditional ways and connection with Paiute heritage.\(^{26}\)

The Hopi, Zuni, Navajo, Ute, San Juan Paiute, Kaibab Paiute and Paiute Tribe of Utah all trace some claim as contemporary descendants of American Indians who once inhabited lands now within the GSENM. Yet, with the exception of NUMKENA 1998, members or governments of these tribes are rarely mentioned as interested and affected parties in GSEM designation and planning.\(^{27}\) Although they had been contacted repeatedly by the planning team cultural lead, none of the tribes identified as having cultural affiliation with GSENM submitted comments on the draft management plan.\(^{28}\) In the case of the Kaibab Paiute, the lack of participation in the monument planning process does not reflect disinterest in the decision outcome, but frustration with what they consider to be insufficient action on the part of the BLM to consult in a government-to-government relationship.\(^{29}\)

\(^{25}\) The resources that Paiutes originally relied on are now both on federal and private land. \textit{See generally} RONALD L. HOLT, \textit{Beneath These Red Cliffs}, supra note 21; R.W. Stoffle et al., \textit{supra} note 20; GARY TOM & RONALD HOLT, \textit{The Paiute Tribe of Utah}, \textit{supra} note 21.


\(^{28}\) \textit{See} GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT PROPOSED MANAGEMENT PLAN FINAL ENVIRONMENTAL IMPACT STATEMENT § 2.72, \textit{supra} note 17; interview with Marietta Eaton (Dec. 17, 1998).

\(^{29}\) Personal communication with Angelita Bulletts (Nov. 22, 2002); interview with Carmen Bradley, Kaibab Paiute Tribal Chairwoman (April 13, 2004); \textit{see also} the following letters, all on file at the Paiute Tribal office in Pipe Spring, Ariz.: letter from C.M. Bradley, Chairperson Kaibab Paiute Tribal Council, to Jerry Meredith, Monument Manager (Jan. 21, 1997); C.M. Bradley to A.J. Meredith, Monument Manager (Feb. 27, 1997); letter from A.J. M. M. Meredith to Carmen Bradley (Feb. 7, 1997); letter from C.M. Bradley to President William Jefferson Clinton (April 7, 1997); letter from C. M. Bradley to Ron Allen, President National Congress of American Indians (April 7, 1997); \textit{see also} Paiute Indian Tribe of Utah Restoration Act, Pub. L. No. 96-227 (1980). While multiple tribes claimed historical or ancestral affiliation with the landscape now within GSENM, I focus here on the Kaibab Band of Southern Paiute Indians because their connection with the landscape and resources is, relatively speaking, contemporaneous with
Written policy and tribal consultation manuals do not necessarily lead to on-the-ground implementation. For example, at the time that the GSENM planning team was assembled and began their work, the BLM had a published manual for guidance on the tribal consultation process. In practice, however, GSENM planning team cultural lead Marietta Eaton reports that when she began her work on the planning team, “no clear [or consistent] protocol existed” for tribal consultation. Neither did the agency have a current list of contacts for tribes with historical affiliation with BLM lands now within GSENM.31 Thus, in spite of previously published tribal consultation manual, there is no evidence that the BLM had a previously established relationship with tribal entities in the GSENM area.

Archeologists are often tasked with tribal consultation for federal agencies, yet these scientist, who are trained to objectively analyze material remnants of past peoples’ cultures, are ill prepared to interact in government-to-government relations with present day tribal governments and “may not have the appropriate skills or sensitivities to attend to the task of consultation.” A trained archeologist, Ms. Eaton did the best she could. She explains, “with only a handful of federal employees responsible for consultation it remains difficult for other staff members to relate to the concerns brought forth by the tribes. More federal managers need to be involved in consultation so they can understand the complexity of the issues and the sensitivity of some of the discussions.” The GSENM case highlights a need for federal agencies to put more attention and resources toward training for tribal consultation, government-to-government relations, and being sensitive to the needs of tribes.

Furthermore, tribal consultation has typically occurred in cases of repatriation or reburial of ancestral remains and/or specific archeological artifacts of significance (i.e. pottery shards, arrow heads, etc.). This type of site specific issue that can be addressed in near-term finite time period and requires isolated, discrete decisions is very different from on-going, long-term consultation regarding land and resource management on large land areas such as GSENM. While both require building mutually trusting relationships, the latter requires that the land management agency view and work with tribal governments as partners in decision-making. For example, the Kiabab Piaute were not merely interested in obtaining permits from the BLM that would ensure they could continue to harvest food, medicinal and other plant materials. They were interested in establishing a partnership, in having a seat at the table in decision-making about land and resource management within the monument; not just once in the planning

32 Id. at 31.
33 Id.
stage, but in an on-going basis. As their cultural home and location of cultural identity, the Kiabab Paiute want more than just use permits for specific resources. They want a government-to-government relationship with the BLM on par that gives them a role in decision-making. One way to achieve this would be to dedicate a seat on the monument advisory board for a tribal representative, just as there are seats for government representative from Kane and Garfield Counties and from Kanab municipality/school district. The current board has a seat for EITHER a tribal representative OR a state representative, but not both.\footnote{Id. at 33.}

In a December 4, 1996 letter to President Clinton, Carmon Bradley, then Chairperson of the Kaibab Paiute Tribal Council, highlights that “the monument holds special significance for the Southern Paiute Nation,” and declares, “it continues to be the desire of the Kaibab Paiute people to have a voice in the decision-making process in regard to our traditional land.”\footnote{See supra note 30, letter from C. M. Bradley, Chairperson Kaibab Paiute Tribal Council, to President William Jefferson Clinton via Bruce Babbitt, Sec'y of Interior (Dec. 4, 1996).} The federal intent to engage American Indian tribes in government-to-government relations is clearly stated in President Clinton’s 1994 Memorandum.

Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments . . . \footnote{Memorandum on Government-to-Government with Native American Tribal Governments, Pub. Papers 1007-08 (Apr. 29, 1994).}

This memorandum further instructs executive departments and agencies to “design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.”\footnote{Id.} In an April 10, 1996 Department of Interior press release sent to the Kaibab Paiute, Secretary Babbitt declares, “we are equally committed to working with tribes on a government-to-government basis in recognition of the sovereign powers of tribal governments . . .”\footnote{Press Release, U.S. Dep't of the Interior, Secretary Babbit Strengthens Indian Resource Protection (Apr. 10, 1996).}

Based on verbal communications with then Secretary of Interior Bruce Babbitt and these written documents, the Kaibab Paiute Tribe understood that they would be given a place on the monument planning team, however this did not happen. Monument Manager, Jerry Meredith “offered to have the Tribe appoint

\footnote{Id. at 33.}

\footnote{See supra note 30, letter from C. M. Bradley, Chairperson Kaibab Paiute Tribal Council, to President William Jefferson Clinton via Bruce Babbitt, Sec'y of Interior (Dec. 4, 1996).}

\footnote{Memorandum on Government-to-Government with Native American Tribal Governments, Pub. Papers 1007-08 (Apr. 29, 1994).}

\footnote{Id.}

\footnote{Press Release, U.S. Dep't of the Interior, Secretary Babbit Strengthens Indian Resource Protection (Apr. 10, 1996).}
an official liaison to coordinate” tribal interests with the GSENM planning team, but this position never materialized.\(^{39}\)

Tribal leaders and representatives participated in the preparation of monument cultural interpretive displays and, like all other U.S. citizens, were given the opportunity to submit written comments to planning documents. However, BLM Manual H-8160-1, General Procedural Guidance for Native American Consultation (11/4/94) clearly states that

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\text{... [f]ederal agencies' official interactions with Native Americans, including consultation, are distinguished by unique legal relationships. Sovereign status of Indian tribes and special provisions of law set Native Americans apart from all other U.S. populations and define a special level of Federal agency responsibilities.}^{40}
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It is not clear that these responsibilities were met in the GSENM case.

In contrast, the Kaibab Paiute were consulted more directly in management and planning for the Grand Canyon Parashant National Monument in Northern Arizona, also declared by President Clinton via the Antiquities Act, in January 2000.\(^{41}\) The tribal liaison position at Grand Canyon Parashant reports directly to the BLM Arizona Strip District Manager and consults with all tribes impacted by the district’s planning and land management decisions. Kaibab Paiute leaders reported greater respect from BLM officials and greater opportunity for involvement in BLM planning in Arizona than in Utah. Innovative positions and tactics in Arizona such as the tribal liaison position, may thus serve as a fruitful model for land managers in Utah in government-to-government relations with tribes. In addition, an exclusive seat on the BLM and/or GSENM resource advisory council should be dedicated to members of tribal governments.

In summary, the Southern Paiute have an historical and cultural relationship with the landscape and resources of GSENM and, like Kane and Garfield Counties, their governments have a political interest in how the land and resources are managed.\(^{42}\) While the GSENM planning team provided the Paiute and other tribes opportunities for input in visitor center interpretive displays and programs,

\(^{39}\) Letter from Bruce Babbitt, Secretary of Interior, to Carmen Bradley, Chairwoman Kaibab Band of Paiute Indians (May 20, 1997) (on file with the Kaibab Paiute Tribal Counsel, Pipe Spring, Ariz.).

\(^{40}\) BUREAU OF LAND MANAGEMENT HANDBOOK H-8160-1 I-1 (1994).

\(^{41}\) Interview with Angelita Bullets (June 15, 2000); interview with Gloria Bullets Benson (Jan. 15, 2005); see also PAUL LARMER, GIVE AND TAKE 122 (2004) (describing that overall, National Monuments in BLM jurisdiction declared by President Clinton via the Antiquities Act subsequent to GSENM, included more public participation in their designation, planning and management).

\(^{42}\) See generally ROBERT C. EULER, SOUTHERN PAIUTE ETHNOHISTORY, supra note 21; RONALD L. HOLT, BENEATH THESE RED CLIFFS, supra note 21; MARTHA C. KNACK, BOUNDARIES BETWEEN THE SOUTHERN PAIUTES, 1775-995 (2001); R. W. STOFFLE ET AL., supra note 21.
protocols for consultation with the tribes on government-to-government basis were not readily available to monument planning staff and, counter to established BLM procedure, opportunities for tribal input in the planning process did not significantly differ from those available to the general public.

The GSENM innovative planning process was designed to include the perspectives of multiple stakeholders, encourage state and federal cooperation and account for a wide range of resource and community perspectives.\(^{43}\) Including all interested and affected parties is key to the success of such an effort. The Paiute have a tangible interest in the outcome of GSENM planning and management. The Kaibab Paiute reticence in the public participation phase of GSENM planning reflects their frustration with the planning process and the disrespect of their sovereign status, not a lack of concern for how the lands and resources are managed. The position of tribal liaison at the Grand Canyon Parashant National Monument is one model for successful tribal consultation in monument management.

B. Mormon Values and Local Opposition to GSENM and Wilderness Designation

The GSENM and the surrounding communities that protested so vehemently against monument designation lie within what is known as the “Mormon Culture Region” and the contemporary and historical Mormon presence in the communities surrounding GSENM is inescapable. Many of the people in southern Utah link their heritage back three, four, or more generations to the first Mormon pioneers in the area. This cultural history connects the people and their identity to the landscape through the religious mission to settle the desert. Natural resource values as expressed and reproduced in the re-telling and practice of Mormon cultural heritage, religious history and doctrine are relevant in local controversy over GSENM management, including distrust of the federal government and the sentiment that GSENM designation intruded on established property uses and rights.\(^{44}\)

\(^{43}\) See supra note 17.

\(^{44}\) See generally RICHARD V. FRANCAVIGLIA, THE MORMON LANDSCAPE: EXISTENCE, CREATION AND PERCEPTION OF A UNIQUE IMAGE IN THE AMERICAN WEST (1978); see also STEVEN L. OLSEN, PIONEER DAY, IN UTAH HISTORY ENCYCLOPEDIA 423-24 (1994). See generally MARTHA SONNTAG BRADLEY, A HISTORY OF KANE COUNTY (1999); DAVID E. MILLER, HOLE IN THE ROCK (1959); SARAH F. TRAINOR, CONFLICTING VALUES, CONTESTED TERRAIN: MORMON, PAIUTE AND WILDERNESS ADVOCATE VALUES OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT Ch. 4 (2002); NETHELLA GRIFFIN WOOLSEY, THE ESCALANTE STORY (1964). Members of the Church of Jesus Christ of Latter-day Saints (LDS) are known as “Mormons.” I use these terms interchangeably. Also, in my research, I did not set out to probe Mormon religious values. Yet, as an "outsider" conducting field work in the region, the Mormon presence in the area was prominent and the extent to which many local elected officials, business people and residents self-identify with their Mormon heritage as a source for their values was a conspicuous feature that demanded further investigation.
Of course, not all opponents to GSENM designation and management, nor to wilderness designation in Utah, are Mormon. Neither do all members of LDS Church nor all people with LDS heritage oppose wilderness preservation. Thus, religious heritage is not the only, nor necessarily a determining factor of contemporary values. However, there are strong indications that exploration of the normative human/nature models inherited by contemporary rural residents from early Mormon settlers can help outsiders understand why so many local people value the resources as they do, resist government control of the land and roads, and fight so tenaciously against wilderness preservation.

Few places or regions in the United States demonstrate as strong an association between religious influence, political power, and geography as the LDS Church has with the state and landscape of Utah. Led by Brigham Young, successor to church founder and prophet Joseph Smith, the Mormons claimed the lands now within the state of Utah and surrounding states as their promised-land and they worked hard to transform the mountain valleys and arid desert plateaus into a re-creation of the Garden of Eden. Contemporary Mormons are proud of their history and their heritage. The ties to previous generations, pioneer heritage and history are particularly strong in rural communities such as Escalante, Boulder, Tropic and Kanab that were geographically isolated for many decades. Although long-time residents in these towns are no strangers to cell phones, the Internet, and cable TV, many of the values, attitudes, and practices that allowed their great-grandparents to survive in the desert as the region's original white settlers are still vibrant today.

The majority of residents in Kane and Garfield Counties are members of the LDS Church. Although Ute and Southern Paiute people inhabited the region prior to Mormon settlement and each community surrounding GSENM has a unique settlement history, the cities and villages surrounding GSENM as we know them today were all originally founded by Mormon settlers. In addition during

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48 See generally Bradley, supra note 44; J. C. Roundy, “Advised Them to Call the Place Escalante” (Art City Publishing 2000); Nethella Griffin Woolsey, The Escalante Story (Art City Publishing 1964).

49 See J.C. Roundy, supra note 48; see also Glenmary Research Center, Religious Congregations and Membership in the United States (Dale E. Jones et al., eds., 2000).

50 Leonard J. Arrington, Orderville, Utah: A Pioneer Mormon Experiment in Economic Organization 44 (1954); see also Bradley, supra note 44, at Ch. 3-5; J. C. Roundy, supra note 48, at Ch. 2; Woolsey, supra note 48.
the mid- to late-1990s during GSEN M declaration and planning in the communities surrounding GSEN M, many of the county commissioners, mayors, local ranchers, business owners and founders and leaders of local wise-use organizations were active members and leaders of the LDS church. When asked to discuss their values, attitudes and opinions regarding conflict over GSEN M designation and management, many people, both Mormon and gentile, made unsolicited reference to the Mormon history in the area.51

Agriculture is an important part of the cultural heritage of the communities surrounding GSEN M. The Mormon colonists in Utah, known as Saints, had a deliberate and explicit religious mandate to make “the desert blossom as the rose,”52 “transforming”53 the valleys, canyons, and arroyos into a re-creation of The Garden of Eden.54 In Mormon-teaching agricultural work, historically including extensive irrigation systems, wheat crops, vegetable gardens, fruit orchards and silk trees, is key to the redemption of both landscape and people and is esteemed as a culturally favored occupation.55 Even though ranching is the primary source of income for only a handful of allotment holders on the Monument, agricultural practice (i.e. farming and ranching) may mean much more to them than just the economic contribution to their income.

Animosity between the LDS Church and the U.S. federal government has brewed throughout Mormon history. The most overt of these tensions centered on the practice of polygamy and began with conflict over appointment of the Utah Territorial Governor in 1857. The Mormons felt further victimized by the 1862 Morrill Anti-Bigamy Act outlawing polygamy, the force of which was strengthened in 1882 by the Edmunds Act. The Poland Act of 1874 then moved criminal case jurisdiction from probate to federal courts, allowing for potent prosecution of plural marriage. With active persecution of polygamists, church leaders and other prominent community members went into hiding for years at a time to escape arrest. In addition, six petitions for Utah statehood were submitted between 1849 and 1887; all were denied. According to historian Dean May, passage of the 1887 Edmunds-Tucker Act was “designed to destroy the Mormon church economically and politically.” In response and with the recognition that enforcement of this law “would bring the church to its knees,” church president

51 TRAINOR, supra note 44, at 400.
52 This often-cited phrase was used by Brigham Young in his directorate to establish Zion and the State of Deseret; its origin is Isaiah 35:1. T. G. Alexander, The Brotherhood of All Creatures: Mormon Attitudes toward Nature, in WIRTH FORUM ON RELIGION AND THE ENVIRONMENT 6 (unpublished manuscript, on file with author).
53 See T.G. Alexander, supra note 52, at 8.
54 See RICHARD V. FRANCAVIGLIA, supra note 44, at 84.
55 See EDWARD A. GEARY, GOODBYE TO POPLARHAVEN Ch. 11, 16 (1985); MARK STOLL, PROTESTANTISM, CAPITALISM, AND NATURE IN AMERICA 108-15 (1997); JOHN A. WIDTSOE, HOW THE DESERT WAS TAMED 31-2 (1947).
Wilford Woodruff eventually officially ended the church sanction of plural marriage.\textsuperscript{56} Tensions between the church and the federal government eased slightly and statehood was finally granted to Utah in 1896. While patriotic and supportive of the American constitution, the bitterness and resentment that many long-time residents of Kane and Garfield counties express toward the federal government and federal land managers in particular may originate in this cultural history of animosity between the church and the federal government.

In addition, current attitudes, values and conflicts about GSENM management are influenced by past conflicts between local people and environmentalists in the region. Three incidents are particularly relevant: the expansion of Capitol Reef National Monument in 1971 and associated seizure of private property, the closure of the Kaibab Forest Products Company in 1995, and multi-decadal conflicts over development of the Kaiparowits coal field and construction of a coal fired power plant.

First, like GSENM, Capitol Reef National Monument, located on the northeastern border of what is now GSENM, was established in 1937 under authority of the Antiquities Act of 1906. The monument was expanded and re-designated as a National Park in 1971, a process that involved acquiring property in and around the town of Fruita, seventy-five miles north of Escalante along State Route 12. Fruita’s last residents moved out in 1969 losing their homes, agricultural land and community. Many of the homestead and farm structures were demolished and removed from the park.\textsuperscript{57} While land owners were financially compensated, the community memory of loss of private property in the redesignation from National Monument to National Park remained vivid in the memories of long-time residents of southern Utah and many believed it is just a matter of time before they lose private property to GSENM expansion. This fear, based more on historical precedent than contemporary threat, exacerbated local opposition to GSENM designation and magnified animosity toward environmentalists who, in the eyes of these local residents, the monument was clearly designed to appease.\textsuperscript{58}

Second, for nearly fifty years the Kaibab Lumber Company, later known as the Kaibab Forest Products Co. was one of the region’s major employers, hiring hundreds of workers, many of whom were Kanab residents. Downward economic

\textsuperscript{56} DEAN L. MAY, UTAH: A PEOPLE’S HISTORY 127 (1987); see generally MORGAN, supra note 16; see also Edmunds Tucker Act, 28 U.S.C. §§ 633-660 (1887) (repealed 1978).


\textsuperscript{58} Interview with Scott Truman (July 14, 1999); see also TRAINOR, supra note 44, at Ch. 2, 8.
trends in the 1960s and 70s caused temporary closures. While some attributed mill closure to unwise management in the face of external economic factors, mill workers, managers and local politicians blamed the environmentalists and the fight for endangered Mexican Spotted Owl habitat for the mill's shut-down. The mill closure was presented to members of the Senate's Energy and Natural Resources Committee in 1995 as “an example of unchecked environmental regulations strangling a community's sole industry.”

Third, the Kaiparowits plateau is rich in coal minerals. In the late 1960s and early 1970s a consortium of southern California power companies set its sights on Kaiparowits coal with plans for mineral extraction, an electricity generating station, and new town of 15,000. A decade later Andelex Resources, Inc. began a permitting process with the BLM to mine Kaiparowits coal near Smokey Hollow. Both of these proposals carried hope for economic development and prosperity. Both galvanized local residents in battles against large energy corporations for local control of resources and against outside environmentalists, who were perceived to be responsible for thwarting economic dreams.

Previous incidents of federal take-over of private land and economic loss from endangered species habitat conservation catalyzed contemporary fears, misunderstandings, and animosity, which in turn propagated distrust especially of federal government and environmentalists by local long-time residents. When GSENM was designated in 1996, local people remembered feeling deceived and overpowered in the past and felt that they had been tricked and violated. These past events and their vivid memories exacerbated the public conflict over GSENM management. Learning of these past events and their legacy in public memory can help other stakeholders understand the origin of deep seated emotion. However, dwelling on these past events can also impede finding solutions in the present.

In summary, many people living in communities surrounding GSENM identify with Mormon pioneer heritage. The cultural and religious values of Mormon pioneers have been taught and learned by the intervening generations of Saints. These values include: reverence for agriculture as an occupation, emphasizing transformation of the desert into a garden, perceiving nature as a dangerous force to be conquered, and considering resources as meant to be utilized for human benefit. Monument or wilderness designation not only imposes a federal mandate, it requires a change in how these people relate to the land and a perceived abrogation of rights. Preservation as a model of the human relationship

59 BRADLEY, supra note 44, at 301; see also Cutback set by Kaibab, SOUTHERN UTAH NEWS, Mar. 19, 1970.


61 Interview with Grant Johnson (June 23, 2000); see also Katherine Bill, Mega Coal Mine Proposed Again in Utah, HIGH COUNTRY NEWS, July 25, 1994; Ken Rait, Monumental Moment for Southern Utah, A new level of protection for the Colorado Plateau, SOUTHERN UTAH WILDERNESS ALLIANCE NEWSLETTER 13(4) 4-7 (1996).
to the land is fundamentally different from the LDS religious and cultural model that has been reproduced for generations in southern Utah. These differences extend across time and space back to the Mormon pioneers and the State of Deseret. Understanding the historical and cultural context of rural Mormon values can also help explain why local wilderness and GSENM opponents felt threatened by urban environmentalists. For long-time residents in the GSENM region, visceral opposition to wilderness protection is not just a matter of economic development; a way of life, historical religious identity, and community cohesion are threatened by new comers, new ideas, and new ways of managing the land.

C. Beyond Economic Values; Wilderness Advocates

On the local level more than just economic values were at stake in GSENM designation and management. Like their Mormon pioneer ancestors, many long-time residents of southern Utah are “self-reliant,” determined, diligent and distrustful of federal presence in their promised land. Garfield County refused to accept federal payments for planning and infrastructure related to GSENM, commonly referred to as “blood money.” As Matson notes, local residents were not willing to trade independence for economic benefit.

The people of deep rural Utah are fine people. They are troubled now by the issues on the table with the federal government. These people consider themselves to be self-reliant, tough minded, and hard working, and they can do with very little…Right now they would rather not deal with the federal government, even if it means losing an economic opportunity.

While former Garfield County Commissioner Louise Liston entitles her comments, “Sustaining Traditional Community Values,” she discusses very few values beyond access rights, and local economic impact of the monument, translating these cultural, moral and political values into almost exclusively economic terms.

Given the disproportionate emphasis on economic resource values in policy debate and analysis, this strategy is understandable. However, veiling moral and cultural values in economic terms can eliminate them from political dialogue and in so doing significantly reduce opportunities to build the mutual respect and trust

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63 See generally LARMER, supra note 2.
64 Matson, supra note 14, at 557, 560.
65 Liston, supra note 14, at 585-92.
required for productive conflict resolution. Environmentalists and American Indians rarely hesitate to explicitly discuss the moral and cultural values that they see as integral to their identity and relationship with land and resources. Investigating the extent to which cultural and moral values are engaged in local opposition to monument management may lead to new and fruitful avenues of dialogue that may be important in resolving land management conflict.

Cultural, moral and religious values are embedded within the highly polarized wilderness conflicts in Utah and resolutions to these conflicts must acknowledge and confront these diverse values. From the historical beginnings of recognition of wilderness value, prominent writers have described a spiritual and moral value in wilderness and marshaled these values in defense of wilderness preservation. Early American colonists and settlers viewed the American continent and the Native people who lived there as wild, dangerous, hostile and uncivilized and perceived their survival to depend upon the taming and civilizing of both land and people. However, appreciation for religious and moral values of wilderness preservation evolved with advancing civilization and industrialization. Expressions of the moral and social value of wilderness are prominent in the nineteenth and early twentieth centuries in the writings of the Romanticists and Transcendentalists such as Henry David Thoreau and Ralph Waldo Emerson who describe the spiritual and sublime in wild nature, honoring wild places and “uncivilized” nature. For them, the wilderness is not a place to be tamed, but a treasured gift from God to be exalted, revered and protected from the evils of civilization.

Sierra Club founder and wilderness activist John Muir highlights the significance of spiritual values in wilderness in debates over damming Hetch Hetchy. Here he clearly articulates the political conflict as a tension between spiritual and economic values of the valley.

Everybody needs beauty as well as bread, places to play in and pray in, where Nature may heal and cheer and give strength to body and soul alike . . . .These temple destroyers, devotees of ravaging commercialism, seem to have a perfect contempt for Nature, and, instead of lifting their eyes to the God of the mountains, lift them to the Almighty Dollar . . . Dam Hetch Hetchy! As well dam for water-tanks the people’s cathedrals

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and churches, for no holier temple has ever been consecrated by the heart of man. 69

Muir’s sentiment and explicit elevation of moral and spiritual values of wild nature over the economic values of resource development are echoed in contemporary arguments for wilderness preservation, including those in southern Utah.

Above I discussed how Mormon religious doctrine and cultural heritage emphasize and reproduce values that place humans in hierarchical relation above nature, revering agriculture as an occupation and a way to get closer to God. Yet Mormon religious values have also influenced and inspired wilderness supporters. Thus, cultural, religious and moral values are relevant on both sides of the GSENM conflict. 70

Raised in Utah as a practicing Mormon, writer and activist Terry Tempest Williams articulates the tensions between economic, spiritual and cultural values in debates over GSENM and wilderness designation in Utah. In her plea for passage of America's Redrocks Wilderness Act, she uses examples from Mormon religious teachings to justify time spent in wilderness as a sacred experience.

Wilderness courts our souls. When I sat in church throughout my growing years, I listened to teachings about Christ walking in the wilderness for forty days and forty nights, reclaiming his strength, where he was able to say to Satan, “Get thee hence.” And when I imagined Joseph Smith kneeling in a grove of trees as he received his vision to create a new religion, I believed their sojourns into nature were sacred. Are ours any less? 71

Williams cites from the Mormon Doctrine and Covenants that she “carries with” her as inspiration in her wilderness advocacy and is co-editor of a volume entitled New Genesis, in which practicing Mormons draw from their religious values in support of wilderness preservation and environmental protection. 72

Williams sees relationship as central in the wilderness conflicts in Utah and explicitly juxtaposes spiritual and economic values of the landscape. To her, spiritual relationship with the land is at the heart of conflict over wilderness designation. She writes,

72 Terry Tempest Williams, West of Eden in New Genesis, supra note 45, at 211-16.
This is not about economics. This is not about the preservation of ranching culture in America. And it is especially not about settling a political feud once and for all. This is about putting ourselves in accordance with nature, of *consecrating these lands by remembering our relationships to them*.73

Williams expresses the spiritual and cultural values of Utah wilderness as follows:

As the world becomes crowded and corroded by consumption and capitalism, this landscape of minimalism will take on greater significance, reminding us through its blood red grandeur just how essential wild country is to our psychology, how precious the desert is to the soul of America.74

Larry Young, a practicing Mormon, former Executive Director of the Southern Utah Wilderness Alliance, and descendent of LDS Church former president Brigham Young, also invokes religious values in his defense of the wilderness. He explains that, “love for the land transcends economic interests.”75

Environmental historian, former President of the Mormon History Association and practicing member of the LDS church, Thomas Alexander emphasizes the religious value of land of stewardship, tracing an historical tension between stewardship and the “secularized business enterprise,” or entrepreneurial tradition.76 Alexander attributes the deviation from teachings of stewardship and “the fellowship of all living things”77 to the secularizing of entrepreneurship. Led by the second generation of Mormon leaders in Utah, this emphasis on entrepreneurship was in turn catalyzed and promoted by pressure from the federal government for LDS Church leaders to disengage from political and economic affairs and impetus from the Church itself to separate “business enterprise” from “moral sanctions.”78 Thus, transformation of the desert into a garden carried the obligation of care for nature through stewardship. As Alexander describes it, the normative model of the relationship between humans and nature involves transformation of the desert, mediated by stewardship, not enterprise. While early Mormon teachings intimately linked humans in relation to nature, Alexander explains that, over time, Mormons have forgotten this link, overlooking the spiritual values and stewardship ethic and focusing on the economic realms of environmental value. He thus describes an evolution of Mormon value that can be characterized as a shift from seeing humans in intimate and spiritual relation with

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73 WILLIAMS, *supra* note 71, at 76 (emphasis added).
74 *Id.* at 6.
75 Interview with Larry Young (May 17, 2001).
76 See generally Alexander, *supra* note 70.
77 *Id.* at 362.
78 *Id.* at 358.
nature to an emphasis on “enterprise” and the economic realm of natural resource values.

Moral, cultural and religious values are integral to the ways in which people live on, recreate in, and otherwise relate to the landscape of southern Utah and as such, they are significantly relevant to GSENM management. In addition to economic considerations, moral, cultural, and religious values are embedded in the value systems that form the foundation of the Southern Paiutes as well as both pro- and con- arguments related to GSENM designation and management.

III. DISCUSSION

What can we learn from this historical analysis of moral, cultural and religious values in the GSENM context that can aid in resolving contemporary conflict over wilderness designation and land management in Utah and throughout the American West? The answer can be found through exploration of two fundamental principles of conflict resolution and collaborative decision-making: 1) establish mutual trust and strong communication; and 2) develop a common conflict assessment and framing.

Greater public involvement in collaborative land management is a growing trend in the American West that has strong supporters. As the first National Monument managed by the BLM, the innovative planning process for GSENM was explicitly structured to include state and federal cooperation, interdisciplinary collaboration, and public feedback and has been deemed as successful in averting controversy and including multiple views. Yet, many local Indian and non-Indian people have been distrustful of and some even hostile toward monument management and federal control of resources. Elaborating the cultural histories and values of the stakeholders will not necessarily directly resolve land management conflict, but as illustrated in the GSENM case, it may foster the development of pre-requisite mutual trust and respect by identifying implicit values and uncovering common ground.

79 Deutsch, supra note 12, at Ch. 8; see generally Roger Fisher et al., Getting to Yes (1981); Roy Lewicki et al., Making Sense of Intractable Environmental Conflicts (2003); Lawrence Susskind et al., The Consensus Building Handbook (1999).

80 See generally Robert Keiter, Keeping Faith with Nature (2003); Daniel Kemmis, This Sovereign Land: A New Vision for Governing the West (2001).

81 See generally Bureau of Land Mgm't, supra note 17; Robert Keiter, The Monument, the Plan, and Beyond, 21 J. LAND RESOURCES & ENVT'L. L. 521-33 (2001)

82 See Utah Association of Counties v. Clinton, 255 F.3d 1246 (10th Cir. 2001); J. Judd, County Collaboration with the BLM on the Monument Plan and Its Roads, 21 J. LAND RESOURCES & ENVT'L. L. 553-56 (2001); Matson, supra note 14; interview with Thayne Smith (Dec. 16, 1998); interview with Norris Brown (Dec. 16, 1998); interview with Norm Cram (Dec. 16, 1998).
A. Establish Mutual Trust and Strong Communication

Theories of conflict resolution predict that mutual trust, respect and collective consideration are procedural requirements for a truly inclusive collaborative process.83 On the local level, each of these prerequisites was weak in the first several years of GSENM planning and management as well as in concurrent conflict over wilderness designation state-wide in Utah.84 Mutual respect and trust are central elements in cooperative human relationship. Without them communication falters and mistreatment is likely. Trust requires making oneself vulnerable and can be hard to re-establish once it has been broken. Prior relationships between the parties in conflict is important in the GSENM case. As noted earlier, pro- and anti-wilderness factions have a history of antagonism and an established rapport of distrust and hostility and while significant exceptions exist, distrust was a prominent characteristic of relationships between stakeholders in GSENM initial planning and management. In addition, while collaboration efforts have been made, since federal land managers have ultimate decision-making power in planning and management, their job can be done in the absence of a certain degree of trust from other parties.

Distrust between local residents and wilderness advocates escalated in a self-reinforcing feedback loop. “They’ve always been secretive to us,” one long-time resident of Escalante said of environmentalists. “How do we know, we may all be fighting for the same stuff.” This comment carries both an explanation of heightened distrust over time, as well as a hint of willingness to hear the other side’s perspective. She elaborated, “we don’t know what they are doing … we feel like they pull away from us … they pull back … before long you figure out who doesn't want to be bothered.” This quote illustrates not only the polarity of the parties, but also how distrust and lack of communication reinforce each other. Wilderness advocates may be “secretive” because they distrust local people; indeed some have been verbally and physically assaulted.85 Yet long-time residents are suspicious of this lack of communication, making them even more distrustful and prone to antagonistic attitudes and behavior. In this way, both parties in conflict feel defensive and unwittingly contribute to a feedback of distrust.

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83 DEUTSCH, supra note 12, at Ch. 7, 8; see also Goodman & McCool, supra note 67, at 236-54; Dan McCool, Grand Staircase-Escalante National Monument: Lessons for a Public Lands Peace Process in Utah, 21 J. LAND RESOURCES & ENVTL. L. 613-18 (2001); see generally LAWRENCE SUSSKIND ET AL., BREAKING THE IMPASSE: CONSENSUAL APPROACHES TO RESOLVING PUBLIC DISPUTES (1987); SUSSKIND ET AL., supra note 79.
84 CONTESTED LANDSCAPE, supra note 67, at Ch. 3, 4, 5, 7, 8, 14.
1. Finding Common Ground

Focusing exclusively on conflicting moral and cultural values, or what Forester calls “deep value differences,” will be no more effective than ignoring them in arriving at a mutually agreeable solution to land management conflicts such as that over GSENM management or the wilderness gridlock in Utah.\(^{86}\) However, if each party can acknowledge, respect, and understand the origin of the moral and cultural values engaged in the conflict, their own as well as those of their rivals, we will be one step closer to building trust, identifying common ground, and achieving resolution of this long-standing, deeply polarized conflict.\(^{87}\) Despite the early conflict surrounding designation and management of GSENM, common ground may exist between wilderness advocates, local private property advocates, and Southern Paiute Indians. As the historical analysis reveals, members of all three of these groups derive individual and collective identity through relation and interaction with the landscape.

For example, the following story recounted by a former mayor of Escalante illustrates that, though differences exist, local residents and wilderness supporters, two groups who are generally antagonistic toward each other, hold in common a deep appreciation for the solitude and beauty of the canyons and desert.

*"I'll tell you, you get attached to these areas. We have one word and you'll never see it in the dictionary, but in Escalante every year we go Eastering. And the idea is that, rather than sitting around and have your little party and roll eggs on the lawn and whatever people else do, all the good people of town load up, they drive out to these remote spots. You have your picnic. You go and do your thing. And we love to do that. And I love to go see these little remote areas and go driving a little trail that nobody has been on for two weeks. And you know that you're not going to meet anybody... that you're out there alone and have a little bit of solitude and peace and quiet."

While the Eastering experience necessarily involves motorized travel, it clearly also fosters appreciation of and connection with the land; a connection that is ritualized in the celebration of a religious holiday.\(^{88}\) A similar deep personal

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\(^{86}\) Forester, *supra* note 67, at 463-93.


\(^{88}\) Interview with Lenza Wilson, Former Mayor of Escalante (Dec. 19, 1998) (emphasis added).

\(^{89}\) See generally DAVID G. HAVLICK, NO PLACE DISTANT: ROADS AND MOTORIZED RECREATION ON AMERICA’S PUBLIC LANDS (2002) (for documentation and discussion of the ecological damage, historical context and political repercussions of motorized
connection to the land was expressed by a life-long resident of Kanab as she tearfully described her experience of homecoming after several years absence: “The red dust just kind of gets in your soul.”

While there may be historical or other reasons why long-time local residents and wilderness advocates find it difficult to trust each other, identifying this common value would help build mutual respect on a local level. While common ground among stakeholders may appear to have been absent in the GSENM conflict and wilderness conflict state-wide in Utah, consideration of the moral and cultural values embedded in the cultural heritage of different groups helps to show that, at least on the local level, each group engaged in conflict shares a deep connection to and identity with the landscape, even if these are very different identities stemming from very different cultural relationships to the land.

2. Understanding Value Differences

Paradoxically, while common ground can be found in apparent conflict, so too can value differences underlie apparent consensus. We have seen how for each group: the Southern Paiute, descendents of Mormon pioneers, and wilderness advocates, moral and cultural values of the landscape constitute an integral part of the identity of group members, both individually and collectively. Yet, each group has a different cultural and moral narrative for the relationship between humans and nature. The Paiute narrative views humans in intimate relation with the plants, animals, rocks, wind, water and other elements of nature. These elements have moral standing on par with humans, and will be abundant as necessary for survival on the land only if humans treat them with proper respect. In this view, humans are an integral part of a closely interrelated system or family that includes non-human nature. In contrast, the Mormon narrative places humans separate from and dominant over nature. With a moral imperative to transform the desert into a garden, resources are intended for human consumption and benefit, and nature is a dangerous force to be conquered and tamed. Alexander describes the Mormon view as having a strong stewardship ethic that for some has been subsumed by entrepreneurial values for economic benefit. The wilderness preservation narrative also sees humans as separate from nature in that it advocates setting aside large tracts of land to be protected from human development; places where humans visit, but do not reside. The preservation ethic of this narrative is motivated by the deep personal relationships that individuals have with nature and by non-monetary values such as ecosystem, scientific, intrinsic and aesthetic values and the healing, restorative power of untrammeled wilderness.

90 Interview with life-long Kanab resident (Jan. 2005).
91 Trainor, supra note 13, at 3-29.
For members of each group, the parameters of this relationship with nature is integral to how they view themselves in the world and influences the character of their relationships with other people and with society as a whole. It is part of their individual and collective identity. In this way, conflict over federal land management and over designation and management of GESNM in particular, is incomplete and oversimplified when characterized as conflict over jobs versus nature or over private versus public rights to access. On a very deep level, these conflicts are rooted in the divergent moral and cultural values that generate differing views of the relationship between humans and nature.

One way in which divergent values can underlie apparent consensus is illustrated in the public’s expressions of their vision for the new monument. Even with conflicting values in the GSENM case, members of the monument planning team cited a common thread in written public planning comments, viz. to keep the landscape as it is. While this appears to be ground for common interests, understanding the moral, cultural and religious values can help to understand how this common directive to keep the landscape as it is may hold different meanings for different groups. For descendents of Mormon pioneers, it may mean maintaining their multi-generational obligation to utilize resources and tame the desert. For locals and private property rights advocates, it may mean continued access and continued economic development based in resource extraction. For preservationists, it may mean protection of ecological, archeological areas and physiographic features from degradation and development.92 Hidden within this apparent common ground (i.e. keep as is) are contrasting meanings and assumptions. As discussed below, understanding the cultural and moral values of the stakeholders in conflict can help land managers identify these different assumptions and understand how the same statement can mean different things to different stakeholders.

For some keeping the lands as they are means “maintain motorized access” or “maintain access to traditionally used resources;” for others it means “preserve and protect from road building and other modern human artifacts;” yet common appreciation for the landscape may exist. For example, written comments frequently expressed the sentiment of appreciation for the unencumbered nighttime star-scape. Related was the overwhelmingly shared interest in locating facilities such as interpretive centers, developed campgrounds and gas stations outside the monument boundaries in local communities.93

B. Develop a Common Conflict Assessment and Framing

For successful conflict resolution, the parties involved must concur on both the substance and nature of the disagreement. The very first step in consensus

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92 As noted earlier, the American Indian tribes did not submit written comments in the planning process.
93 Interview with Kathleen Truman (Dec. 17, 1998); interview with Marietta Eaton (Dec. 17, 1998).
building is the “initial identification of an issue.” If parties do not even agree on the problem, a mutually approved solution is beyond reach.94

In the first several years after monument designation, the parties in conflict over GSENM designation and management were stuck at this initial stage. Wilderness advocates and in some respects also the Utah congressional delegation, framed the issue as one of federal land management: protection versus consumptive resource development. In contrast, local residents in communities surrounding GSENM, framed the issue in terms of control over resources, local autonomy from federal mandates, and overcoming a sense of powerlessness with respect to both federal land managers and what are perceived to be powerful environmentalist lobbies. Furthermore, the unique religious, social, cultural and economic history of Utah gives the battle a crusade-like air wherein use of resources and freedom from federal control have strong religious history. The Paiute Indians framed the problem as continued disregard for their sovereignty and marginalization of their historical and cultural relationship with the land. They were invited to participate in the GSENM planning process as concerned citizens with no more or less consideration than any other citizen of the United States. While they were given a leading role in designing interpretive exhibits in the main GSENM visitor's center, they were denied a place on the monument planning team and were not consulted in government-to-government relationship.95 Thus, among the interested and affected parties in GSENM planning and management, there were at least three different conceptions of the problem.

These different framings roughly parallel different meanings of the term “wilderness.” For each party, “wilderness” is infused with connotation. For wilderness supporters, “wilderness” is a place of freedom both in the sense of possibilities for “unconfined recreation”96 and where nature is respected on its own terms. For local wilderness opponents, wilderness is synonymous with “lock out,” “land of no use,” and perceived loss of control and freedom. For the Paiute, “wilderness” is an artificial management scheme imposed on a landscape.97 In an interview, two long-time residents of Escalante reflected on their understanding of “wilderness”:

“Wilderness is supposed to be an area untouched by humans.”
“We don't have any of that … we've been everywhere.”

94 S. McCready et al., Facilitating and Mediating Effective Environmental Agreements: Coursebook 12 (1999); see also Roy Lewicki et al., Making Sense of Intractable Environmental Conflicts (2003).
95 See generally Stoffle et al., supra note 20; A. K. Carroll et al., supra note 20; see also interview with Angelita Bullets, Paiute Tribal Administrator (June 15, 2000).
97 Interview with Angelita Bullets, Paiute Tribal Administrator (June 15, 2000).
Based on theories of conflict resolution, I suggest the following steps as a process by which cultural and moral values can be considered in conflict over natural resource management. First, acknowledge and identify all values, including economic, moral & cultural. While economic arguments can be politically potent, moral and cultural values are engaged in natural resource and wilderness conflicts in Utah and throughout the American West and should not be denied. Consideration of the ways in which these values build personal and cultural identity may help to establish communication, trust and common ground. Second, identify irreconcilable “deep value differences” as well as common ground. It is important to acknowledge moral and cultural values in order to foster mutual respect. However, resolution of conflict originates from identification of common interests, not from dwelling on different positions. It may be necessary to identify deep value differences in order to acknowledge them, build mutual respect, and set them aside as an area upon which parties agree to disagree. Third, move forward with focus on common ground and trust building. This final step also requires openness to other viewpoints and willingness and ability to collaborate. As one representative from an environmental organization noted, if it were up to just him and one of the long-time ranchers and leaders in the local area, they could easily work out an amenable solution to conflict over GSENM management.

IV. CONCLUSION

“Utah—where ethics and values are among our most prized possessions.” Accompanied by a photograph of Arches National Park, this slogan faced motorists on interstate 80 in Salt Lake City in April of 2004. The billboard, advertising the Salt Lake Tribune, reveals the significance that moral and cultural values have for Utahns. While demographics in the northern state capitol differ from those in the south, this simultaneous appeal to the aesthetic and preservation value of national treasures and the strongly held and deeply rooted religious values of the Mormon population, underscores not only the significance of moral values in the public psyche, but also the common ground between these potentially conflicting values.

In response to the special issue of Journal of Land, Resources, & Environmental Law (Vol. 21, No. 2B 2001) dedicated to discussion of lessons learned from designation, planning and the resulting conflict of the Grand Staircase-Escalante National Monument, this paper has used an historical approach to illustrate ways in which cultural and moral values of landscape and resources are non-trivial factors in conflict over federal land withdrawal and management in southern Utah and to demonstrate that, in spite of many differences, people who live in southern Utah and have a stake in the management

98 Forester, supra note 67, at 463-93.
99 See generally Fisher et al., supra note 79.
of its federal lands have in common a deep connection to the land through their cultural history and identity.

What can this historical view of cultural and moral values teach us about conflicts over federal land management and wilderness designation in Utah and the American west? First, although they may not participate in public feedback processes, Indian tribes have a legitimate stake in how their traditional lands are managed and special efforts should be made to consult on a government-to-government basis with tribal governments. Their lack of participation in a public planning process is not necessarily indicative of indifference to the decision outcome, but may be a sign of offence and perceived disrespect. With a tribal liaison on staff, the Grand Canyon Parachant Monument model illustrates one way to effectively communicate with tribal governments and members in planning and management decision-making. Second, economic values are important, but they are only one of many forms of value that are engaged in natural resource conflict. Professor Keiter emphasizes the importance of ecosystem values and democratic process in federal land management. This paper shows that cultural, religious and moral values are also significant for groups in conflict over federal land management, including American Indians who too often in Utah are overlooked or given only cursory attention as stakeholders. Finally, acknowledging moral, cultural and religious values and understanding their historical origin can help develop trust and respect between parties in conflict. A view of the cultural history of groups engaged in conflict may facilitate communication and mutual respect by revealing the origins of values, beliefs, perceptions and biases. When viewed with self-reflexive and mutual respect, misinformation and misunderstandings can then be more easily corrected and cultural identities with the landscape revealed.

The procedural challenge of fairly weighing moral, cultural, economic and scientific values in an unbiased and inclusive way is significant. The first step in accomplishing this task is to identify and acknowledge the moral and cultural values that are necessarily embedded in political issues, noting their connection to the cultural heritage and identity of people engaged in conflict. While making these different realms of value transparent and explicit may initially complicate the political process, it can be an important step in identifying shared goals and interests and in building trust and open communication.

V. ACKNOWLEDGEMENTS

I appreciate the time, attention and honesty of all of the people in Kanab, Escalante, Boulder, Cedar City, Pipe Spring, St. George and Panguitch who participated in this research and shared their thoughts, opinions, values and perspectives. The people directly cited in this paper deserve special acknowledgement, but every person I spoke with provided an important contribution, including Gevena Savala, Gloria Bullets Benson, Brenda Drye,

100 See generally Keiter, supra note 80.
101 Forester, supra note 67 at 463-93; see generally Weston, supra note 67.
Angelitta Bulletts, Grant Johnson, Jerry Roundy, Michael Noel, Kathleen Truman, Deon Alvey, Marelene Haws, Karen Alvey, Ken Sizemore, Clare Ramsay, and many more, too numerous to list. In addition, I am grateful to Richard Stoeffle for welcoming me to temporarily join his research team and to Dave and Joyce Huntsaker for sharing their perspective on my ideas. Funding for this research was provided by Phi Beta Kappa Research Grant and the University of California Berkeley’s Chancellor’s Dissertation Year Fellowship, Humanities Research Grant, Vice-Chancellor Research Fund Grant and block grant from the Energy and Resources Group. Also instrumental in shaping this work were Richard Norgaard, Carolyn Merchant, Timothy Duane, Lori Gruen and Denis Kelso. Thank you.