

## **Appendix W**

### **History and Intent of the Proclamation Another Perspective**



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By Andrew Gulliford, Ph.D.

America is a vast land of natural and cultural resources, particularly in the American West. As settlers moved into the West after the Civil War, one of the last frontiers was southwestern Colorado, which had previously been barred from settlement because it was (and still is) the homeland of the Ute Indians. By the 1860s, rumors of precious metals in the San Juan and La Plata Mountains encouraged miners to arrive in small groups. There were rumors of wealth hidden in the high mountains of the San Juans, and also stories of ancient villages and cities inset in south-facing cliffs.

When deep winter snows pushed prospectors out of high mountain valleys, they followed rivers down into lower country. In the mesas and canyons of what is now Montezuma County they quickly realized there had been earlier inhabitants. Everywhere they looked were the collapsed remains of small settlements, large villages, and stone towers. There were thousands of arrowheads scattered across the landscape, depressions from sunken kivas and Great Houses, fragments of broken pots, and room block after room block of houses from people who had gone before.<sup>1</sup>

In 1874, two years prior to statehood, the F.V. Hayden Survey, guided by prospector and raconteur John Moss, began to map Colorado Territory and William Henry Jackson took the first photograph of a cliff dwelling in Mancos Canyon on the Ute Reservation. The party also rode horseback up McElmo Canyon and in this well-watered valley at the base of Ute Mountain they photographed Battle Rock, a site which their guides claimed had been the scene of a fierce Indian fight centuries ago.

Those important photographs helped to initiate the new science of archaeology. The Hayden Atlas and the F.V. Hayden Report to Congress in 1877, with line drawings of towers and depictions of Indian ruins, helped stir interest in the American Southwest and its antiquities.<sup>2</sup> America, it now seemed, had an ancient past. And desert lands which had been considered worthless and of little economic value now attracted scientists, in addition to farmers, ranchers, and prospectors. From the late 19<sup>th</sup> century on, both the cultural resources on top of the ground—the ancient Indian sites, the physical remnants of previous inhabitants now known as the Ancestral Puebloans or the Anasazi—and the potential for mineral exploration below the ground had value.

In 1874 the Brunot Agreement ceded the mineral-rich San Juan Mountains into public hands and the Utes retained the lowlands. The Meeker incident in 1879 forced the Utes onto even smaller reservations and vast tracts of public land opened for settlement under the Homestead Act of 1862, the Desert Culture Act of 1873, and other federal laws.<sup>3</sup> Settlers trickled in and then came in a rush as a railroad reached Mancos, Colorado and up the Dolores River Valley towards Rico and Telluride. With every newcomer came curiosity about the land and its economic potential as well as questions about who had once lived there and how they had survived. Even the name Montezuma County is a reference to an Indian ruler, but from Mexico not the United States. Archaeology was in its infancy and amateurs and professionals alike rushed to acquire artifact collections without understanding or asking how people had lived upon the landscape a thousand years earlier.

In late 1888 the Wetherill family's discoveries of large cliff dwellings near Mancos initiated the beginnings of archaeological tourism in southwest Colorado. As the news of the unique and rich resources spread, both visitors and local residents began to dig up ancient sites for the baskets, pottery, sandals, and stone tools.<sup>4</sup> A year later, in 1889 at Goodman Point, the first public land in the United States was set aside by the General Land Office/Department of the Interior to protect a major archaeological site.

Archaeological tourism gained momentum, and one visitor, Gustaf Nordenskiöld from Sweden who had been guided by the Wetherill brothers, amassed one of the first scientifically documented collections. Local citizens were divided in their opinions, but enough outrage was generated over a European removing American artifacts that Nordenskiöld was arrested and held for one-night at the newly built Strater House in Durango, until bail was made. The arrest became international news and both American and Swedish diplomats worked to resolve the situation. Within a few weeks, the case was dropped due in part to the fact that the individual bringing the charges did not appear in court. Soon after, Nordenskiöld and his 15 crates of artifacts, notes and glass plate photographs traveled to Europe. Within only a few years Nordenskiöld published "The Cliff Dwellers of the Mesa Verde" the first scientific archaeological excavation report from southwest Colorado. All the objects, notes and photographs now reside at the National Museum of Finland.<sup>5 6</sup>

Further interest in Montezuma County was spurred on by the H. Jay Smith Exploring Expedition who traveled through McElmo Canyon and again photographed Battle Rock, known today as Castle Rock Pueblo. At the 1893 Chicago World's Fair, the H. Jay Smith Exploring Expedition created a huge scale model of an Anasazi site based on "Battle Rock Mountain" right outside the entrance to the famous White City.<sup>7</sup> Through collaboration with the Wetherill Family, artifacts from southwest Colorado were also part of the exhibit. Visitors could tour the replicated ruin, thus increasing enthusiasm for touring the American Southwest and enhancing the market for Indian artifacts. At this point, digging up Native American ruins on public lands was not illegal.

In 1906, however, things changed. In June of that year President Theodore Roosevelt signed two critical pieces of legislation. The first was the Antiquities Act protecting Indian sites on public land and giving the president the authority "to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be national monuments, and may reserve as a part thereof parcels of land."<sup>8</sup> The significant wording here is the use of the phrase "objects of historic or scientific interest" which would have particular importance in the proclamations for Bureau of Land Management (BLM) national monuments at the end of the 20<sup>th</sup> century. So the Antiquities Act was passed specifically by Congress, and cultural resources in Montezuma County were recognized, but no on the ground special protections occurred.

And then on June 29, 1906, Mesa Verde was designated as the world's first cultural park dedicated to protecting and preserving Ancestral Puebloan cliff dwellings. In 1906, the National Park Service did not exist. Congress could vote on lands to become national parks, as they had first done with Yellowstone National Park in 1872, but there was no consistency related to protection of archaeological resources on public lands or lands deemed national parks. By 1916, Congress would pass the Organic Act, creating the National Park Service and mandating

that park lands “remain unimpaired for future generations,” but the first such protection was provided by the Antiquities Act.

A young, brash nation, just over a century old, had done what no other country had ever attempted. For the first time in human history a modern government had declared that the ruins and objects from previous peoples had value and were worthy of federal protection. That protection could come from the Chief Executive, not from an act of Congress. Through the authority of the Antiquities Act, President Roosevelt promptly set aside 18 national monuments, including the Grand Canyon and Mount Olympus, which would later become national parks.

A line in the Antiquities Act stated that for national monuments “the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected,” but Theodore Roosevelt never did anything in a small way. His setting aside 800,000 acres of the Grand Canyon in 1908, prior to its designation as a national park, resulted in a lawsuit that went to the U.S. Supreme Court. In 1920 the Court upheld Roosevelt’s proclamation and scholars have since written that the breadth of the authority of the Antiquities Act, “makes it difficult, if not impossible, to challenge a presidential decision to proclaim a national monument.”<sup>9</sup>

In 1920 Congress passed the Mineral Leasing Act providing companies a legal mechanism to access public lands for energy-related minerals without having to patent or own the lands. In 1934 with passage of the Taylor Grazing Act, homesteading ended in the continental United States, and by 1946 unsettled lands from the General Land Office came under the jurisdiction of the BLM, which had a mandate for requiring multiple use of its public lands including mining, logging, grazing, and gas and oil production.

In 1964 the Wilderness Act was passed and stipulated that some federal lands, including BLM-administered lands, should remain “untrammeled” where “man is a visitor who does not remain.”<sup>10</sup> The Federal Lands Policy Management Act (FLPMA) of 1976 clearly defined the BLM’s role in multiple use and a new use, outdoor recreation, for public lands emerged.

A 19<sup>th</sup> century rush for development and exploitation of public lands had helped to inaugurate a conservation movement for better land protection, but just as the National Park Service was required to manage its lands “to leave them unimpaired for future generations” so, too would the BLM, under the Antiquities Act, wrestle with preserving landscapes at the same time making them available for multiple use.

### **Prelude to the Proclamation**

Under the Antiquities Act, from 1906 to 1996, 12 presidents established 104 national monuments. Then in 1996 President William Clinton sought to solidify his environmental contributions as President by working with Secretary of the Interior Bruce Babbitt to create new national monuments. The designation of the 1.9 million acre Grand Staircase-Escalante National Monument “sparked a resurgence of interest on both sides of the political fence in what had become a rather moribund law.”<sup>11</sup> Opponents “focused on the lack of notice and the lack of public process” involved with the designation.<sup>12</sup>

But President Clinton was not finished. He would go on to create or expand 22 new national monuments and revitalize interest in a century-old law. On May 10, 1998 Secretary Babbitt received a letter from the President seeking “any recommendations you may have for further appropriate exercise of my authority under the Antiquities Act to protect objects of historic or

scientific interest on federal lands.”<sup>13</sup> The time seemed right for proclaiming a new national monument in southwest Colorado.

With the public’s interest in Mesa Verde National Park, its 600,000 annual visitors, and its designation as a World Heritage Site by the United Nations, more attention focused on the large numbers of Ancestral Puebloan or Anasazi sites on nearby federal lands. In 1979 Congressman Ray Kogosvek introduced a bill to establish an Anasazi National Conservation Area but it did not pass.<sup>14</sup> The proposal “emphasized internationally significant cultural resources while allowing for multiple-use management.” Six years later in 1985, 156,000 acres of BLM lands in Montezuma County was designated an Anasazi Culture Multiple Use Area of Critical Environmental Concern (ACEC) because it contained “important cultural, mineral, recreational, range, wildlife and backcountry values” in rugged terrain of “deep canyons, precipitous cliffs, solid rock masses, narrow mesas and gullies.”<sup>15</sup> Intrigued by these ancient sites so close to Mesa Verde, in 1988 the National Park Service initiated efforts to create an “Anasazi National Monument” by identifying large sites within the ACEC boundaries. Although public meetings were held, there was no administrative or legislative action.<sup>16</sup>

In addition to valuable cultural resources, the ACEC had enormous resources of carbon dioxide or CO<sub>2</sub> in the McElmo Dome formation, producing \$7 million in federal royalties in 1997 (currently about \$15 million annually) and significant taxes for Montezuma County. It is the largest CO<sub>2</sub> dome in the world and 80% of the ACEC was leased to produce CO<sub>2</sub>, natural gas, and oil.

A desire for more tourism in the Four Corners area helped spur the ACEC designation along with recent archaeological research that confirmed human groups had used or inhabited the area as long as 10,000 years ago—followed by major Ancestral Puebloan settlement from A.D. 200 to A.D. 1300 along with historic Ute, Navajo, and Anglo sites and what may be the oldest gas well site in Montezuma County. By 1998 archaeological inventory had determined that the Anasazi ACEC included “more than 100 sites per square mile in many areas [and] the highest known archaeological site density in the nation” with perhaps 20,000 sites.<sup>17</sup> There were ten major sites listed on the National Register of Historic Places.

Secretary Babbitt pondered the creation of additional national monuments from BLM lands so that President Clinton “could secure his environmental legacy.” Babbitt himself “embraced his role as chief architect and salesman for new monument proposals.”<sup>18</sup> But there was a critical difference between the Clinton national monuments and all previous designations—this time national monuments would remain under the administration of the BLM and not be transferred to the National Park Service.

On June 10, 1999 BLM published in the *Federal Register* a “Notice of Proposed Withdrawal” of 165,000 acres of federal lands and 6,400 acres of reserved federal minerals “to protect nationally significant scientific and cultural resource values” while noting that “approximately 90% of the land proposed for withdrawal is currently leased for oil and gas under the Mineral Leasing Act of 1920.”<sup>19</sup>

The BLM, with the Southwest Resource Advisory Council, formed the Anasazi ACEC Working Group. The Working Group hosted a series of public meetings to identify issues regarding management of the ACEC. By August 12, 1999 the Anasazi ACEC Working Group had submitted a report to Secretary Babbitt on community concerns and issues to be considered in the future management of the ACEC. A key component of the report identified cultural resource

and landscape stewardship with the idea that “cultural resource sites should be protected within a landscape context which includes scenery, solitude and rural agrarian lifestyle” although those terms were not defined.<sup>20</sup>

Secretary Babbitt himself responded to Ed Zink, Co-Chair of the ACEC Working Group, in a November 9, 1999 letter. What the Secretary wrote about landscape protection in his five-page letter is significant. He stated:

*Few places in this country contain such density of cultural resources, and essentially no other areas contain cultural resources in the context provided by this landscape. While individual cultural sites can provide valuable interpretation opportunities, this landscape offers us a chance to study an entire culture, one that may have been as rich and diverse as the one we have today. . Looking at the entire landscape also points out the magnitude of the risks posed to these resources.*<sup>21</sup>

Secretary Babbitt also addressed economic issues in his letter, and he explained that “...in a number of ways I see that enhanced protection of the landscape and the associated cultural resources may be exactly what is needed to protect the economic base of the community.” The Secretary concluded, “In the absence of prompt legislative action, I will recommend to the President that he proceed with a proclamation to establish a National Monument under the Antiquities Act.”<sup>22</sup>

A copy of the letter and an attachment sent to all the working group members stressed key BLM management points. The Monument would remain open to oil, gas, and CO<sub>2</sub> production “using necessary mitigation to afford protection for the historic and cultural resources” and that land use planning would “ensure long-term protection of the historic and scientific values of the area.”<sup>23</sup>

Speaking at the University of Denver’s Law School on February 17, 2000 Babbitt, himself a lawyer, explained that archaeological sites should not just be protected individually “but rather as part of a landscape or ‘anthropological ecosystem’.” He said, “The real science on these landscapes doesn’t come out of digging out a room and extracting a few pots . . . . The real discoveries today come from asking the deeper question of ‘How did communities live in spiritual and physical equilibrium with the landscape?’”<sup>24</sup>

On May 31, 2000 President Clinton in a White House briefing paper stated that he was pleased with Secretary Babbitt’s recommendations. On June 9 the President proclaimed Canyons of the Ancients National Monument. The President explained:

*Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study and experience how cultures lived and adapted over time in the American Southwest.*<sup>25</sup>

Included in the proclamation was language addressing mineral leases. The statement clarifies that the Monument “shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid and existing rights, so as not to create any new impacts that interfere with the proper care and management of the

objects protected by this proclamation.” Additional language stipulated that “the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases.”<sup>26</sup>

On the same day as the Canyons of the Ancients Proclamation, George Frampton, Acting Chair of the Council on Environmental Quality, spoke in Washington, D.C. and discussed the production of carbon dioxide. Frampton stated, “The industry there is pretty well established and has been good about protecting the area; the existing fields don’t threaten the archaeological sites.” He added, “new leasing will only occur as necessary to tap out the existing fields, the existing domes. So what we’re looking at, basically, is no new leasing that has any impact on the objects to be protected.” Also at the press briefing, John Leshy, Solicitor of the Department of the Interior, concurred. Leshy added, “The fact that this industry has been able to co-exist with these archaeological resources is a good sign.”<sup>27</sup>

The Secretary of the Interior believed not only in creating new national monuments to help change the role and mission of the BLM, but also created the National Landscape Conservation System (NLCS) to further define how BLM would protect cultural and natural resources on public lands. Also on June 9, 2000, Secretary Babbitt administratively established the BLM’s National Landscape Conservation System to “conserve, protect, and restore . . . nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”

After the Monument was established, BLM received background materials on the Antiquities Act and Interim Guidance for managing the Canyons of the Ancients National Monument. BLM’s instructions stipulated that “the Secretary of the Interior manages development, subject to valid existing rights, so as not to create any new impacts that would interfere with the proper care and management of the objects protected by the proclamation. However, new leasing will only be permitted where a lessee makes a discovery on an existing lease.”<sup>28</sup>

The stage was now set to protect the Ancestral Puebloan sites first viewed by prospectors and explorers in the last decades of the 19<sup>th</sup> century. Under the 1906 Antiquities Act, those sites would now be protected. Or would they? The issue of “valid and existing mineral rights” would collide with resource protection and increase public use.

How would BLM managers, now specifically faced with protecting cultural resources, address the difficult question which plagues National Park Service superintendents—how to allow public access to national parks while “leaving them unimpaired for future generations” as mandated by the National Park Service’s Organic Act? But the National Park Service usually does not have to worry about mineral leasing because the federal government has retained the mineral rights. For the BLM, evolving from the 19<sup>th</sup> century concept of the General Land Office which sold the public domain to the late 20<sup>th</sup> century idea of fully protecting public lands, balancing cultural resource protection in new national monuments with valid and existing mineral rights would be a significant challenge.

### **The Visitor Experience**

In 1972 total visitor days on BLM lands was 31 million but by 2002 was 68 million.<sup>29</sup> Currently one-third of recreational use on BLM lands is in areas included in the National Landscape Conservation System.

Even with annual visitation estimated at 45,000 visitors, the Canyons of the Ancients are truly a back country “outdoor museum” in a semi-wilderness setting. A variety of hikes provide a visitor experience unequalled at more regulated Ancestral Puebloan sites in the National Park Service, like Mesa Verde National Park and Chaco Culture National Historic Park.

Outdoor museums promote visitor discoveries in remote locations without paved trails, detailed guidebooks, and interpretive signs. Walking through Canyons of the Ancients is about learning to step back in time, to see the environment in new ways, and to contemplate life in the Ancestral Puebloan world both in times of peace and in times of conflict and warfare. Because of its remoteness, Canyons of the Ancients National Monument Manager LouAnn Jacobson says, “visitors earn their experience through self-discovery.”

The outdoor museum concept means that artifacts and standing walls will remain in place and not be collected for museum displays.<sup>30</sup> By leaving ancient artifacts on the ground and along dusty trails, the entire landscape becomes a museum of unparalleled opportunity for a unique *in situ* visitor experience. Southwest archaeologist Dr. William Lipe wrote in 1980, “We are moving into an era of managed remoteness, of planned romance. I think that is probably how it has to be if we are to preserve the qualities of an area at all in an increasingly mobile and exploitive society. The challenge is to have an effective management that does not itself overwhelm the values it is designed to protect.”<sup>31</sup>

Visitors begin their orientation at the award-winning Anasazi Heritage Center in Dolores, Colorado where outstanding permanent and traveling exhibits interpret the Southwest.<sup>32</sup> Two orientation films offer “Leave No Trace” messages that include both archaeological and American Indian perspectives. All visitors to the Four Corners should see the nine minute film “Visit With Respect”. Exhibits and publications like “Getting to Know Canyons of the Ancients National Monument” offer tribal views as well as those of dryland farmers and area ranchers.<sup>33</sup> Once a visitor understands the context of Ancestral Puebloan life, then walking on canyon trails provides a rare opportunity to see ancient ruins and artifacts *in situ* or in place.

As Esther Greenfield wrote in the *Durango Herald* on March 23, 2008, “Snow continues to block the high country around Durango. It is a quiet time for hikers—but there is one nice place to hike this time of year and that is in the desert canyon country located within Canyons of the Ancients National Monument [with] more archaeological sites (most of them Ancestral Puebloan/Anasazi) than anywhere else in the United States.” Greenfield adds, “The sky seems bluer here. Perhaps it is the blue of the sky against the rich, warm red of the rocks that form the canyons.”<sup>34</sup>

Other interpretive issues include how many standing walls should be stabilized and how many ruins should “go back to nature,” which is a current tribal perspective. Visitors prefer to see standing walls and intact ruins, yet culturally affiliated tribes believe that walls should be allowed to deteriorate naturally. A century from now, how will tribal perspectives and considerations have changed BLM’s cultural resource management priorities?

## **America’s Appetite for Energy**

In Canyons of the Ancients, America’s prehistoric past and its energy future have collided. The concept of ancient communities within an archaeological landscape may not be viable as a management tool if the boundaries of those communities are arbitrary or simply administrative. If there are deep and thoughtful questions about how to understand the past, there are even more unresolved issues about the present and the future.

How much CO<sub>2</sub> is left? What are the possibilities for oil and gas development? At the time of the proclamation, staff in the Department of the Interior stressed that fluid mineral development would not increase, except on existing leases, and that energy production would be over within a decade. That may not be the case.

Until recently, two new well locations were planned for Mockingbird Mesa in an area with prehistoric villages that date from 2,000 year-old Basketmaker sites to Pueblo III sites. Barbara Pahl of the National Trust for Historic Preservation says the site density is so high that it represents “a carpet of artifacts.” In over half a century 190 wells were drilled in the Monument, but now there is the possibility of up to 1,000 new wells with accompanying roads and inevitable resource damage. Perhaps directional drilling may be the best answer for extracting energy resources as part of a “best practices” approach.

### Archaeological Research: Studying the Past for the Future

Dr. Mark Varien, Vice President of Programs for the Crow Canyon Archaeological Center, expressed two concerns about the management of cultural resources in Canyons of the Ancients. The first is the cumulative effects over a period of decades that result from the many uses of the Monument, and he favors long-term planning designed to minimize these cumulative effects. The second is that he views the archaeological record in Canyons of the Ancients as one of the most valuable in the world. As Varien says, “the preservation, precise dating, detailed environmental reconstructions, and the connection between Ancestral Pueblo groups and their modern-day descendants mean that research in Canyons of the Ancients allows archaeologists to reconstruct the human past in a level of detail that cannot be accomplished in other parts of the world. We owe to humanity to preserve these resources and ensure that they are available for study in the future.”<sup>35</sup> Along these lines he stresses that long-term planning in the Monument should include procedures so that the archaeological field work conducted to enable the other uses of the Monument does more than just avoid sites, and instead produces new information that helps us understand the past.

He’s also aware of local politics. He sees the Monument as having a critical role to play in helping to sustain agriculture and ranching in the community, thereby protecting open space on both public and private lands, and he recognizes that revenues from fluid minerals are vital to Montezuma County’s economy. Varien thinks that archaeology practiced in the Monument should assist long-term planning for development and “enhance our understanding of the human past,” which cannot be done by looking at one proposed action at a time.<sup>36</sup> Within the Monument the remains of Ancestral Pueblo society may be better preserved and studied as clusters of settlements rather than as individual sites.

Lipe, who has done extensive research across southwest Colorado and Southeast Utah and who has worked for years with Crow Canyon Archaeological Center, argues,

*The issue for Crow Canyon and other academic-type researchers is what we call investigator-initiated research—the sort that is designed to address various research problems and that often is supported by peer-reviewed NSF grants and the like. This is the kind of research anticipated by the original Antiquities Act and that is currently covered by permits issued under the Archaeological Resources Protection Act (ARPA).<sup>37</sup>*

Lipe continues,

*If we are to learn something about such sites (which is where most of the Puebloan people lived between about 700 and 1300 A.D.), we need to be able to propose investigator-initiated projects that use a combination of surface examination and limited excavations (we typically excavate less than two percent of a site). If the management plan for the Monument does not recognize investigator-initiated research as one of the potential uses of the area's cultural resources, this kind of project won't get done. ARPA specifically states that permits for investigator-initiated research need to be compatible with existing management plans, so making room for this kind of research in the management plan is an important consideration.*<sup>38</sup>

Both Varien and Lipe have served on the Monument's Advisory Committee. Both archaeologists take the long view.<sup>39</sup> Put succinctly, Lipe explains, "We would, of course, continue to learn something about the archaeological record from CRM [Cultural Resource Management] responses to development under Section 106 of the National Historic Preservation Act. But if problem-oriented research in the Monument is ruled out, many potential research questions will be off the table in a Monument established largely because of the world-class research potential of its Puebloan archaeological sites."<sup>40</sup>

One suggestion to solve the problem of cumulative development impacts is the concept of Geographic Area Development Plans or a GADP approach. Lipe explains, "The cumulative direct and indirect impacts over a locality will often result in the loss of the research potential of most of the sites, not to mention the loss or degradation of their heritage and educational values, and the visual qualities of the physical landscape."<sup>41</sup> Utilizing the BLM concept of GADPs may ultimately decrease energy companies' cost of doing business and, at the same time, the lives of the ancient ones will be better understood.

If energy development has the potential to impact ancient archaeological sites, there are also opportunities for science as a legitimate use of cultural resources on federal lands. Lipe believes that non-profit research groups can and should be encouraged to implement investigator-initiated, problem-oriented research. He states, "this type of research has been extremely productive with minimal impacts on the sites; it readily feeds information and perspectives into a two-way dialog with members of Native American communities and with educators, and it complements and provides a larger research framework for the work done under CRM-Section 106 mandates."<sup>42</sup>

What's legally required, and what may promote 21<sup>st</sup> century knowledge about the 11<sup>th</sup> century, may be different. How can scientists define an ancient community when that definition may require understanding prehistoric human behaviors? How can scholars effectively look back over eight centuries? Florence Lister, a highly regarded Southwestern archaeologist and author, argues that archaeology can only tell us 10-15% about an ancient culture. We miss the songs, the stories, the ways people truly traveled and lived upon the land. And yet archaeology has made quantum leaps forward in its first century of scientific study. Who knows what the 21<sup>st</sup> century will bring?

## **Administering the Proclamation**

The key issue now becomes administering the proclamation which, in terms of archaeological resource protection, hinges on the definition of landscape, the concept of Ancestral Pueblo sites as objects, and evolving archaeological theories while the nation struggles with the goal of

energy independence and more carbon dioxide production to force even more oil out of older wells.

There's also the possibility of natural gas production in the Canyons of the Ancients. Most fluid mineral production has been CO<sub>2</sub>, but new sources of natural gas may also be locked in those sedimentary foundations in that rugged landscape which President Clinton describes in the proclamation as possessing a quality that greatly contributes to the protection of its scientific and historic objects.

The primary concern appears to be the definition of landscape and prehistoric communities as intended by Secretary Babbitt and President Clinton and as routinely researched and identified under the Section 106 process of the National Historic Preservation Act. But that 40-year-old requirement is site specific and does not consider the broader concept of landscape nor does it address cumulative impacts related to the area of projected effect. A gas well or a CO<sub>2</sub> pumping station may be sited so as to avoid specific archaeological impacts, but over time what are the cumulative impacts to the visitor experience, to the viewshed, and to the landscape itself?

How can cultural resources be protected while natural resources are extracted without doing irreplaceable damage to a unique landscape? The Section 106 provision of the National Historic Preservation Act requires mitigation of any "undertaking" or action's impact on federal lands, but new provisions of the Energy Act of 2005 encourage energy companies to move forward with energy extraction. Which laws will take precedence? How do we protect world class cultural resources of the past while developing natural resources in the present to provide energy needs for the future?

Now the proclaiming is done. The Monument is established. Public awareness is increasing of the Monument's archaeology but so are national energy needs. What will constitute working definitions of archaeological resources and how will landscape level protection be achieved? What are the reasonable foreseeable development scenarios for energy production in Canyons of the Ancients National Monument and how can administrative remedies provide a workable compromise so that legal action by energy companies can be avoided? These critical questions are addressed in the new Resource Management Plan which has received considerable comment from the public and from the oil and gas industry.

Just as archaeologists ponder the question of sustainability among prehistoric communities, there are also issues of sustainability in the 21<sup>st</sup> century and the compromises necessary to manage world class cultural resources while extracting natural resources. In the small town of Cortez and thinly settled Montezuma County, ranchers, oil and gas producers, archaeologists, and newcomers must work and live together.

Energy corporations know that the Monument proclamation protects specific archaeological objects such as Navajo sweat lodges, rock art sites, check dams, reservoirs, cliff dwellings, ancient villages, great kivas, shrines, sacred springs and former agricultural fields, but problems exist with implementing projects on the Monument, the long time frames for plan approvals, and expensive up front requirements for small projects. Requirements for archaeological inventories could benefit from standardized guidelines. Requiring extensive studies of parcels prior to development of large projects makes sense for resource protection.

Because of potential impacts, scientific research in addition to cultural resources also needs to be a goal for administering Canyons of the Ancients National Monument. The Monument also contains biological treasures like the Mesa Verde nightsnake, the longnose leopard lizard, and the desert spiny lizard. There's also the question of tribal involvement and the 25 tribes who consult with BLM staff under provisions of the National Historic Preservation Act.

Language matters. What the Canyons of the Ancients Proclamation states, and how to administer it, will require additional consultation and community involvement.<sup>43</sup> There's no doubt that the Monument contains world class resources, and federal land managers and the public need to think about impacts into the next century and beyond. Current dilemmas and compromises in the Resource Management Plan represent recommendations for a twenty-year period while the American appetite for energy only increases. Reconciling management concerns is no easy task, yet there are opportunities, too.

Perhaps Canyons of the Ancients and the BLM will help to re-define landscape level archaeological resource protection in the 21<sup>st</sup> century. Unlike site specific protection with limited and arbitrary boundaries, this new Monument may become a national model for managing cultural resources.

We have a lot to learn from the Ancestral Puebloans. Estimates are that there were more Anasazi living in Montezuma County, Colorado in the year 1200 than residents who live there now. Those Ancestral Puebloans survived in the arid Southwest for 800 years. As Americans, with our heavy water usage and energy demands, we have several centuries to go.

The BLM would like to acknowledge Dr. Gulliford for contributing this article.

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- <sup>4</sup> Fred Blackburn, *The Wetherills: Friends of Mesa Verde* (Durango: Durango Herald Small Press, 2006).
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- <sup>7</sup> According to Blackburn in *The Wetherills*, "By rail from Montezuma County he hauled plants, dirt, rock and even a stuffed burro to be placed along a trail in the recreated scene from the Colorado Canyon." p. 55. There would also be a cliffdwellers exhibit at the 1904 St. Louis World's Fair.
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- <sup>9</sup> Mark Squillace, "The Antiquities Act and the Exercise of Presidential Power: The Clinton Monuments," p. 111 in Harmon, ed. *The Antiquities Act*.
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<sup>25</sup> May 31, 2000 Statement by the President from the White House Briefing Room and June 9, 2000 Establishment of the Canyons of the Ancients National Monument, by the President of the United States of America, A Proclamation.

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<sup>31</sup> William D. Lipe, “Grand Gulch: Three Days on the Road from Bluff” in *Camera, Spade and Pen: An Inside View of Southwestern Archaeology* compiled by Marc Gaede (photographer) and Marnie Gaede (editor) (Tucson: University of Arizona Press, 1980) p.59.

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