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**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA**

HOPI TRIBE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2590 (TSC)

<p>UTAH DINÉ BIKÉYAH, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>DONALD J. TRUMP, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Case No. 17-cv-2605 (TSC)</p>
<p>NATURAL RESOURCES DEFENSE COUNCIL, INC., <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>DONALD J. TRUMP, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Case No. 17-cv-2606 (TSC)</p> <p style="text-align: center;">CONSOLIDATED CASES</p>

STATE OF UTAH’S MOTION TO INTERVENE ON BEHALF OF DEFENDANTS

The State of Utah (the “State”) respectfully moves this court to grant the State intervention as a matter of right in these consolidated cases under Federal Rule of Civil Procedure 24(a) or, in the alternative, permissively under Rule 24(b). Federal defendants do not object to this motion. Plaintiffs Hope Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Zuni Tribe take no position until they have reviewed the State’s motion. The plaintiff groups in Case Nos. 17-2605 and 17-2606 take no position at this time for the same reason. Proposed intervenor-defendants American Farm Bureau Federation and Utah Farm Bureau Federation support this motion. The proposed intervenor-defendants in Case. No. 17-2605 take no position. The other parties have been contacted for their position, but have not responded.

INTRODUCTION

Plaintiffs in these consolidated cases challenge a proclamation issued by President Donald Trump revising the boundaries of a national monuments that lies entirely within the State: the Bears Ears National Monument (“Bears Ears” or “Monument”). Before the challenged proclamation, the Monument comprised over a million acres of land within Utah. The State previously participated in these cases by way of an *amicus* brief supporting transfer to the District of Utah. *See* Dkt. No. 31.

The State should be granted intervention in this suit as a matter of right. Its motion is timely, as the case is only in the beginning stages. The State refrained from filing this motion while the Court considered the federal government’s motion to transfer the case to Utah, since the Court held other motions to intervene in abeyance during that period. The State has substantial interests, including sovereign interests, in the management of millions of acres of public land within its borders. Management of this land has direct and indirect economic impacts on the State and its citizens and directly implicates property rights held in trust by the State to support schools. Disposition of this matter in favor of Plaintiffs would impede the State’s ability to protect these interests; such a disposition could deprive the State of revenue and jeopardize the full use of the property rights it holds for the benefit of all Utahns. Intervention is also necessary because the Federal Defendants are not capable of adequately representing the State’s unique interests.

I. The State is entitled to intervene as a matter of right.

Four elements must be satisfied for a person to intervene as of right under Federal Rule of Civil Procedure 24(a): “(1) the application to intervene must be timely; (2) the applicant must

demonstrate a legally protected interest in the action; (3) the action must threaten to impair that interest; and (4) no party to the action can be an adequate representative of the applicant's interests." *Karsner v. Lothian*, 532 F.3d 876, 885 (D.C. Cir. 2008) (quoting *SEC v. Prudential Sec. Inc.*, 136 F.3d 153, 156 (D.C.Cir.1998)). The State meets its burden on each of these factors and is entitled to intervene as of right.

A. The State's motion is timely.

Among the factors to be considered in evaluating timeliness are the "time elapsed since the inception of the suit" and the "probability of prejudice to those already parties in the case." *Id.* at 886. This case remains in its earliest stages. Its progress has been held in abeyance while the Court considered a motion to change venue. The Federal Defendants' obligation to file an answer has been similarly stayed. Other motions to intervene remain pending. In order to decrease the burden on the Court and existing parties, the State proposes that briefing on its motion be conducted on the same schedule as briefing for the other motions to intervene. The State's intervention will cause no harm or prejudice to any of the existing parties, coming as it does in the initial pleading stage. *See Roane v. Leonhart*, 741 F.3d 147, 151 (D.C. Cir. 2014) (describing potential prejudice as the core of the timeliness factor). The motion is timely.

B. The State has a strong interest in management of land within its borders.

The interest requirement functions "primarily [as] a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." *Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967). That the State is particularly concerned with the federal management of land within its borders cannot reasonably be disputed, and should come as no surprise considering that the federal government claims ownership or management control of almost two-thirds of the land within the State's borders.

Those public lands provide necessary contributions, both direct and indirect, to State and local revenues. Of the \$331.7 million in revenues generated in 2013 by the federal public lands in Utah, the State and its counties received \$149.8 million or 45.2 percent.¹ These revenues come from mineral-lease royalties and bonus bids, payments in lieu of taxes, grazing fees, timber sales, tourism and recreation fees, and rights-of-way rentals. In 2017, the State received \$73.5 million from extraction of natural resources on public land alone.² Local businesses depend upon those activities that take place on public lands, and state-owned lands that help fund public schools are dependent upon the multiple uses of public lands that surround them, as explained in more detail below. Designating a National Monument affects all of those revenue streams. The size of the Monument, which is the crux of these cases, determines how much land can be used for revenue-generating purposes. The Monument affects tourism, recreation, ranching, mining, and hunting, to name but a few critically important activities. The State has a right to intervene in these cases to protect those activities and the state and local revenues they generate.

The State also has legally protectable interests at risk in the form of real property. The original Bears Ears' boundaries encompassed more than just 1.35 million acres of federal land; it also included 150,000 acres of State and private inholdings.³ About 109,000 of those 150,000 acres are held in trust by Utah's School and Institutional Trust Lands Administration (SITLA).⁴

¹ Jan Elise Stambro et al., Univ. of Utah, *An Analysis of a Transfer of Federal Lands to the State of Utah* xxvii (2014), <http://publiclands.utah.gov/wp-content/uploads/2014/11/1.%20Land%20Transfer%20Analysis%20Final%20Report.pdf>.

² U.S. Department of the Interior, *Natural Resources Revenue Data, Disbursements*, <https://revenue.data.doi.gov/downloads/disbursements/>.

³ Gary Herbert, *5 myths about Bears Ears*, *Deseret News*, Dec. 4, 2017, <https://www.deseretnews.com/article/865693641/Gary-Herbert-5-myths-about-Bears-Ears.html>.

⁴ Deena Loyola, *109K acres of school trust land captured in Bears Ears National Monument*, Trust Lands Administration (Jan. 3, 2017), <https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/>.

SITLA manages the State's trust lands for the benefit of Utah school children, and revenue from trust lands supports the State's public education system. In 2017 alone, SITLA distributed over \$64 million to public schools.⁵ Bears Ears changed how SITLA can use the engulfed 109,000 acres to generate revenue for public schools. Including these school lands within Bears Ears will significantly decrease their economic value, forcing SITLA to try to exchange them for land of equal value outside the monument. The fate of these 109,000 acres, which will be decided by this case, will have a direct impact on the State and its public education system.

Utah also has other existing rights that this case may threaten. Inside Bears Ears are over 1,600 miles of roads crossing federal public lands to which the State holds rights-of-way claims under Revised Statute 2477 (R.S. 2477). The State holds these rights-of-way on behalf of its citizens so the public can use the roads to access public lands. Extending the Monument's boundaries to include these roads adds another potential threat to the State's ability to keep the roads open and public.⁶

The State's economic and property interests related to the size and configuration of Bears Ears are clear and compelling, necessitating its involvement in this case as an intervenor of right.

C. Judgment in favor of Plaintiffs would impair the State's interests.

The State would suffer a concrete injury-in-fact were this Court to dispose of this case in Plaintiffs' favor. The smaller monument proclaimed by President Trump was created after substantial input from local interests, including that of the State and Counties. The challenged

⁵ State of Utah Sch. & Inst'l Trust Lands Admin., *Fiscal Year 2017 Annual Report 4* (2017), <http://168.178.6.48/agencydocuments/Annual%20Reports/FY2017-Annual%20Report.pdf>.

⁶ To be sure, the Bears Ears Proclamation purported to respect valid existing rights. But the United States has refused to recognize the State's R.S. 2477 rights-of-way. This forced the State to file 22 currently pending lawsuits to quiet title to the roads.

proclamation strikes a proper balance between protecting unique and sensitive areas and allowing traditional multiple use principles to govern the use of other public land. If Plaintiffs were to prevail, the amount of land available for economic uses that generate revenue for the State would decrease.

The case also threatens the revenue the State can generate from SITLA trust land, depriving Utah schools of needed funds. The more SITLA land that is burdened by surrounding monument restrictions, the more SITLA must work to trade out that acreage for land elsewhere that has not become so burdened. The State's rights-of-way and the public access they provide are under similar threat. Inclusion in a monument will increase pressure to close roads. Regarding Bears Ears, Plaintiffs specifically claim that President Trump's proclamation is more permissive of travel routes than President Obama's and they seek to reinstate the more onerous restrictions. The threats to the State's economic interests, real property interests, and rights-of-way are all clear and support granting intervention.

D. Existing parties cannot adequately represent the State's interests.

The burden of showing that other parties cannot adequately represent an intervenor's interests is "minimal" and a movant need show only that representation of its interest "may be" inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (citation omitted). While the State and the United States both seek to defend the challenged proclamation, this does not ensure that the United States will adequately represent the State. For example, the State has a narrower focus than does the United States. "While the Federal Defendants' duty runs to the interests of the American people as a whole, the state-intervenors will primarily consider the interests of their own citizens." *WildEarth Guardians v. Jewell*, 320 F.R.D. 1, 5 (D.D.C. 2017). Plaintiffs have argued these cases involve matters of national importance, and the United

States may be inclined to give some credence to their claim. But to Utah, this matter concerns primarily critical state interests, and the State focuses first and foremost on how these lands entirely within Utah's borders can benefit Utah's citizens.

The wider context of this case may also prevent the United States from adequately representing the State's interests. These consolidated cases concern one of many national monuments in Utah, but as Plaintiffs have made clear in their complaints, they also take issue with President Trump's order to review the status of more than two dozen other monuments. The United States may be reluctant to take a position in these cases which could jeopardize its position on other monuments, or on the review as a whole. The State has no such concerns, and will vigorously defend the President's actions on the Utah monuments without regard to what may be happening in other states.

Lastly, the United States has no interest in protecting the State's SITLA lands or its rights-of-way. Indeed, for the thousands of miles of affected rights-of-way, the United States is currently disputing whether the State even has any such rights in litigation pending before the U.S. District Court for the District of Utah. *See, e.g., San Juan County, Utah v. United States*, Case No. 2:12-cv-467 (D. Utah). It is not reasonable to expect the United States to protect the State's rights in this litigation when it is disputing their existence in another. These facts all combine amply satisfy the State's *de minimis* burden to show representation by other parties may be inadequate.

II. Alternatively, the State should be allowed to intervene permissively.

If the Court does not grant the State intervention as a matter of right, the Court should allow the State to intervene permissively. The Court has discretion to grant intervention to any

party that “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1). The State’s defense of the current boundaries of the Monument within its borders shares common questions of law and fact with the main action – questions about the President’s authority and whether its exercise here was proper. Furthermore, the motion is timely and will not unduly delay or prejudice adjudication of the claims in this matter as required by Rule 24(b). Accordingly, if the Court does not allow the State to intervene as a matter of right, it should exercise its discretion to grant permissive intervention and allow the State to participate as a full party.

CONCLUSION

For the foregoing reasons, the State of Utah respectfully requests that this Court grant this motion for intervention.

Respectfully submitted this 5th day of October, 2018

*/s/ Anthony L. Rampton*_____

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CERTIFICATE OF SERVICE

I certify that on October 5, 2018, the undersigned electronically transmitted the **STATE OF UTAH'S MOTION TO INTERVENE ON BEHALF OF DEFENDANTS** to the Clerk's Office using the CM/ECF system which will send notification of this filing to all counsel of record.

/s/ Anthony L. Rampton

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

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Defendants,

and

STATE OF UTAH, *et al.*,

Proposed Defendant- Intervenor

Case No. 1:17-cv-02590-TSC

[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR STATE OF UTAH

Defendant-Intervenor the State of Utah (the “State”) hereby files this answer to Plaintiffs’
Complaint for Injunctive and Declaratory Relief as follows:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE¹

The State responds to the separately numbered paragraphs of Plaintiff’s Complaint as
follows:

¹ Section headings and subheadings within the State’s Second Defense are taken from the Complaint verbatim and are included for reference only. The State denies any allegations contained within section headings and subheadings.

1. The allegations in Paragraph 1 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
2. The State admits that President Barack Obama established Bears Ears by Proclamation on December 28, 2016. The State responds that the sources cited in Paragraph 2 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations Paragraph 2 are inconsistent with those sources the State denies such allegations.
3. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint, and therefore denies them.
4. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint, and therefore denies them.
5. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint, and therefore denies them.
6. The State responds that the sources cited in Paragraph 6 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 6 are inconsistent with the sources the State denies such allegations.
7. The State responds that the source cited in Paragraph 7 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 7 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last sentence of Paragraph 7 of the Complaint.

8. The State responds that the source cited in Paragraph 8 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 8 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last two sentences of Paragraph 8 or the Complaint.
9. The State denies the allegations in Paragraph 9 of the Complaint.
10. The State denies the allegations in Paragraph 10 of the Complaint.
11. The State denies the allegations in Paragraph 11 of the Complaint.

JURISDICTION AND VENUE

12. The allegations in Paragraph 12 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
13. The State responds that Paragraph 13 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
14. The State responds that Paragraph 14 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State further denies that Plaintiffs are entitled to the relief requested.
15. The State admits that certain Defendants reside in the District of Columbia and that some of the events or omissions which purportedly give rise to this action occurred in the District of Columbia. The remaining allegations of Paragraph 15 of the Complaint set forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

PLAINTIFFS

16. The State responds that the source cited in Paragraph 16 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 16 are inconsistent with the source the State denies such allegations.
17. The State responds that the source cited in Paragraph 17 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 17 are inconsistent with the source the State denies such allegations.
18. The State responds that the source cited in Paragraph 18 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 18 are inconsistent with the source the State denies such allegations.
19. The State responds that the source cited in Paragraph 19 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 19 are inconsistent with the source the State denies such allegations.
20. The State responds that the source cited in Paragraph 20 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 20 are inconsistent with the source the State denies such allegations.
21. The allegations in Paragraph 21 of the Complaint consist of Plaintiffs' characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.

DEFENDANTS

22. The State admits the allegations in the first sentence of Paragraph 22 of the Complaint. The State admits that the President resides and conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

23. The State admits the allegations in the first sentence of Paragraph 23 of the Complaint. The State admits that Secretary Zinke's duties include management of portions of the Bears Ears National Monument, but denies that Proclamation 9558 governs management of the Monument. The State admits that Secretary Zinke conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23 of the Complaint, and therefore denies them.
24. The State admits the allegations in the first sentence of Paragraph 24 of the Complaint. The State admits that Deputy Director Steed's duties include management of portions of the Bears Ears National Monument, but denies that Proclamation 9558 governs management of the Monument. The State admits that Deputy Director Steed conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 24 of the Complaint, and therefore denies them.
25. The State admits the allegations in the first sentence of Paragraph 25 of the Complaint. The State admits that Secretary Perdue's duties include management of certain areas in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that Secretary Perdue conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25 of the Complaint, and therefore denies them.
26. The State admits the allegations in the first sentence of Paragraph 26 of the Complaint. The State admits that Chief Tooke's duties include management of certain

areas within Bears Ears National Monument in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that Chief Tooke conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 of the Complaint, and therefore denies them.

27. The allegations in Paragraph 27 of the Complaint consist of Plaintiffs' characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.

28. The State denies the allegations in Paragraph 28 of the Complaint.

BACKGROUND

I. The Antiquities Act

29. The State responds that the source cited in Paragraph 29 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 29 are inconsistent with the source the State denies such allegations.

30. The State responds that Paragraph 30 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

31. The State responds that the source cited in Paragraph 31 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 31 are inconsistent with the source the State denies such allegations.

32. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint, and therefore denies them.

33. The State responds that the sources cited in Paragraph 33 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 33 are inconsistent with those sources the State denies such allegations.

34. The State responds that the source cited in Paragraph 34 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in Paragraph 34 are inconsistent with the source the State denies such allegations.

35. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 of the Complaint, and therefore denies them.

36. The State responds that the source cited in Paragraph 36 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in Paragraph 36 are inconsistent with the source the State denies such allegations. The State admits that the Antiquities Act was enacted by Congress in 1906. The State is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 36 of the Complaint, and therefore denies them.

37. The State responds that the sources cited in Paragraph 37 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 37 are inconsistent with those sources the State denies such allegations.

38. The State responds that the source cited in Paragraph 38 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in Paragraph 38 are inconsistent with the source the State denies such allegations.

39. The State responds that the sources cited in Paragraph 39 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 39 are inconsistent with those sources the State denies such allegations.

40. The State responds that the sources cited in Paragraph 40 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 40 are inconsistent with those sources the State denies such allegations.

41. The State responds that the source cited in Paragraph 41 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in Paragraph 41 are inconsistent with the source the State denies such allegations.

42. The State responds that the source cited in the first sentence of Paragraph 42 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in Paragraph 42 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 42 of the Complaint, and therefore denies them.

43. The State responds that the sources cited in Paragraph 43 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 43 are inconsistent with those sources the State denies such allegations.

44. The State responds that the sources cited in Paragraph 44 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 44 are inconsistent with those sources the State denies such allegations.

45. The State admits the allegations in Paragraph 45 of the Complaint.

46. The State responds that the sources cited in Paragraph 46 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 46 are inconsistent with those sources the State denies such allegations.

47. The State admits that Presidents have reserved over 150 national monuments. The State is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 47 of the Complaint, and therefore denies them.

48. The State responds that the sources cited in the first two sentences of Paragraph 48 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in the first two sentences of Paragraph 48 are inconsistent with these sources the State denies such allegations. The State further denies the allegations in the final sentence of Paragraph 48.

49. The State denies the allegations in the first sentence of Paragraph 49 of the Complaint. The State responds that the source cited in Paragraph 49 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 49 are inconsistent with the source the State denies such allegations.

50. The State denies the allegations in Paragraph 50 of the Complaint.

51. The State responds that the source cited in Paragraph 51 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 51 are inconsistent with the source the State denies such allegations.

52. The State responds that the sources cited in Paragraph 52 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 52 are inconsistent with these sources the State denies such allegations.

53. The State denies the allegations in Paragraph 53 of the Complaint.

54. The State responds that the sources cited in Paragraph 54 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 54 are inconsistent with those sources the State denies such allegations.

II. The Push for Bears Ears and the Bears Ears Inter-Tribal Coalition

55. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies them.

56. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies them.

57. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint, and therefore denies them.

58. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Complaint, and therefore denies them.

59. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies them.

60. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 of the Complaint, and therefore denies them.

61. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies them.

62. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 of the Complaint, and therefore denies them.

63. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Complaint, and therefore denies them.

64. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Complaint, and therefore denies them.

65. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Complaint, and therefore denies them.

66. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Complaint, and therefore denies them.

67. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Complaint, and therefore denies them.

68. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint, and therefore denies them.

69. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 of the Complaint, and therefore denies them.

70. The State responds that the source cited in Paragraph 70 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 70 are inconsistent with the source the State denies such allegations.

71. The State responds that the source cited in Paragraph 71 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 71 are inconsistent with the source the State denies such allegations.

72. The State denies the allegations in Paragraph 72 of the Complaint.

III. Overview of Historic Native American Connections to Bears Ears

73. The State responds that the sources cited in Paragraph 73 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any

allegations in Paragraph 73 are inconsistent with the sources the State denies such allegations.

74. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 of the Complaint, and therefore denies them.

75. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 of the Complaint, and therefore denies them.

76. The State responds that the source cited in Paragraph 76 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 76 are inconsistent with the source the State denies such allegations.

77. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 of the Complaint, and therefore denies them.

78. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 of the Complaint, and therefore denies them.

79. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 of the Complaint, and therefore denies them.

80. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 of the Complaint, and therefore denies them.

81. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 of the Complaint, and therefore denies them.

IV. Contemporary and Historical Importance of Bears Ears to Hopi and Zuni Peoples

82. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 of the Complaint, and therefore denies them.

83. The State responds that the sources cited in Paragraph 83 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent the allegations in Paragraph 83 are inconsistent with the sources the State denies such allegations.

84. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 of the Complaint, and therefore denies them.

85. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 of the Complaint, and therefore denies them.

86. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 of the Complaint, and therefore denies them.

87. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 of the Complaint, and therefore denies them.

88. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 of the Complaint, and therefore denies them.

89. The State is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 89 of the Complaint, and therefore denies them.

90. The State is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 90 of the Complaint, and therefore denies them.

91. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 of the Complaint, and therefore denies them.

92. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 of the Complaint, and therefore denies them.

93. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 of the Complaint, and therefore denies them.

94. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 of the Complaint, and therefore denies them.

V. Contemporary and Historical Importance of Bears Ears to the Navajo People

95. The State admits that the Navajo Nation is located in Arizona, New Mexico, and Utah. The State further admits that all Navajo Nation land in Utah is within San Juan County. The State also admits the allegations in the last sentence of Paragraph 95. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 95 of the Complaint, and therefore denies them.

96. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 of the Complaint, and therefore denies them.

97. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies them.

98. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 of the Complaint, and therefore denies them.

99. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 of the Complaint, and therefore denies them.

100. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 of the Complaint, and therefore denies them.

VI. Contemporary and Historical Importance of Bears Ears to Ute Peoples

101. The State is without knowledge or information sufficient to form a belief as to the truth of the allegation in the first sentence of Paragraph 101 of the Complaint, and therefore denies it. The State responds that the sources cited in Paragraph 101 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 101 are inconsistent with those sources the State denies such allegations.

102. The State is without knowledge or information sufficient to form a belief as to the truth of the allegation in the first sentence of Paragraph 102 of the Complaint, and therefore denies it. The State responds that the sources cited in Paragraph 102 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 102 are inconsistent with those sources the State denies such allegations.

103. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103 of the Complaint, and therefore denies them.

104. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104 of the Complaint, and therefore denies them

105. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 of the Complaint, and therefore denies them.

106. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106 of the Complaint, and therefore denies them.

107. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107 of the Complaint, and therefore denies them.

108. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 of the Complaint, and therefore denies them.

109. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 of the Complaint, and therefore denies them.

110. The State responds that the sources cited in Paragraph 110 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 110 are inconsistent with those sources the State denies such allegations.

111. The State responds that the sources cited in Paragraph 111 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 111 are inconsistent with those sources the State denies such allegations.

112. The State responds that the sources cited in Paragraph 112 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 112 are inconsistent with those sources the State denies such allegations.

VII. General Historic and Scientific Importance

113. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 113 of the Complaint, and therefore denies them.

114. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 114 of the Complaint, and therefore denies them.

115. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 of the Complaint, and therefore denies them.

VIII. The Obama Administration's Extensive Public Outreach and Coordination

116. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 of the Complaint, and therefore denies them.

117. The State responds that second sentence of Paragraph 117 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 117 of the Complaint, and therefore denies them. The State responds that the source cited in Paragraph 117 of the Complaint speaks for itself and is the best evidence of its contents; to the extent any allegations in the last sentence of Paragraph 117 are inconsistent with the source the State denies such allegations.

118. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies them.

119. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies them.

IX. The Proclamation Designating Bears Ears National Monument

120. The State admits the Proclamation designating Bears Ears National Monument was issued on December 28, 2016, but the remaining allegations in the first sentence of Paragraph 120 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 120 of the Complaint, and therefore denies them.

121. The State responds that the source cited in Paragraph 121 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 121 are inconsistent with the source the State denies such allegations.

122. The State responds that the source cited in Paragraph 122 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in the first sentence of Paragraph 122 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 122 of the Complaint, and therefore denies them.

123. The State responds that the source cited in Paragraph 123 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 123 are inconsistent with the source the State denies such allegations.

124. The State responds that the source cited in Paragraph 124 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 124 are inconsistent with the source the State denies such allegations.

125. The State responds that the source cited in Paragraph 125 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 125 are inconsistent with the source the State denies such allegations.

126. The State responds that the source cited in Paragraph 126 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 126 are inconsistent with the source the State denies such allegations.

127. The State responds that the source cited in Paragraph 127 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 127 are inconsistent with the source the State denies such allegations.

128. The State responds that the source cited in Paragraph 128 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 128 are inconsistent with the source the State denies such allegations.

129. The State responds that the source cited in Paragraph 129 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 129 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 129 of the Complaint, and therefore denies them.

130. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 of the Complaint, and therefore denies them.

131. The State responds that the sources cited in Paragraph 131 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 131 are inconsistent with those sources the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 131 of the Complaint, and therefore denies them.

132. The State responds that the source cited in Paragraph 132 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 132 are inconsistent with the source the State denies such allegations.

133. The State responds that the source cited in Paragraph 133 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 133 are inconsistent with the source the State denies such allegations.

134. The State responds that the source cited in Paragraph 134 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 134 are inconsistent with the source the State denies such allegations.

135. The State responds that the source cited in Paragraph 135 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 135 are inconsistent with the source the State denies such allegations.

136. The State responds that the sources cited in Paragraph 136 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 136 are inconsistent with those sources the State denies such allegations.

137. The State responds that the source cited in Paragraph 137 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 137 are inconsistent with the source the State denies such allegations.

138. The State responds that the source cited in Paragraph 138 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 138 are inconsistent with the source the State denies such allegations.

139. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 139 of the Complaint, and therefore denies them. The State responds that the source cited in the last sentence of Paragraph 139 of the Complaint speaks for itself and is the best evidence of its contents

and context; to the extent any allegations in Paragraph 139 are inconsistent with the source the State denies such allegations.

140. The State responds that the source cited in Paragraph 140 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 140 are inconsistent with the source the State denies such allegations.

X. President Trump's attempt to revoke the National Monument and replace it with different monuments.

141. The State responds that the source cited in Paragraph 141 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 141 are inconsistent with the source the State denies such allegations.

142. The State admits the allegations in Paragraph 142 of the Complaint.

143. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 of the Complaint, and therefore denies them.

144. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 144 of the Complaint, and therefore denies them.

145. The State responds that the source cited in Paragraph 145 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 145 are inconsistent with the source the State denies such allegations.

146. The State responds that the sources cited in Paragraph 146 of the Complaint speak for themselves and are the best evidence of their contents; to the extent any allegations in Paragraph 146 are inconsistent with those sources the State denies such allegations.

147. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 of the Complaint, and therefore denies them.

148. The allegations in Paragraph 148 of the Complaint consist of Plaintiffs' characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
149. The allegations in Paragraph 149 of the Complaint consist of Plaintiffs' characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
150. The State responds that the source cited in Paragraph 150 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 150 are inconsistent with the source the State denies such allegations.
151. The State responds that Paragraph 151 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
152. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 of the Complaint, and therefore denies them.
153. The State responds that the source cited in Paragraph 153 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 153 are inconsistent with the source the State denies such allegations.
154. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 154 of the Complaint, and therefore denies them.
155. The State responds that the source cited in Paragraph 155 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 155 are inconsistent with the source the State denies such allegations.

156. The State responds that the source cited in Paragraph 156 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 156 are inconsistent with the source the State denies such allegations.
157. The State denies the allegations in Paragraph 157 of the Complaint.
158. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 of the Complaint, and therefore denies them.
159. The State denies the allegations in Paragraph 159 of the Complaint.
160. The State denies the allegations in Paragraph 160 of the Complaint.
161. The State denies the allegations in Paragraph 161 of the Complaint.
162. The State denies the allegations in Paragraph 162 of the Complaint.
163. The State responds that Paragraph 163 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
164. The State responds that the sources cited in the first sentence of Paragraph 164 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in the first sentence of Paragraph 164 are inconsistent with these sources the State denies such allegations. The State denies the allegations in the second sentence of Paragraph 164 of the Complaint.
165. The State denies the allegations in Paragraph 165 of the Complaint.
166. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166 of the Complaint, and therefore denies them.

167. The State responds that the source cited in Paragraph 167 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 167 are inconsistent with the source the State denies such allegations.
168. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 of the Complaint, and therefore denies them.
169. The State denies the allegations in Paragraph 169 of the Complaint.
170. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170 of the Complaint, and therefore denies them.
171. The State responds that the sources cited in Paragraph 171 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 171 are inconsistent with the sources the State denies such allegations.
172. The State denies the allegations in Paragraph 172 of the Complaint.
173. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173 of the Complaint, and therefore denies them.
174. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 of the Complaint, and therefore denies them.
175. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 of the Complaint, and therefore denies them.
176. The State responds that Paragraph 176 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

177. The State responds that Paragraph 177 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
178. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 of the Complaint, and therefore denies them.
179. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 179 of the Complaint, and therefore denies them.
180. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 180 of the Complaint, and therefore denies them.
181. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 181 of the Complaint, and therefore denies them.
182. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 182 of the Complaint, and therefore denies them.
183. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 183 of the Complaint, and therefore denies them.
184. The State denies the allegations in Paragraph 184 of the Complaint.
185. The State responds that the sources cited in Paragraph 185 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 185 are inconsistent with these sources the State denies such allegations.
186. The State denies the allegations in Paragraph 186 of the Complaint.
187. The State denies the allegations in Paragraph 187 of the Complaint.

188. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 188 of the Complaint, and therefore denies them.

189. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189 of the Complaint, and therefore denies them.

190. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 190 of the Complaint, and therefore denies them.

191. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191 of the Complaint, and therefore denies them.

192. The State denies the allegations in Paragraph 192 of the Complaint.

193. The State denies the allegations in Paragraph 193 of the Complaint.

194. The State responds that the source cited in Paragraph 194 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 194 are inconsistent with the source the State denies such allegations.

195. The State denies the allegations in Paragraph 195 of the Complaint.

196. The State denies the allegations in Paragraph 196 of the Complaint.

FIRST CLAIM FOR RELIEF
Antiquities Act, 54 U.S.C. § 320301
(All Defendants)

197. The State repeats and incorporates by reference its responses to this Complaint.

198. The State denies the allegations in Paragraph 198 of the Complaint.

199. Paragraph 199 sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation, and that certain areas are no longer part of the Monument.

200. The State denies the allegations in Paragraph 200 of the Complaint.

201. The State denies the allegations in Paragraph 201 of the Complaint.

SECOND CLAIM FOR RELIEF
U.S. Constitution, Article I, Sections 1 and 7 – Separation of Powers
(All Defendants)

202. The State repeats and incorporates by reference its responses to this Complaint.

203. The State responds that the source cited in Paragraph 203 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 203 are inconsistent with the source the State denies such allegations.

204. The State responds that the source cited in Paragraph 204 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 204 are inconsistent with the source the State denies such allegations.

205. The State responds that Paragraph 205 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

206. The State denies the allegations in Paragraph 206 of the Complaint.

207. The State denies the allegations in Paragraph 207 of the Complaint.

208. The State denies the allegations in Paragraph 208 of the Complaint.

THIRD CLAIM FOR RELIEF
U.S. Constitution, Article IV, Section 3 – the Property Clause
(All Defendants)

209. The State repeats and incorporates by reference its responses to this Complaint.

210. The State responds that the source cited in Paragraph 210 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 210 are inconsistent with the source the State denies such allegations.

211. The State denies the allegations in Paragraph 211 of the Complaint.

212. The State denies the allegations in Paragraph 212 of the Complaint.

213. The State denies the allegations in Paragraph 213 of the Complaint.

FOURTH CLAIM FOR RELIEF
Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*
(All Agency Defendants)

214. The State repeats and incorporates by reference its responses to this Complaint.

215. The State responds that the source cited in Paragraph 215 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 215 are inconsistent with the source the State denies such allegations.

216. The State responds that the source cited in Paragraph 216 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 216 are inconsistent with the source the State denies such allegations.

217. The State responds that the source cited in Paragraph 217 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 217 are inconsistent with the source the State denies such allegations.

218. The State responds that Paragraph 218 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

219. The State denies the allegations in Paragraph 219 of the Complaint.

220. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 220 of the Complaint, and therefore denies them.

221. The State denies the allegations in Paragraph 221 of the Complaint.

THIRD DEFENSE

The State denies that Plaintiffs are entitled to the relief requested in ¶¶ 222-228 of the Complaint. The State denies that Plaintiffs are entitled to any relief whatsoever.

FOURTH DEFENSE

The State denies each and every allegation in the Complaint not expressly admitted above.

FIFTH DEFENSE

Plaintiffs lack standing to bring this action.

SIXTH DEFENSE

Plaintiffs' claims are not ripe.

SEVENTH DEFENSE

This Court lacks jurisdiction under the Administrative Procedure Act.

EIGHTH DEFENSE

Plaintiffs' claims are barred by the doctrines of res judicata and/or collateral estoppel.

NINTH DEFENSE

The State preserves and does not waive any of the affirmative defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure, as discovery may reveal to be applicable, or any other matter constituting an avoidance or affirmative defense as may become known in the future.

PRAYER FOR RELIEF

WHEREFORE, the State respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims, and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this 5th day of October, 2018

/s/ Anthony L. Rampton

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UTAH DINÉ BIKÉYAH, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants,

and

STATE OF UTAH, *et al.*,

Proposed Defendant- Intervenor

Case No. 1:17-cv-02605-TSC

[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR STATE OF UTAH

Defendant-Intervenor the State of Utah (the “State”) hereby files this answer to Plaintiffs’
Complaint for Declaratory and Injunctive Relief as follows:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE¹

The State responds to the separately numbered paragraphs of Plaintiff’s Complaint as
follows:

¹ Section headings and subheading within the State’s Second Defense are taken from the Complaint verbatim and are included for reference only. The State denies any allegations contained within section headings.

1. The allegations in the first and last sentence of Paragraph 1 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations. The State denies the allegations in the remainder of Paragraph 1, and further denies that Plaintiffs are entitled to the relief requested.
2. The State responds that the sources cited in the first two sentences of Paragraph 2 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in the first two sentences of Paragraph 2 are inconsistent with these sources the State denies such allegations. The State further denies the allegations in the final two sentences of Paragraph 2.
3. The State admits that President Barack Obama established the Bears Ears National Monument through Presidential Proclamation 9558 on December 28, 2016. As to the remaining allegations in Paragraph 3 of the Complaint, the State responds that the source cited speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 3 are inconsistent with the source the State denies such allegations. The final sentence of Paragraph 3 sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
4. The State admits that President Donald Trump modified the Bears Ears National Monument through Presidential Proclamation on December 4, 2017. As to the remaining allegations in the first sentence of Paragraph 4 of the Complaint, the State responds that the source cited speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 4 are inconsistent with the source the State denies

such allegations. The State denies the allegations in the last three sentences of Paragraph 4.

JURISDICTION AND VENUE

5. The allegations in Paragraph 5 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
6. The State responds that the first sentence of Paragraph 6 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6 of the Complaint, and therefore denies them.
7. The State denies the allegations in Paragraph 7 of the Complaint.

PARTIES

I. Plaintiffs

8. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint, and therefore denies them.
9. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint, and therefore denies them.
10. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint, and therefore denies them.
11. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint, and therefore denies them.

12. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Complaint, and therefore denies them.
13. The State denies the allegations in the first sentence of Paragraph 13 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13, and therefore denies them.
14. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Complaint, and therefore denies them.
15. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies them.
16. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Complaint, and therefore denies them.
17. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Complaint, and therefore denies them.
18. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the Complaint, and therefore denies them.
19. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Complaint, and therefore denies them.
20. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint, and therefore denies them.
21. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint, and therefore denies them.
22. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint, and therefore denies them.

23. The State denies the allegations in the first sentence of Paragraph 23 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23, and therefore denies them.
24. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint, and therefore denies them.
25. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint, and therefore denies them.
26. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint, and therefore denies them.
27. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 of the Complaint, and therefore denies them.
28. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 of the Complaint, and therefore denies them.
29. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Complaint, and therefore denies them.
30. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of the Complaint, and therefore denies them.
31. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint, and therefore denies them.
32. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint, and therefore denies them.

33. The State denies the allegations in the first sentence of Paragraph 33 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 33, and therefore denies them.
34. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Complaint, and therefore denies them.
35. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 of the Complaint, and therefore denies them.
36. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 of the Complaint, and therefore denies them.
37. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint, and therefore denies them.
38. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint, and therefore denies them.
39. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 of the Complaint, and therefore denies them.
40. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 of the Complaint, and therefore denies them.
41. The State denies the allegations in the first sentence of Paragraph 41 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 41, and therefore denies them.
42. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Complaint, and therefore denies them.

43. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint, and therefore denies them.
44. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 of the Complaint, and therefore denies them.
45. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 of the Complaint, and therefore denies them.
46. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 of the Complaint, and therefore denies them.
47. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Complaint, and therefore denies them.
48. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 of the Complaint, and therefore denies them.
49. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Complaint, and therefore denies them.
50. The State denies the allegations in the first sentence of Paragraph 50 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 50, and therefore denies them.
51. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 of the Complaint, and therefore denies them.
52. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 of the Complaint, and therefore denies them.
53. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 of the Complaint, and therefore denies them.

54. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 of the Complaint, and therefore denies them.

55. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 of the Complaint, and therefore denies them.

56. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 of the Complaint, and therefore denies them.

57. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 of the Complaint, and therefore denies them.

58. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 of the Complaint, and therefore denies them.

59. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Complaint, and therefore denies them.

60. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 of the Complaint, and therefore denies them.

61. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 of the Complaint, and therefore denies them.

62. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 of the Complaint, and therefore denies them.

63. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 of the Complaint, and therefore denies them.

64. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 of the Complaint, and therefore denies them.

65. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 of the Complaint, and therefore denies them.

66. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 of the Complaint, and therefore denies them.

67. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 of the Complaint, and therefore denies them.

68. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 of the Complaint, and therefore denies them.

69. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 of the Complaint, and therefore denies them.

70. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 of the Complaint, and therefore denies them.

71. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Complaint, and therefore denies them.

II. Defendants

72. The State admits the allegations in the first sentence of Paragraph 72 of the Complaint. The State admits President Trump issued a proclamation modifying the Bears Ears National Monument. The State admits that the President resides and conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

73. The State admits the allegations in the first two sentences of Paragraph 73 of the Complaint. The State admits that Secretary Zinke's duties include management of the Bears Ears National Monument in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that

Secretary Zinke conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

74. The State admits the allegations in the first two sentences of Paragraph 74 of the Complaint. The State admits that Secretary Perdue's duties include management of certain areas in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that Secretary Perdue conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

75. The State admits the allegations in the first two sentences of Paragraph 75 of the Complaint. The State admits that Deputy Director Steed's duties include management of certain areas within the Bears Ears National Monument in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that Deputy Director Steed conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

76. The State admits the allegations in the first two sentences of Paragraph 75 of the Complaint. The State admits that Chief Tooke's duties include management of certain areas within the Bears Ears National Monument in accordance with various statutes, but denies that Proclamation 9558 governs management of the Monument. The State admits that Chief Tooke conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

LEGAL FRAMEWORK

77. The State responds that the source cited in Paragraph 77 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 77 are inconsistent with the source the State denies such allegations.

78. The State responds that the source cited in Paragraph 78 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 78 are inconsistent with the source the State denies such allegations.

79. The State responds that the source cited in Paragraph 79 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 79 are inconsistent with the source the State denies such allegations.

80. The State responds that the source cited in Paragraph 80 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 80 are inconsistent with the source the State denies such allegations.

81. The State responds that Paragraph 81 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

82. The State responds that Paragraph 82 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

83. The State responds that Paragraph 83 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

84. The State responds that the source cited in Paragraph 84 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 84 are inconsistent with the source the State denies such allegations.

85. The State responds that the source cited in Paragraph 85 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 85 are inconsistent with the source the State denies such allegations.

FACTS

I. The Creation of the Bears Ears National Monument

86. The State admits the allegations in Paragraph 86 of the Complaint.

87. The State admits that the Bears Ears National Monument is located in southeastern Utah and includes a variety of landmarks, structures, and other objects of interest. The State admits that the Monument includes land managed by the United States Forest Service, as part of the Manti-La Sal National Forest, and land managed by the Bureau of Land Management. The State denies the remainder of any allegations in Paragraph 87 of the Complaint.

88. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 of the Complaint, and therefore denies them.

89. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 of the Complaint, and therefore denies them.

90. The State responds that the source cited in Paragraph 90 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 90 are inconsistent with the source the State denies such allegations.

91. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 of the Complaint, and therefore denies them.

92. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 of the Complaint, and therefore denies them.

93. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 of the Complaint, and therefore denies them.
94. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 of the Complaint, and therefore denies them.
95. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Complaint, and therefore denies them.
96. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 of the Complaint, and therefore denies them.
97. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies them.
98. The State responds that the source cited in Paragraph 98 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 98 are inconsistent with the source the State denies such allegations.
99. The State responds that the source cited in Paragraph 99 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 99 are inconsistent with the source the State denies such allegations.
100. The State responds that the source cited in Paragraph 100 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 100 are inconsistent with the source the State denies such allegations.
101. The State responds that the sources cited in Paragraph 101 of the Complaint speaks for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 101 are inconsistent with the sources the State denies such allegations.

102. The State responds that the source cited in Paragraph 102 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 102 are inconsistent with the source the State denies such allegations.

103. The State responds that the source cited in Paragraph 103 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 103 are inconsistent with the source the State denies such allegations.

104. The State responds that the source cited in Paragraph 104 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 104 are inconsistent with the source the State denies such allegations.

105. The State responds that the source cited in Paragraph 105 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 105 are inconsistent with the source the State denies such allegations.

106. The State responds that the source cited in Paragraph 106 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 106 are inconsistent with the source the State denies such allegations.

107. The State responds that the source cited in Paragraph 107 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 107 are inconsistent with the source the State denies such allegations.

108. The State responds that the source cited in Paragraph 108 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 108 are inconsistent with the source the State denies such allegations.

109. The State responds that Paragraph 109 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

II. The Process Leading to Creation of the Bears Ears National Monument

110. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 of the Complaint, and therefore denies them.

111. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111 of the Complaint, and therefore denies them.

112. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 112 of the Complaint, and therefore denies them. The State admits the allegations in the second sentence of Paragraph 112.

113. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 of the Complaint, and therefore denies them.

114. The State admits that Congress never enacted the Public Lands Initiative. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 114 of the Complaint, and therefore denies them.

115. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 of the Complaint, and therefore denies them.

116. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 of the Complaint, and therefore denies them.

117. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 of the Complaint, and therefore denies them.

118. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 of the Complaint, and therefore denies them.

119. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 of the Complaint, and therefore denies them.

120. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies them.

121. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 of the Complaint, and therefore denies them.

122. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 of the Complaint, and therefore denies them.

123. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 of the Complaint, and therefore denies them.

124. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 of the Complaint, and therefore denies them.

125. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 of the Complaint, and therefore denies them.

126. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 of the Complaint, and therefore denies them.

127. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 of the Complaint, and therefore denies them.

128. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 of the Complaint, and therefore denies them.

129. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 of the Complaint, and therefore denies them.

130. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 of the Complaint, and therefore denies them.

131. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 of the Complaint, and therefore denies them.

III. President Trumps Attempt to Revoke the Bears Ears National Monument

132. The State responds that the sources cited in Paragraph 132 of the Complaint speaks for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 132 are inconsistent with the sources the State denies such allegations.

133. The State admits the allegation in Paragraph 133 of the Complaint.

134. The State responds that the source cited in Paragraph 134 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 134 are inconsistent with the source the State denies such allegations.

135. The State responds that the first sentence of Paragraph 135 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. As to the remaining allegations in Paragraph 135, the State responds that the source cited speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 135 are inconsistent with the source the State denies such allegations.

136. The State responds that the source cited in Paragraph 136 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 136 are inconsistent with the source the State denies such allegations.

137. The State responds that the source cited in Paragraph 137 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 137 are inconsistent with the source the State denies such allegations.

Secretary Zinke's Interim Report

138. The State admits the allegation in Paragraph 138 of the Complaint.

139. The State responds that the source cited in Paragraph 139 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 139 are inconsistent with the source the State denies such allegations.

140. The State responds that the source cited in Paragraph 140 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 140 are inconsistent with the source the State denies such allegations.

141. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 of the Complaint, and therefore denies them.

142. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 of the Complaint, and therefore denies them.

143. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 of the Complaint, and therefore denies them.

144. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 144 of the Complaint, and therefore denies them.

145. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145 of the Complaint, and therefore denies them.

146. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 of the Complaint, and therefore denies them.

147. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 of the Complaint, and therefore denies them.

148. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 of the Complaint, and therefore denies them.

149. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 149 of the Complaint, and therefore denies them.

150. The State responds that the source cited in Paragraph 150 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 150 are inconsistent with the source the State denies such allegations.

151. The State admits the allegations in the first sentence of Paragraph 151 of the Complaint. As to the remainder of Paragraph 151, the State is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

152. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 of the Complaint, and therefore denies them.

153. The State responds that the source cited in Paragraph 153 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 153 are inconsistent with the source the State denies such allegations.

154. The State responds that the source cited in Paragraph 154 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 154 are inconsistent with the source the State denies such allegations.

155. The State responds that the source cited in Paragraph 155 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 155 are inconsistent with the source the State denies such allegations.

156. The State admits that the Department of the Interior extended the comment period for Bears Ears to July 10, 2017. The State denies all remaining allegations in Paragraph 156 of the Complaint.

Secretary Zinke's Final Report

157. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 of the Complaint, and therefore denies them.

158. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 of the Complaint, and therefore denies them.

159. The State responds that the source cited in the first sentence of Paragraph 159 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in the first sentence of Paragraph 159 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 159, and therefore denies them.

160. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 160 of the Complaint, and therefore denies them.

161. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first two sentences of Paragraph 161 of the Complaint, and therefore denies them. As to the remaining allegations in Paragraph 161, the State responds that the source cited speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 161 are inconsistent with the source the State denies such allegations.

162. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 of the Complaint, and therefore denies them.

163. The State responds that the source cited in Paragraph 163 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 163 are inconsistent with the source the State denies such allegations.

164. The State responds that the source cited in Paragraph 164 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 164 are inconsistent with the source the State denies such allegations.

165. The State responds that the source cited in Paragraph 165 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 165 are inconsistent with the source the State denies such allegations.

166. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166 of the Complaint, and therefore denies them.

The Revocation Proclamation

167. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation on December 4, 2017.

168. The State responds that the source cited in Paragraph 168 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 168 are inconsistent with the source the State denies such allegations.

169. The State responds that the source cited in Paragraph 169 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 169 are inconsistent with the source the State denies such allegations.

170. The State responds that the source cited in Paragraph 170 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 170 are inconsistent with the source the State denies such allegations.

171. The State responds that the source cited in Paragraph 171 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 171 are inconsistent with the source the State denies such allegations.

172. The State responds that the source cited in Paragraph 172 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 172 are inconsistent with the source the State denies such allegations.

173. The State responds that the source cited in Paragraph 173 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 173 are inconsistent with the source the State denies such allegations.

Impacts of the Revocation Proclamation

174. The State denies that Plaintiffs have suffered any injury.

175. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 of the Complaint, and therefore denies them.

176. The State denies the allegations in Paragraph 176 of the Complaint.

177. The State responds that the first sentence of Paragraph 177 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. As to the remaining allegations in Paragraph 177, the State is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.
178. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 178 of the Complaint, and therefore denies them.
179. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 179 of the Complaint, and therefore denies them.
180. The State denies the allegations in Paragraph 180 of the Complaint.
181. The State responds that Paragraph 181 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
182. The State responds that the source cited in Paragraph 182 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 182 are inconsistent with the source the State denies such allegations.
183. The State denies the allegations in Paragraph 183 of the Complaint.
184. The State responds that the source cited in Paragraph 184 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in the first two sentences of Paragraph 184 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last sentence of Paragraph 184.

185. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first four sentences of Paragraph 185 of the Complaint, and therefore denies them. The State denies the allegations in the last sentence of Paragraph 185.

186. The State denies the allegations in Paragraph 186 of the Complaint.

187. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 187 of the Complaint, and therefore denies them. The second sentence of Paragraph 187 sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State denies the allegations in the final sentence of Paragraph 187.

188. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 188 of the Complaint, and therefore denies them. The State denies that Plaintiffs have suffered any injury.

Count I – Violation of the Antiquities Act

189. The State repeats and incorporates by reference its responses to Paragraphs 1 through 188.

190. The State denies the allegations in Paragraph 190 of the Complaint.

191. The State responds that the source cited in Paragraph 191 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 191 are inconsistent with the source the State denies such allegations.

192. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation on December 4, 2017, and that certain areas are no longer part of the Monument.

193. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 193 of the Complaint, and therefore denies them.

194. The State denies the allegations in Paragraph 194 of the Complaint.

195. The State denies the allegations in Paragraph 195 of the Complaint.

196. The State denies the allegations in Paragraph 196 of the Complaint.

Count II – Violation of the Antiquities Act

197. The State repeats and incorporates by reference its responses to Paragraphs 1 through 196.

198. The State denies the allegations in Paragraph 198 of the Complaint.

199. The State responds that the source cited in Paragraph 199 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 199 are inconsistent with the source the State denies such allegations.

200. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation on December 4, 2017, and that certain areas are no longer part of the Monument.

201. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation on December 4, 2017, and that certain areas are no longer part of the Monument.

202. The State responds that the source cited in Paragraph 202 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in the first two sentences of Paragraph 202 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 202, and therefore denies them.

203. The State denies the allegations in Paragraph 203 of the Complaint.

204. The State responds that the source cited in Paragraph 204 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 204 are inconsistent with the source the State denies such allegations.

205. The State denies the allegations in Paragraph 205 of the Complaint.

206. The State denies the allegations in Paragraph 206 of the Complaint.

207. The State denies the allegations in Paragraph 207 of the Complaint.

208. The State denies the allegations in Paragraph 208 of the Complaint.

Count III – Violation of the Separation of Powers

209. The State repeats and incorporates by reference its responses to Paragraphs 1 through 208.

210. The State responds that the source cited in Paragraph 210 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 210 are inconsistent with the source the State denies such allegations.

211. The State denies the allegations in Paragraph 211 of the Complaint.

212. The State denies the allegations in Paragraph 212 of the Complaint.

213. The State denies the allegations in Paragraph 213 of the Complaint.

Count IV – Violation of the Take Care Clause

214. The State repeats and incorporates by reference its responses to Paragraphs 1 through 214.

215. The State responds that the source cited in Paragraph 215 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 215 are inconsistent with the source the State denies such allegations.

216. The State responds that Paragraph 216 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

217. The State denies the allegations in Paragraph 217 of the Complaint.

218. The State responds that the source cited in Paragraph 218 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 218 are inconsistent with the source the State denies such allegations.

219. The State responds that the source cited in Paragraph 219 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 219 are inconsistent with the source the State denies such allegations.

220. The State denies the allegations in Paragraph 220 of the Complaint.

THIRD DEFENSE

The State denies that Plaintiffs are entitled to the relief requested in the Complaint. The State denies that Plaintiffs are entitled to any relief whatsoever.

FOURTH DEFENSE

The State denies each and every allegation in the Complaint not expressly admitted above.

FIFTH DEFENSE

Plaintiffs lack standing to bring this action.

SIXTH DEFENSE

Plaintiffs' claims are not ripe.

SEVENTH DEFENSE

This Court lacks jurisdiction under the Administrative Procedure Act.

EIGHTH DEFENSE

Plaintiffs' claims are barred by the doctrines of res judicata and/or collateral estoppel.

NINTH DEFENSE

The State preserves and does not waive any of the affirmative defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure, as discovery may reveal to be applicable, or any other matter constituting an avoidance or affirmative defense as may become known in the future.

PRAYER FOR RELIEF

WHEREFORE, the State respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims, and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this 5th day of October, 2018

/s/ Anthony L. Rampton _____

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATURAL RESOURCES DEFENSE
COUNCIL, INC., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants,

and

STATE OF UTAH, *et al.*,

Proposed Defendant- Intervenor

Case No. 1:17-cv-02606-TSC

[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR STATE OF UTAH

Defendant-Intervenor the State of Utah (the “State”) hereby files this answer to Plaintiffs’
Complaint for Injunctive and Declaratory Relief as follows:

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE¹

The State responds to the separately numbered paragraphs of Plaintiff’s Complaint as
follows:

¹ Section headings and subheadings within the State’s Second Defense are taken from the Complaint verbatim and are included for reference only. The State denies any allegations contained within section headings.

1. The allegations in Paragraph 1 of the Complaint consist of Plaintiff's characterization of the case and require no response. To the extent that a response is required, the State denies the allegations.
2. The State admits that President Barack Obama set aside 1.35 million acres and established the Bears Ears National Monument on December 28, 2016. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2 of the Complaint, and therefore denies them.
3. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation, and that certain areas are no longer part of the Monument, and therefore have different legal protections from that of the Monument areas. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the last sentence of Paragraph 3, and therefore denies them.
4. The State denies the allegations in Paragraph 4 of the Complaint.
5. The State admits that Theodore Roosevelt was the first President to exercise authority under the Antiquities Act. The State admits that more than one hundred and fifty national monuments have been designated. The State admits that the Statue of Liberty, Muir Woods, Organ Pipe Cactus, and Misty Fjords are National Monuments. The State admits that Grand Canyon and Zion National Parks began as national monuments. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5 of the Complaint, and therefore denies them.

6. The State admits that President Barack Obama established the Bears Ears National Monument through Presidential Proclamation 9558 on December 28, 2016. The State responds that the source cited in Paragraph 6 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 6 are inconsistent with the source the State denies such allegations.
7. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint, and therefore denies them.
8. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint, and therefore denies them.
9. The State responds that the source cited in Paragraph 9 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 9 are inconsistent with the source the State denies such allegations.
10. The State denies the allegations in Paragraph 10 of the Complaint, and further denies that Plaintiffs are entitled to the relief requested.

JURISDICTION AND VENUE

11. The State responds that Paragraph 11 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.
12. The State responds that Paragraph 12 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State further denies that Plaintiffs are entitled to the relief requested.

13. The State responds that Paragraph 13 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

14. The State responds that the first sentence of Paragraph 14 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 14 of the Complaint, and therefore denies them.

15. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies them.

PLAINTIFFS

16. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Complaint, and therefore denies them.

17. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Complaint, and therefore denies them.

18. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the Complaint, and therefore denies them.

19. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Complaint, and therefore denies them.

20. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint, and therefore denies them.

21. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Complaint, and therefore denies them.

22. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 of the Complaint, and therefore denies them.
23. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Complaint, and therefore denies them.
24. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint, and therefore denies them.
25. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 of the Complaint, and therefore denies them.
26. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 of the Complaint, and therefore denies them.
27. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 of the Complaint, and therefore denies them.
28. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 of the Complaint, and therefore denies them.
29. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Complaint, and therefore denies them.
30. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 of the Complaint, and therefore denies them.
31. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint, and therefore denies them.
32. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 of the Complaint, and therefore denies them.

33. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 of the Complaint, and therefore denies them.
34. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Complaint, and therefore denies them.
35. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 of the Complaint, and therefore denies them.
36. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 of the Complaint, and therefore denies them.
37. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint, and therefore denies them.
38. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint, and therefore denies them.
39. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 of the Complaint, and therefore denies them.
40. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 of the Complaint, and therefore denies them.
41. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 of the Complaint, and therefore denies them.
42. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 of the Complaint, and therefore denies them.
43. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint, and therefore denies them.

44. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 of the Complaint, and therefore denies them.

45. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 of the Complaint, and therefore denies them.

46. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 of the Complaint, and therefore denies them.

47. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Complaint, and therefore denies them.

48. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 of the Complaint, and therefore denies them.

49. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Complaint, and therefore denies them.

50. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 of the Complaint, and therefore denies them.

51. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 of the Complaint, and therefore denies them.

52. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 of the Complaint, and therefore denies them.

DEFENDANTS

53. The State admits the allegations in the first sentence of Paragraph 53 of the Complaint. The State admits that the President resides and conducts some of his duties in Washington, D.C. Any remaining allegations are denied.

54. The State admits the allegations in Paragraph 54 of the Complaint.

55. The State admits that Secretary Zinke's duties include ensuring that the Department of the Interior and BLM comply with applicable law, but denies that the 2016 Proclamation governs management of the Monument.
56. The State admits that Secretary Zinke conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 56 of the Complaint, and therefore denies them.
57. The State admits the allegations in Paragraph 57 of the Complaint.
58. The State admits that Deputy Director Steed's duties ensuring that BLM complies with applicable law, but denies that the 2016 Proclamation governs management of the Monument.
59. The State admits that Deputy Director Steed conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 59 of the Complaint, and therefore denies them.
60. The State admits the allegations in Paragraph 60 of the Complaint.
61. The State admits that Secretary Perdue's duties include management of certain areas in accordance with various statutes, but denies that the 2016 Proclamation governs management of the Monument.
62. The State admits that Secretary Perdue conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 62 of the Complaint, and therefore denies them.

63. The State admits the allegations in Paragraph 63 of the Complaint.
64. The State admits that Chief Tooke's duties include management of certain areas within Bears Ears National Monument in accordance with various statutes, but denies that the 2016 Proclamation governs management of the Monument.
65. The State admits that Chief Tooke conducts some of his duties in Washington, D.C. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 65 of the Complaint, and therefore denies them.
66. The State denies the allegations in Paragraph 66 of the Complaint.

BACKGROUND

The Antiquities Act

67. The State responds that the source cited in Paragraph 67 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 67 are inconsistent with the source the State denies such allegations.
68. The State responds that the source cited in Paragraph 68 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 68 are inconsistent with the source the State denies such allegations.
69. The State admits that Presidents have declared by proclamation more than one hundred and fifty national monuments, ranging in size, under authority in the Antiquities Act. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69 of the Complaint, and therefore denies them.

70. The State responds that the source cited in Paragraph 70 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 70 are inconsistent with the source the State denies such allegations.

71. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 of the Complaint, and therefore denies them.

72. The State responds that the first sentence of Paragraph 72 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State responds that the source cited in the last sentence of Paragraph 72 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 72 are inconsistent with the source the State denies such allegations.

73. The State responds that the source cited in Paragraph 73 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 73 are inconsistent with the source the State denies such allegations.

74. The State responds that the source cited in the first sentence of Paragraph 74 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 74 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last two sentences of Paragraph 74 of the Complaint.

The Scientific, Historic, and Cultural Significance of the Bears Ears Landscape

75. The State admits the allegations in Paragraph 75 of the Complaint.

76. The State admits the allegations in Paragraph 76 of the Complaint.

77. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 of the Complaint, and therefore denies them.

78. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 of the Complaint, and therefore denies them.

79. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 of the Complaint, and therefore denies them.

80. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 of the Complaint, and therefore denies them.

81. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 of the Complaint, and therefore denies them. The State responds that the source cited in the last sentence of Paragraph 81 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 81 are inconsistent with the source the State denies such allegations.

82. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 of the Complaint, and therefore denies them.

83. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 of the Complaint, and therefore denies them.

Pre-Monument Management of Federal Public Lands Within the Bears Ears Area

84. The State admits that the lands that President Obama designated as the Bears Ears National Monument were federally owned public lands before the 2016 Proclamation.

The State responds that the source cited in Paragraph 84 of the Complaint speaks for

itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 84 are inconsistent with the source the State denies such allegations.

85. The State admits that as of 2016, some of the lands within the Bears Ears monument were managed by the U.S. Forest Service and some were managed by the BLM. The State responds that the sources cited in the last sentence of Paragraph 85 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 85 are inconsistent with the sources the State denies such allegations.

86. The State responds that the sources cited in the last sentence of Paragraph 86 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 86 are inconsistent with the sources the State denies such allegations.

87. The State denies the allegations in Paragraph 87 of the Complaint.

88. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 of the Complaint, and therefore denies them.

89. The State responds that the sources cited in Paragraph 89 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 89 are inconsistent with the sources the State denies such allegations.

90. The State responds that the sources cited in Paragraph 90 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 90 are inconsistent with the sources the State denies such allegations.

91. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 of the Complaint, and therefore denies them.

92. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 of the Complaint, and therefore denies them.

93. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 of the Complaint, and therefore denies them.

94. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 of the Complaint, and therefore denies them.

The 2016 Proclamation Designating the Bears Ears National Monument

95. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 of the Complaint, and therefore denies them.

96. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 of the Complaint, and therefore denies them.

97. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 of the Complaint, and therefore denies them.

98. The State admits that President Obama established the Bears Ears National Monument by proclamation in 2016. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of Paragraph 98 of the Complaint, and therefore denies them. The State responds that the source cited in Paragraph 98 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 98 are inconsistent with the source the State denies such allegations.

99. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 of the Complaint, and therefore denies them.
100. The State responds that the source cited in Paragraph 100 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 100 are inconsistent with the source the State denies such allegations.
101. The State responds that the source cited in Paragraph 101 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 101 are inconsistent with the source the State denies such allegations.
102. The State responds that the source cited in Paragraph 102 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 102 are inconsistent with the source the State denies such allegations.
103. The State responds that the sources cited in Paragraph 103 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 103 are inconsistent with the sources the State denies such allegations.
104. The State responds that the source cited in Paragraph 104 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 104 are inconsistent with the source the State denies such allegations.
105. The State responds that the source cited in Paragraph 105 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 105 are inconsistent with the source the State denies such allegations.
106. The State responds that the source cited in Paragraph 106 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations

in Paragraph 106 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 106 of the Complaint, and therefore denies them.

107. The State responds that the source cited in Paragraph 107 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 107 are inconsistent with the source the State denies such allegations.

108. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 of the Complaint, and therefore denies them.

109. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 of the Complaint, and therefore denies them.

110. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 of the Complaint, and therefore denies them.

111. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111 of the Complaint, and therefore denies them.

112. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 of the Complaint, and therefore denies them.

President Trump's decision to revoke monument status from eighty-five percent of the Bears Ears National Monument

113. The State admits that President Trump was inaugurated on January 20, 2017. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 113 of the Complaint, and therefore denies them.

114. The State admits that President Trump issued Executive Order 13792 on April 26, 2017. The State responds that the source cited in Paragraph 114 of the Complaint speaks

for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 114 are inconsistent with the source the State denies such allegations.

115. The State responds that the source cited in Paragraph 115 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 115 are inconsistent with the source the State denies such allegations.

116. The State responds that the source cited in Paragraph 116 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 116 are inconsistent with the source the State denies such allegations.

117. The State responds that the sources cited in Paragraph 117 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 117 are inconsistent with the sources the State denies such allegations.

118. The State responds that the source cited in Paragraph 118 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 118 are inconsistent with the source the State denies such allegations.

119. The State admits the allegations in Paragraph 119 of the Complaint.

120. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 of the Complaint, and therefore denies them.

121. The State responds that the source cited in Paragraph 121 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 121 are inconsistent with the source the State denies such allegations.

122. The State admits the allegations in the first sentence of Paragraph 122 of the Complaint. The State is without knowledge or information sufficient to form a belief as

to the truth of the allegations in the last sentence of Paragraph 122 of the Complaint, and therefore denies them.

123. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 of the Complaint, and therefore denies them.

124. The State responds that the sources cited in Paragraph 124 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 124 are inconsistent with the sources the State denies such allegations.

125. The State responds that the source cited in Paragraph 125 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 125 are inconsistent with the source the State denies such allegations.

126. The State admits that President Trump issues a Presidential Proclamation on December 4, 2017. The State responds that the source cited in Paragraph 126 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any remaining allegations in Paragraph 126 are inconsistent with the source the State denies such allegations.

127. The State responds that Paragraph 127 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State denies the allegations in the last sentence of Paragraph 127 of the Complaint.

128. The State responds that the source cited in Paragraph 128 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 128 are inconsistent with the source the State denies such allegations.

129. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 of the Complaint, and therefore denies them.

The State responds that the sources cited in the last two sentences of Paragraph 129 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in the last two sentences of Paragraph 129 are inconsistent with the sources the State denies such allegations.

130. The State responds that the sources cited in Paragraph 130 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 130 are inconsistent with the sources the State denies such allegations.

131. The State denies the allegations in Paragraph 131 of the Complaint.

132. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 of the Complaint, and therefore denies them.

133. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 of the Complaint, and therefore denies them.

The State denies the allegations in the last sentence of Paragraph 133 of the Complaint.

President Trump's action harms Plaintiffs' interests by eliminating protections guaranteed by the 2016 Proclamation

134. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 of the Complaint, and therefore denies them.

135. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 of the Complaint, and therefore denies them.

136. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 of the Complaint, and therefore denies them.

The State admits that Lockhart Basin is no longer included in Bears Ears National Monument.

137. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 137 of the Complaint, and therefore denies them.

The State admits that White Canyon is no longer included in Bears Ears National Monument.

138. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 138 of the Complaint, and therefore denies them.

The State admits that the Valley of the Gods is no longer included in Bears Ears National Monument.

139. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 of the Complaint, and therefore denies them.

140. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 140 of the Complaint, and therefore denies them.

141. The State denies the allegations in Paragraph 141 of the Complaint.

142. The State denies the allegations in Paragraph 142 of the Complaint.

Hardrock mining

143. The State responds that Paragraph 143 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

144. The State responds that the sources cited in Paragraph 144 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any

allegations in Paragraph 144 are inconsistent with the sources the State denies such allegations.

145. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 145 of the Complaint, and therefore denies them.

146. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 of the Complaint, and therefore denies them.

147. The State responds that Paragraph 147 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State denies the allegations in the last clause of the last sentence of Paragraph 147 of the Complaint.

148. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 of the Complaint, and therefore denies them. The State responds that the sources cited in Paragraph 148 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 148 are inconsistent with the sources the State denies such allegations.

149. The State responds that the source cited in Paragraph 149 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 149 are inconsistent with the source the State denies such allegations. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 149 of the Complaint, and therefore denies them. The State denies the allegations in the last sentence of Paragraph 149 of the Complaint.

150. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 150 of the Complaint, and therefore denies them.

The State denies the allegations in the last sentence of Paragraph 150 of the Complaint.

151. The State denies the allegations in Paragraph 151 of the Complaint, and responds that the source cited in Paragraph 151 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 151 are inconsistent with the source the State denies such allegations.

152. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 152 of the Complaint, and therefore denies them.

153. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 of the Complaint, and therefore denies them.

The State denies the allegations of injury in Paragraph 153 of the Complaint.

Oil and gas leasing

154. The State responds that the sources cited in Paragraph 154 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 154 are inconsistent with the sources the State denies such allegations.

155. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 of the Complaint, and therefore denies them.

156. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156 of the Complaint, and therefore denies them.

157. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 157 of the Complaint, and therefore denies them.

The State denies the allegations in the last sentence of Paragraph 157 of the Complaint.

158. The State responds that the sources cited in Paragraph 158 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 158 are inconsistent with the sources the State denies such allegations.

159. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 159 of the Complaint, and therefore denies them.

Roads and off-highway vehicle use

160. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 160 of the Complaint, and therefore denies them.

The State denies the allegations of injury in Paragraph 160 of the Complaint.

161. The State responds that the source cited in Paragraph 161 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 161 are inconsistent with the source the State denies such allegations.

162. The State admits that the land no longer part of the Monument will revert to the BLM and Forest Service's pre-Monument travel plans. The State denies the remaining allegations in Paragraph 162 of the Complaint.

163. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163 of the Complaint, and therefore denies them.

164. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164 of the Complaint, and therefore denies them.

The State denies the allegations of injury in Paragraph 164 of the Complaint.

165. The State responds that the sources cited in Paragraph 165 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 165 are inconsistent with the sources the State denies such allegations.

166. The State denies the allegations in the first sentence of Paragraph 166 of the Complaint. The State responds that the sources cited in the remainder of Paragraph 166 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 166 are inconsistent with the sources the State denies such allegations.

167. The State denies the allegations in Paragraph 167 of the Complaint.

168. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 168 of the Complaint, and therefore denies them.

169. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 169 of the Complaint, and therefore denies them. The State responds that the source cited in the last sentence of Paragraph 169 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 169 are inconsistent with the source the State denies such allegations.

170. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 170 of the Complaint, and therefore denies them.

171. The State denies the allegations in Paragraph 171 of the Complaint.

Damage to paleontological resources

172. The State responds that the source cited in Paragraph 172 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 172 are inconsistent with the source the State denies such allegations.

173. The State responds that the sources cited in Paragraph 173 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 173 are inconsistent with the sources the State denies such allegations.

174. The State responds that the sources cited in Paragraph 174 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 174 are inconsistent with the sources the State denies such allegations.

175. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of Paragraph 175 of the Complaint, and therefore denies them. The State denies the allegations in the last sentence of Paragraph 175 of the Complaint.

Agency Defendants have decided not to carry out their duties under the 2016 Proclamation

176. The State admits that the BLM and Forest Service will not be managing the land according to the 2016 Proclamation. The State denies that the Defendants have any duties under the 2016 Proclamation. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 176 of the Complaint, and therefore denies them.

177. The State denies the allegations in Paragraph 177 of the Complaint.

178. The State denies the allegations in Paragraph 178 of the Complaint.

179. The State denies the allegations in Paragraph 179 of the Complaint.

180. The State denies the allegations in Paragraph 180 of the Complaint.

FIRST CLAIM FOR RELIEF
Antiquities Act, 54 U.S.C. § 320301 *et seq.*

181. The State repeats and incorporates by reference its responses to the Complaint.

182. The State responds that Paragraph 182 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

183. The State responds that Paragraph 183 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

184. The State denies the allegations in Paragraph 184 of the Complaint.

185. The State denies the allegations in Paragraph 185 of the Complaint.

SECOND CLAIM FOR RELIEF
U.S. Constitution, art. II, and separation-of-powers doctrine

186. The State repeats and incorporates by reference its responses to the Complaint.

187. The State responds that the source cited in Paragraph 187 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 187 are inconsistent with the source the State denies such allegations.

188. The State responds that Paragraph 188 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

189. The State denies the allegations in Paragraph 189 of the Complaint.

190. The State denies the allegations in Paragraph 190 of the Complaint.

THIRD CLAIM FOR RELIEF
Take Care Clause, U.S. Const. art. II, § 3

191. The State repeats and incorporates by reference its responses to the Complaint.

192. The State responds that the source cited in Paragraph 192 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 192 are inconsistent with the source the State denies such allegations.

193. The State responds that the first sentence of Paragraph 193 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them. The State denies the allegations in the last sentence of Paragraph 193 of the Complaint.

194. The State responds that Paragraph 194 of the Complaint sets forth conclusions of law for which no response is required. To the extent a response is required, the State denies them.

195. The State denies the allegations in Paragraph 195 of the Complaint.

FOURTH CLAIM FOR RELIEF
Antiquities Act, 54 U.S.C. § 320301 *et seq.*

196. The State repeats and incorporates by reference its responses to the Complaint.

197. The State denies the allegations in Paragraph 197 of the Complaint.

198. The State responds that the source cited in the first sentence of Paragraph 198 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 198 are inconsistent with the source the State denies such allegations.

199. The State admits that President Trump modified the Bears Ears National Monument through Presidential Proclamation, and that certain areas are no longer part of the Monument. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 199 of the Complaint, and therefore denies them.

200. The State denies the allegations in Paragraph 200 of the Complaint.

FIFTH CLAIM FOR RELIEF

Administrative Procedure Act, 5 U.S.C. § 701, *et seq.*

201. The State repeats and incorporates by reference its responses to the Complaint.

202. The State responds that the source cited in Paragraph 202 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 202 are inconsistent with the source the State denies such allegations.

203. The State denies the allegations in Paragraph 203 of the Complaint.

204. The State denies the allegations in Paragraph 204 of the Complaint.

205. The State denies the allegations in Paragraph 205 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of Paragraph 205 of the Complaint, and therefore denies them.

THIRD DEFENSE

The State denies that Plaintiffs are entitled to the relief requested in the Complaint. The State denies that Plaintiffs are entitled to any relief whatsoever.

FOURTH DEFENSE

The State denies each and every allegation in the Complaint not expressly admitted above.

FIFTH DEFENSE

Plaintiffs lack standing to bring this action.

SIXTH DEFENSE

Plaintiffs' claims are not ripe.

SEVENTH DEFENSE

This Court lacks jurisdiction under the Administrative Procedure Act.

EIGHTH DEFENSE

Plaintiffs' claims are barred by the doctrines of res judicata and/or collateral estoppel.

NINTH DEFENSE

The State preserves and does not waive any of the affirmative defenses set forth in Rule 8(c) of the Federal Rules of Civil Procedure, as discovery may reveal to be applicable, or any other matter constituting an avoidance or affirmative defense as may become known in the future.

PRAYER FOR RELIEF

WHEREFORE, the State respectfully requests that Plaintiffs' claims be dismissed with prejudice, that judgment be entered on behalf of Defendants and against Plaintiffs on all claims, and that such further relief be granted Defendants as this Court deems just and proper.

Respectfully submitted this 5th day of October, 2018

/s/ Anthony L. Rampton

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HOPI TRIBE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2590 (TSC)

UTAH DINÉ BIKÉYAH, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2605 (TSC)

NATURAL RESOURCES DEFENSE
COUNCIL, INC., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2606 (TSC)

**CONSOLIDATED CASES
[PROPOSED] ORDER GRANTING
MOTION TO INTERVENE**

ORDER

Upon consideration of the motion by the State of Utah to intervene, it is hereby:

ORDERED that the State of Utah's motion to intervene is granted.

Dated: this _____ day of _____, 20_____.

Tanya S. Chutkan
United States District Court Judge