

SEAN D. REYES (Utah Bar No. 7969)
 Utah Attorney General
 TYLER R. GREEN (982312)
 Utah Solicitor General
 ANTHONY L. RAMPTON (Utah Bar No.3792)
 KATHY A.F. DAVIS (Utah Bar No. 4022)
 DAVID WOLF (Utah Bar No. 6688)
 LANCE SORENSON (Utah Bar No. 10684)
 Assistant Attorneys General
 DAVID HALVERSON (992858)
 Special Assistant Utah Attorney General
 Utah Attorney General’s Office
 Utah State Capitol Complex
 350 N. State Street, Suite 230
 Salt Lake City, UT 84114-2320
 seanreyes@agutah.gov
 tylergreen@agutah.gov
 arampton@agutah.gov
 kathydavis@agutah.gov
 dnwolf@agutah.gov
 lancesorensen@agutah.gov
 dhalverson@utah.gov
 Telephone: (801) 538-9600

Attorneys for Defendant-Intervenor State of Utah

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

THE WILDERNESS SOCIETY, *et al.*,

 Plaintiffs,

 v.

 DONALD J. TRUMP, *et al.*,

 Defendants.

Case No. 17-cv-2587 (TSC)

<p>GRAND STAIRCASE ESCALANTE PARTNERS, <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-2591 (TSC)</p> <p style="text-align: center;">CONSOLIDATED CASES</p>
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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. The plaintiff environmental groups in Case No. 17-2587 take no position until they have reviewed the State’s motion. Proposed intervenor-defendant American Farm Bureau Federation and Utah Farm Bureau Federation support this motion. The other parties have been contacted for their position, but have not responded.

INTRODUCTION

Plaintiffs in these consolidated cases challenge proclamations issued by President Donald Trump revising the boundaries of a national monument that lies entirely within the State: the Grand Staircase-Escalante National Monument (“Grand Staircase” 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. 24.

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

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/>.

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.

Utah also has other existing rights that this case may threaten. Inside Grand Staircase are over 1,800 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.³

The State's economic and property interests related to the size and configuration of Grand Staircase 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 proclamation strikes a proper balance between protecting unique and sensitive areas and

³ 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.

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 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. The threats to the State's economic interests, real property interests, and rights-of-way are all clear and all 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 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., Garfield County, Utah v. United States*, Case No. 2:12-cv-478 (D. Utah); *Kane County, Utah v. United States*, Case No. 2:10-cv-1073 (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 _____

SEAN D. REYES
Utah Attorney General
TYLER R. GREEN
Utah Solicitor General
ANTHONY L. RAMPTON
KATHY A.F. DAVIS
DAVID N. WOLF
LANCE SORENSON
Assistant Attorneys General
DAVID HALVERSON
Special Assistant Attorney General
Utah Attorney General's Office
Utah State Capitol Complex
350 N. State Street, Suite 230
Salt Lake City, UT 84114-2320
(801) 538-9600

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
FOR THE DISTRICT OF COLUMBIA**

THE WILDERNESS SOCIETY, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants,

and

STATE OF UTAH, *et al.*,

Proposed Defendant- Intervenor

Case No. 1:17-cv-02587-TSC

[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR STATE OF UTAH

Defendant-Intervenor 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 DEFENSE ¹

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 denies the allegations in Paragraph 2 of the Complaint.
3. The State admits that Presidents since Theodore Roosevelt have designated more than one hundred and fifty national monuments throughout the country, including the Statue of Liberty and the Grand Canyon. As to the remainder of Paragraph 3, the State responds that the source cited in Paragraph 3 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.
4. The State admits that President Clinton designated the original Monument in 1996 and that the Monument initially covered approximately 1.7 million acres. As to the remainder of Paragraph 4, the State is without knowledge or information sufficient to form a belief as to the truth of the allegations, 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 is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint, and therefore denies them.
7. The State admits the allegations in the second sentence of Paragraph 7 of the Complaint. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the remainder of Paragraph 7, 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 admits that President Donald Trump modified the Grand Staircase-Escalante National Monument through Presidential Proclamation on December 4, 2017, which reduced the Monument to three areas: Grand Staircase, Kaiparowits, and Escalante Canyons. The State denies the remainder of 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.

12. The State denies the allegations in Paragraph 12 of the Complaint.

Jurisdiction and Venue

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 also denies that Plaintiffs are entitled to any form of relief.

15. The State responds that Paragraph 15 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 also denies that Plaintiffs are entitled to any form of relief.

16. The State responds that Paragraph 16 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.

17. The State responds that Paragraph 17 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.

Plaintiffs

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.

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.

Defendants

55. The State admits that Donald J. Trump is the President of the United States. The State admits that President Trump resides and conducts some of his duties in Washington, D.C.

56. The State admits that Ryan Zinke is the Secretary of the Interior of the United States.

57. The State admits that Secretary Zinke's duties include management of the Monument in accordance with various statutes, but denies that the 1996 Proclamation governs management of the Monument.

58. The State admits that Secretary Zinke conducts some of his duties in Washington, D.C.

59. The State admits that Deputy Director Brian Steed exercises the authority of the Director of the BLM, a bureau within the U.S. Department of the Interior.

60. The State admits that Deputy Director Steed's duties include management of certain areas in accordance with various statutes, but denies that the 1996 Proclamation governs management of the Monument.

61. The State admits that Deputy Director Steed conducts some of his duties in Washington, D.C.

62. The State denies the allegations in Paragraph 62 of the Complaint.

Legal Background

The Antiquities Act and Related Constitutional Limits on the President's Authority

63. The State responds that the source cited in Paragraph 63 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 63 are inconsistent with the source the State denies such allegations.

64. The State responds that the source cited in Paragraph 64 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 64 are inconsistent with the source the State denies such allegations.

65. The State admits Presidents have declared over 150 national monuments under the Antiquities Act, in a variety of locations and sizes.

66. The State responds that the source cited in Paragraph 66 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 66 are inconsistent with the source the State denies such allegations.

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 Antiquities Act speaks for itself and is the best evidence of its content and purpose; to the extent any allegations in Paragraph 68 are inconsistent with the Antiquities Act, the State denies such allegations.

69. The State responds that the source cited in Paragraph 69 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 69 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last two sentences of Paragraph 69.

The Grand Staircase-Escalante National Monument

70. The State admits the allegations in the first sentence of Paragraph 70 of the Complaint. The State admits that the Monument itself is federal public land, although within the Monument boundaries are private inholdings. As to the last sentence of Paragraph 70, 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 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 is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 of the Complaint, and therefore denies them.

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 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.

75. The State responds that the source cited in Paragraph 75 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 75 are inconsistent with the source the State denies such allegations.

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.

The Grand Staircase-Escalante Monument Management Plan

77. The State admits that, prior to designation as a monument, the BLM managed these lands pursuant to a variety of laws, including FLPMA. As to the remainder of Paragraph 77, 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 77 are inconsistent with the source the State denies such allegations.

78. The State admits that before 1996 BLM leased some tracts of federal land in the area for mineral extraction. The State denies all other allegations in Paragraph 78 of the Complaint.

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 the source cited in 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 responds that the source cited in Paragraph 82 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 82 are inconsistent with the source the State denies such allegations.

83. The State responds that the source cited in Paragraph 83 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 83 are inconsistent with the source the State denies such allegations.

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. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last two sentences of Paragraph 84, 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 admits the allegations in Paragraph 86 of the Complaint.

Enhanced Administrative and Congressional Protection for National Monuments

87. The State responds that the source cited in Paragraph 87 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 87 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last sentence of Paragraph 87.

88. The State responds that the sources cited in Paragraph 88 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any allegations in Paragraph 88 are inconsistent with the sources the State denies such allegations.

89. The State responds that the source cited in Paragraph 89 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 89 are inconsistent with the source the State denies such allegations.

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

President Trump's Unlawful Proclamation Revoking Monument Status from Roughly Half of the Monument

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 responds that the source cited in Paragraph 92 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 92 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 92, and therefore denies them.

93. The State responds that the source cited in Paragraph 93 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 93 are inconsistent with the source the State denies such allegations.

94. The State responds that the source cited in Paragraph 94 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 94 are inconsistent with the source the State denies such allegations.

95. The State responds that the source cited in Paragraph 95 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 95 are inconsistent with the source the State denies such allegations.

96. The State responds that the source cited in Paragraph 96 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 96 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 96, 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 the first two sentences of Paragraph 97 of the Complaint, and therefore denies them. As to the remainder of Paragraph 97, 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 97 are inconsistent with the source the State denies such allegations.

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 denies the allegations in Paragraph 99 of the Complaint.

100. The State denies the allegations in Paragraph 100 of the Complaint.

101. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101 of the Complaint, and therefore denies them.

102. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 of the Complaint, and therefore denies them.

President Trump's Action Harms Plaintiffs' Interests by Eliminating Protections Required by the 1996 Proclamation

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 admits that the Circle Cliffs are no longer within the boundaries 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 106 of the Complaint, and therefore denies them.

107. The State admits that the Rimrocks are no longer within the boundaries 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 107 of the Complaint, and therefore denies them.

108. The State admits that the Sunset Arch is no longer within the boundaries 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 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 denies the allegations in Paragraph 112 of the Complaint.

113. The State denies the allegations in Paragraph 113 of the Complaint.

114. The State denies the allegations in Paragraph 114 of the Complaint.

Coal Mining

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 admits that prior to 1996 some coal leases were issued in the area 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 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.

Oil and gas leasing

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 admits that prior to 1996 some oil and gas leases were issued in the area 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 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.

Hard-rock mining

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 the first two sentences of Paragraph 130 of the Complaint, and therefore denies them. The State denies the allegations in the last sentence of Paragraph 130.

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.

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.

Roads and off-highway vehicle use

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. 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 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 denies the allegations in Paragraph 136 of the Complaint.

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.

Agency Defendants have decided not to carry out their duties under the 1996 Proclamation

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.

139. The State denies the allegations in Paragraph 139 of the Complaint.

140. The State denies the allegations in Paragraph 140 of the Complaint.

141. The State denies that Plaintiffs have suffered any injuries and further denies that any relief is warranted.

142. The State denies that any relief is warranted.

First Claim for Relief

143. The State repeats and incorporates by reference all its previous responses in this Answer.

144. The State responds that Paragraph 144 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.

145. The State responds that Paragraph 145 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.

146. The State denies the allegations in Paragraph 146 of the Complaint.

147. The State denies the allegations in Paragraph 147 of the Complaint.

Second Claim for Relief

148. The State repeats and incorporates by reference all its previous responses in this Answer.

149. The State responds that Paragraph 149 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.

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 denies the allegations in Paragraph 151 of the Complaint.

152. The State denies the allegations in Paragraph 152 of the Complaint.

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

Third Claim for Relief

154. The State repeats and incorporates by reference all its previous responses in this Answer.

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 Paragraph 156 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.

157. The State responds that Paragraph 157 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.

158. The State responds that Paragraph 158 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.

159. The State denies the allegations in Paragraph 159 of the Complaint.

Fourth Claim for Relief

160. The State repeats and incorporates by reference all its previous responses in this Answer.

161. The State responds that Paragraph 161 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.

162. The State responds that the source cited in Paragraph 162 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any allegations in Paragraph 162 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 162, and therefore denies them.

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 denies the allegations in Paragraph 164 of the Complaint.

Fifth Claim for Relief

165. The State repeats and incorporates by reference all its previous responses in this Answer.

166. The State responds that Paragraph 166 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.

167. The State denies the allegations in Paragraph 167 of the Complaint.
168. The State denies the allegations in Paragraph 168 of the Complaint.
169. The State denies the allegations in Paragraph 169 of the Complaint.
170. The State denies the allegations in Paragraph 170 of the Complaint.
171. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 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 _____

SEAN D. REYES
Utah Attorney General
TYLER R. GREEN
Utah Solicitor General
ANTHONY L. RAMPTON
KATHY A.F. DAVIS
DAVID N. WOLF
LANCE SORENSON
Assistant Attorneys General
DAVID HALVERSON
Special Assistant Attorney General
Utah Attorney General's Office
Utah State Capitol Complex
350 N. State Street, Suite 230
Salt Lake City, UT 84114-2320
(801) 538-9600

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

GRAND STAIRCASE ESCALANTE
PARTNERS, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants,

and

STATE OF UTAH, *et al.*,

Proposed Defendant- Intervenor

Case No. 1:17-cv-02591-TSC

[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR STATE OF UTAH

Defendant-Intervenor 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 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 denies the allegations in the first and last two sentences of Paragraph 2 of the Complaint. The State responds that the source cited in Paragraph 2 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the remaining allegations in Paragraph 2 are inconsistent with the source the State denies such allegations.
3. The State denies the allegations in Paragraph 3 of the Complaint.
4. The State admits that Grand Staircase was established as a national monument on September 18, 1996, by the President under Antiquities Act authority. The State responds that the sources cited in Paragraph 4 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the remaining allegations in Paragraph 4 are inconsistent with the sources the State denies such allegations.
5. The allegations in the first sentence of 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. The State admits that Presidents have established over 150 areas as national monuments since 1906, and that those areas have been natural and man-made. The State admits that President Theodore Roosevelt protected the Grand Canyon and other areas under the Act. The State responds that the source cited in the last sentence of Paragraph 5 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in the

last sentence of Paragraph 5 are inconsistent with the source the State denies such allegations.

6. The State responds that the source cited in the first sentence of Paragraph 6 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in the first sentence of Paragraph 6 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 6 of the Complaint, and therefore denies them.
7. The State denies the allegations in the first sentence of Paragraph 7 of the Complaint. The State responds that the sources cited in Paragraph 7 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 7 are inconsistent with the sources the State denies such allegations.
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 of the allegations in Paragraph 8 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 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 of the 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.
11. The State admits that President Donald J. Trump issued the “Presidential Proclamation Modifying the Grand Staircase-Escalante National Monument” on December 4, 2017. The State responds that the source cited in Paragraph 11 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 11 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last two sentences of Paragraph 11 of the Complaint.
12. The State responds that the source cited in Paragraph 12 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 12 are inconsistent with the source the State denies such allegations. The allegations in the last sentence of Paragraph 12 of the Complaint consist of conclusions of law and require no response. To the extent that a response is required, the State denies the allegations.
13. The State responds that the source cited in Paragraph 13 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 13 are inconsistent with the source the State denies such allegations. The allegations in the last sentence of Paragraph 13 of the Complaint consist of conclusions of law and require no response. To the extent that a response is required, the State denies the allegations.
14. The State denies the allegations in Paragraph 14 of the Complaint.
15. The allegations in the first three sentences of Paragraph 15 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 last three sentences of Paragraph 15 of the Complaint.

16. The State denies that Plaintiffs are entitled to the relief requested. The allegations in Paragraph 16 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.

PARTIES

Plaintiffs

Grand Staircase Escalante Partners

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. The State denies the allegations in the last sentence of Paragraph 25 of the Complaint.

26. The State denies the allegations in the first and last sentences of Paragraph 26 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 26 of the Complaint, and therefore denies them.

27. The allegations in the first two sentences of Paragraph 27 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 responds that the sources cited in Paragraph 27 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the remaining allegations in Paragraph 27 are inconsistent with the sources the State denies such allegations.

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

29. The State denies the allegations in Paragraph 29 of the Complaint.

Society of Vertebrate Paleontology

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. The State denies the allegations in the last sentence of Paragraph 34 of the Complaint.

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. The State denies the allegations in the last sentence of Paragraph 37 of the Complaint.

Conservation Lands Foundation

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 admits that the National Conservation Lands are a part of a Federal Government land designation system that encompasses 35 million acres and 2,400 river miles of National Monuments, National Conservation Areas, Wilderness and Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, and other

special designations. The State is without knowledge or information sufficient to form a belief as to the truth of the remaining 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 denies the allegations in Paragraph 43 of the Complaint.

Defendants

44. The State admits that Donald J. Trump is the President of the United States, and that he signed the December Proclamation in his official capacity. The State also admits that President Trump's official residence and his principal offices are in Washington, D.C.

45. The State admits that Ryan Zinke is the Secretary of the Department of the Interior and that he is responsible for implementing the provisions and requirements of applicable federal laws on federal lands. The State admits that Secretary Zinke participated in the review of some national monuments and submitted recommendations to the President. The State also admits that Secretary Zinke's principal office is in Washington, D.C. The allegations in the last sentence of Paragraph 45 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.

JURISDICTION AND VENUE

46. The allegations in Paragraph 46 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.
47. The State responds that Paragraph 47 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 that the United States District Court for the District of Columbia is the judicial district in which "a substantial part of the events or omissions giving rise to the claim occurred."
48. The State responds that Paragraph 48 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.
49. The State denies the allegations in Paragraph 49 of the Complaint.

LEGAL BACKGROUND

50. The State responds that the source cited in Paragraph 50 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 50 are inconsistent with the source the State denies such allegations.
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 of the allegations in Paragraph 51 are inconsistent with the source the State denies such allegations.

52. The State responds that the source cited in Paragraph 52 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 52 are inconsistent with the source the State denies such allegations.

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

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

55. The State admits that Congress passed the Federal Land Policy and Management Act in 1976. The State responds that the sources cited in Paragraph 55 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 55 are inconsistent with the sources the State denies such allegations.

56. The State responds that the source cited in Paragraph 56 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 56 are inconsistent with the source the State denies such allegations.

57. The State responds that the sources cited in Paragraph 57 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 57 are inconsistent with the sources the State denies such allegations.

FACTUAL ALLEGATIONS

The Establishment of Grand Staircase-Escalante National Monument in 1996

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 admits that Grand Staircase was created by Presidential Proclamation on September 18, 1996. The State responds that the source cited in Paragraph 59 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the remaining allegations in Paragraph 59 are inconsistent with the source the State denies such allegations.
60. The State responds that the source cited in Paragraph 60 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 60 are inconsistent with the source the State denies such allegations. The State denies the allegations in the last sentence of Paragraph 60 of the Complaint.
61. The State responds that the sources cited in Paragraph 61 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 61 are inconsistent with the sources the State denies such allegations.
62. The State responds that the source cited in Paragraph 62 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 62 are inconsistent with the source the State denies such allegations.
63. The State responds that the source cited in the first sentence of Paragraph 63 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 63 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 63 of the Complaint, and therefore denies them.

Post-Proclamation Congressional Activity Related to Grand Staircase

64. The State responds that the sources cited in Paragraph 64 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 64 are inconsistent with the sources the State denies such allegations.

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 responds that the source cited in Paragraph 66 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 66 are inconsistent with the source the State denies such allegations.

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 of the 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 of the allegations in Paragraph 68 are inconsistent with the source the State denies such allegations.

Pre-Monument Management of Grand Staircase-Escalante's Public Lands

69. The State responds that the source cited in Paragraph 69 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 69 are inconsistent with the source the State denies such allegations.

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.

72. The State responds that the source cited in Paragraph 72 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the 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 of the allegations in Paragraph 73 are inconsistent with the source 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 responds that the source cited in Paragraph 75 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 75 are inconsistent with the source the State denies such allegations.

76. The State is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 of the Complaint, and therefore denies them.

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. The State denies the allegations in the last sentence of Paragraph 78 of the Complaint.

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 denies the allegations in Paragraph 80 of the Complaint.

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.

82. The State denies the allegations in Paragraph 82 of the Complaint.

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. The State denies the allegations in the last sentence of Paragraph 83 of the Complaint.

Grand Staircase-Escalante National Monument and the Surrounding Community

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. The State denies the allegations in the last sentence of Paragraph 84 of the Complaint.

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. The State denies the allegations in the last sentence of Paragraph 85 of the Complaint.

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. The State denies the allegations in the last sentence of Paragraph 86 of the Complaint.

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. The State denies the allegations in the last sentence of 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 the first sentence of Paragraph 88 of the Complaint, and therefore denies them. The State responds that the source cited in Paragraph 88 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 88 are inconsistent with the source the State denies such allegations. The State admits the allegations in the last sentence of Paragraph 88 of the Complaint.

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. The State denies the allegations in the last sentence of Paragraph 89 of the Complaint.

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

The 2017 Monument Review

91. The State responds that the source cited in Paragraph 91 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the

allegations in Paragraph 91 are inconsistent with the source the State denies such allegations.

92. The State admits that President Trump signed Executive Order 13792 on April 26, 2017. The State responds that the source cited in Paragraph 92 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 92 are inconsistent with the source the State denies such allegations.

93. 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 93 of the Complaint, and therefore denies them. The State admits that that the review also included Bears Ears National Monument in Utah, created in 2016, and several other national monuments. The allegations in the last sentence of Paragraph 93 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.

94. The State responds that the sources cited in Paragraph 94 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 94 are inconsistent with the sources 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 94 of the Complaint, and therefore denies them.

95. The State responds that the source cited in Paragraph 95 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the

allegations in Paragraph 95 are inconsistent with the source the State denies such allegations.

96. The State responds that the source cited in Paragraph 96 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 96 are inconsistent with the source the State denies such allegations.

97. The State responds that the source cited in Paragraph 97 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 97 are inconsistent with the source the State denies such allegations.

98. The State admits that the comment period for the review closed on July 10, 2017. The State responds that the sources cited in Paragraph 98 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the remaining allegations in Paragraph 98 are inconsistent with the sources the State denies such allegations.

99. The State admits that Secretary Zinke sent a report with his national monument recommendations to President Trump on August 24, 2017. 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 of the remaining 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 of the

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 speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 101 are inconsistent with the sources the State denies such allegations.

Lands and Sensitive Resources Removed from the Monument by the December Proclamation

102. The State responds that the sources cited in Paragraph 102 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 102 are inconsistent with the 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. The State denies the allegations in the last sentence of Paragraph 103 of the Complaint.

104. The State denies the allegations in the first sentence of Paragraph 104 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 104 of the Complaint, and therefore denies them.

105. The State denies the allegations in Paragraph 105 of the Complaint.

106. The State denies the allegations in Paragraph 106 of the Complaint.

CLAIMS FOR RELIEF

COUNT ONE

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

108. The State responds that Paragraph 108 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.

109. The State responds that the source cited in Paragraph 109 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 109 are inconsistent with the source the State denies such allegations.

110. The State responds that the source cited in Paragraph 110 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 110 are inconsistent with the source the State denies such allegations.

111. The State denies the allegations in Paragraph 111 of the Complaint.

112. The State denies the allegations in Paragraph 112 of the Complaint.

113. The State denies the allegations in Paragraph 113 of the Complaint.

COUNT TWO

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

115. The State responds that Paragraph 115 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.

116. The State denies the allegations in Paragraph 116 of the Complaint.

117. The State denies the allegations in Paragraph 117 of the Complaint.

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 denies the allegations in Paragraph 120 of the Complaint.

121. The State denies the allegations in Paragraph 121 of the Complaint.

122. The State denies the allegations in Paragraph 122 of the Complaint.

COUNT THREE

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

124. The State responds that Paragraph 124 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.

125. The State responds that Paragraph 125 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.

126. The State responds that Paragraph 126 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.

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.

128. The State responds that Paragraph 128 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.

129. The State denies the allegations in Paragraph 129 of the Complaint.

130. The State denies the allegations in Paragraph 130 of the Complaint.

COUNT FOUR

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

132. The State responds that Paragraph 132 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.

133. The State responds that Paragraph 133 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.

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.

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

138. The State denies the allegations in Paragraph 138 of the Complaint.

139. The State denies the allegations in Paragraph 139 of the Complaint.

COUNT FIVE

140. The State repeats and incorporates by reference its responses to this Complaint.
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 of the allegations in Paragraph 141 are inconsistent with the source the State denies such allegations.
142. The State responds that the sources cited in Paragraph 142 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any of the allegations in Paragraph 142 are inconsistent with the sources the State denies such allegations.
143. The State responds that the source cited in Paragraph 143 of the Complaint speaks for itself and is the best evidence of its contents and context; to the extent any of the allegations in Paragraph 143 are inconsistent with the source the State denies such allegations.
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 responds that the sources cited in Paragraph 147 of the Complaint speak for themselves and are the best evidence of their contents and context; to the extent any

of the allegations in Paragraph 147 are inconsistent with the sources the State denies such allegations.

148. The State denies the allegations in Paragraph 148 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

SEAN D. REYES
Utah Attorney General
TYLER R. GREEN
Utah Solicitor General
ANTHONY L. RAMPTON
KATHY A.F. DAVIS
DAVID N. WOLF
LANCE SORENSON
Assistant Attorneys General
DAVID HALVERSON
Special Assistant Attorney General
Utah Attorney General's Office
Utah State Capitol Complex
350 N. State Street, Suite 230
Salt Lake City, UT 84114-2320
(801) 538-9600

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

THE WILDERNESS SOCIETY, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2587 (TSC)

GRAND STAIRCASE ESCALANTE
PARTNERS, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 17-cv-2591 (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