

# CHAPTER I

## Purpose and Need



## **1.0 CHAPTER 1 PURPOSE AND NEED**

### **1.1. Introduction and Historical Background**

At first glance, Canyons of the Ancients National Monument (the Monument) presents itself as a strikingly harsh, rugged environment, a landscape of expansive vistas, high rocky mesas, and deep, dry arroyos. Upon closer inspection, the Monument reveals a cultural and historical landscape that offers magnificent, yet fragile, testimony to the people who once lived upon the land; people who established homes, shared meals, raised families, and gathered around campfires to tell stories. The landscape still holds the invaluable remnants of their lives; a vast array of irreplaceable objects that connect the people who visit these lands today with the people who lived here 1000 years ago.

People have lived and labored to survive among the area's canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago; to the Ancestral Puebloan farmers; to the Ute, Navajo, and European settlers whose descendants still call this area home. Farming in the area blossomed from between A.D. 450 and A.D. 1300, when the area was occupied by Ancestral Pueblo people. Year-round villages were established, evolving from pit house dwellings to small pueblos and then large multi-story dwellings. The Monument has more than 6,000 recorded sites, reflecting all facets of everyday life, including field houses, check dams, reservoirs, kivas, cliff dwellings, shrines, sacred springs, agricultural fields, petroglyphs, and sweat lodges. Some areas within the Monument have more than 100 archeological sites per square mile. The total number of sites is estimated to be 20,000 to 30,000. The Monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

Due to the area's internationally significant cultural resources, the Monument was established as the Anasazi Area of Critical Environmental Concern (ACEC) in 1985. In 1999, Interior Secretary Bruce Babbitt recommended to President Clinton that the area be designated as a National Monument.

Under Section 2 of the Antiquities Act of June 8, 1906 (34 Stat. 225, 16 U.S. Code [USC] 431), the President can establish as National Monuments "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."

On June 9, 2000, the Monument was established by Presidential Proclamation Number 7317 (the Proclamation [Appendix A]), which states:

*Containing the highest known density of archaeological sites in the Nation...natural resources and spectacular landforms...rugged and dissected geology...and wildlife species...I do proclaim for the purpose of protecting the objects identified above...Canyons of the Ancients National Monument.*

The Monument is managed by the Bureau of Land Management (BLM), an agency under the United States Department of the Interior (USDOI). The BLM manages the Monument pursuant to its basic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA). The management of the Monument is subject to the overriding purpose of protecting the objects described in the Proclamation.

While the distinction is not made throughout this document, "the Monument", consists of lands within the original Monument boundary including inholdings that have since been acquired. The entire planning area includes not only the Monument but acquired edgeholdings and the Anasazi Heritage Center. The Monument includes approximately 165,000 acres of BLM-

administered land, approximately 18,600 acres of private land, and approximately 400 acres of Federal land managed by the National Park Service, as Hovenweep National Monument.

The Monument contains significant archaeological objects, as well as geological and biological objects, and was established to preserve these objects on a landscape scale. The scientific value of the objects is enhanced when their relationship is examined in a broad comparative context rather than individually. For example, evidence of human occupation and use is found throughout the Monument. Understanding how people survived, how they impacted their surroundings and how they interacted socially and economically is dependent on the analysis and preservation of evidence beyond single dwellings and sites. Therefore, protection of the objects at this landscape level is critical.

Historic uses of the Monument include recreation, hunting, livestock grazing, and energy development. The Monument is home to a wide variety of wildlife species (Appendix H), including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the Monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the Monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

The planning process now underway will determine how to protect objects of scientific and historic interest identified in the Proclamation (i.e., archaeological, geological, biological, etc.), as well as how to best serve the various needs of multiple user groups. Until the plan is completed, the following documents provide management guidance: San Juan/San Miguel RMP (BLM 1985) with its amendments; the Anasazi ACEC Plan Management Guideline (BLM 1986a); and the Monument Proclamation, BLM Director's Interim Management Policy for Bureau of Land Management Monuments and National Conservation Areas (BLM 2001a), BLM Colorado State Director's Guidance for Canyons of the Ancients National Monument (BLM 2001b), the Secretary of the Interior's Memorandum for Management of the Canyons of the Ancients National Monument (USDOJ 2000), and the Interim Management Guidance for Oil and Gas Leasing and Development of the Canyons of the Ancients National Monument (BLM 2001c). The interim guidance directs BLM to maintain existing policies, designations, and allocations, except where changes are necessary to comply with the Proclamation.

## **1.2. Overview of the Plan**

The FLPMA requires the development and maintenance, and, as appropriate, the revision of RMPs, or land use plans, for public lands. The NEPA of 1969, as amended, requires Federal agencies to prepare an EIS for major Federal actions that could significantly affect the environment. The BLM Interim Management for all National Monuments (BLM 2001a) requires completion of land use plan evaluations and stand-alone RMPs for all National Monuments. In fulfillment of these requirements, this DRMP/DEIS documents the comprehensive analysis of alternatives and environmental impacts for the planning and management of public lands and resources administered by the BLM at the Monument. The purpose, or goal, in developing this land use plan is to ensure that public lands and mineral estate administered by the BLM at the Monument are managed in accordance with applicable laws, as well as with the principles of multiple use and sustained yield. The Monument, although under the administrative care and management of BLM staff, belongs to the American people; thus, it is the overriding goal of the BLM to actively seek out, engage, and include the public, and all other interested parties, in this planning process—a process that could shape how visitors perceive, experience, use, and enjoy this National Monument.

This DRMP/DEIS documents the comprehensive analysis of planning alternatives for the management of public lands and resources administered by the BLM at the Monument. It provides analysis of potential management direction for important resource values and resource uses within the Monument.

The Monument is located in the Four Corners region of southwestern Colorado, approximately 45 miles west of Durango, 10 miles west of Cortez, and 12 miles west of Mesa Verde National Park (Mesa Verde) in Dolores and Montezuma Counties. The 164,000-acre Monument contains the highest known density of archaeological sites in the United States. It offers rich, well-preserved remnants of native culture, as well as spectacular landforms, a wide variety of wildlife species (Appendix H), and unique recreation opportunities. Figures 1-1, 1-2, and 1-3 show the location, land ownership status, and topography of the Monument, respectively.

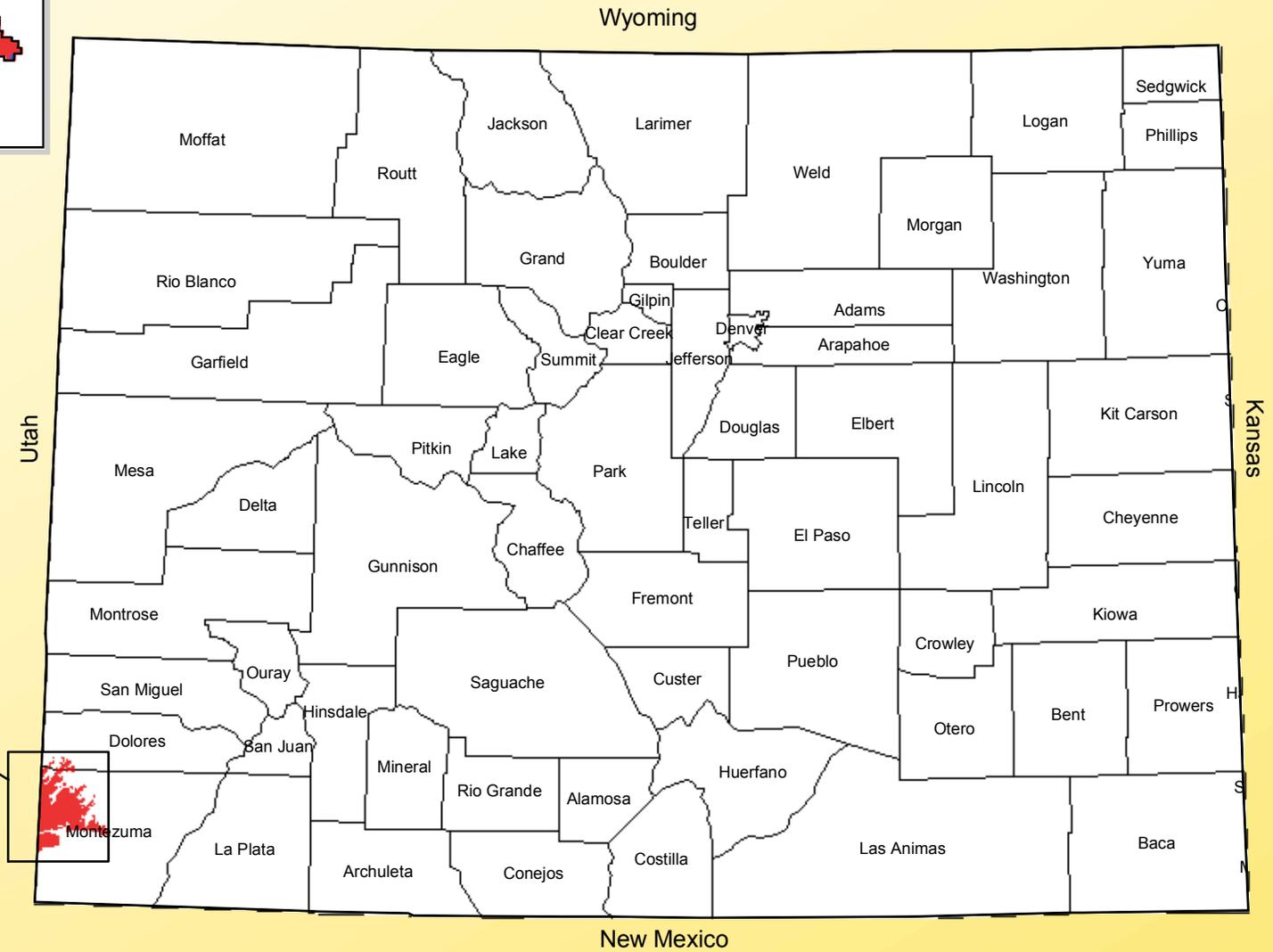
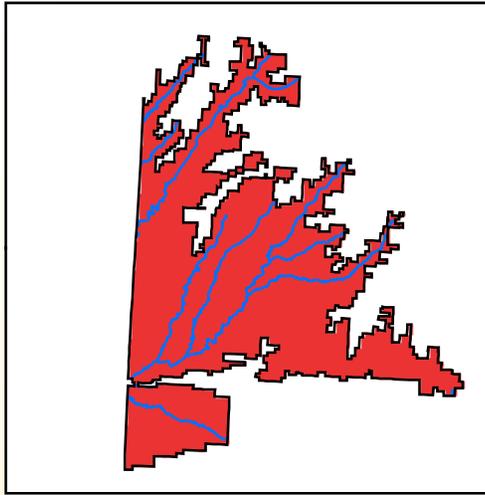
The Monument was established in 2000 by Presidential Proclamation Number 7317 pursuant to Section 2 of the Antiquities Act of June 8, 1906 (34 Stat. 225, 16 U.S. Code [USC] 431). The full text of the Proclamation is presented in Appendix A. Prior to the Proclamation, the BLM managed the area as an ACEC under guidance established in the San Juan/San Miguel RMP ROD (BLM 1985). The Proclamation requires that the Secretary of the Interior prepare a transportation plan that addresses actions, including road closures and travel restrictions, necessary to protect archaeological objects of the Monument. In addition, the FLPMA requires periodic updates to guide management of public lands within the BLM's jurisdiction.

This DRMP/DEIS will provide updated management direction for the Monument, which is needed because social, environmental, and administrative conditions have changed since the San Juan/San Miguel RMP ROD (BLM 1985) was developed. There are a number of new issues, higher levels of controversy around existing issues, and new public land uses and concerns that were not addressed in the 1985 San Juan/San Miguel RMP ROD (BLM 1985). Such issues include, but are not limited to, rangeland health, off-highway vehicle (OHV) use, access and transportation issues, mountain bike use, and new restrictions on mineral development. These factors cause competing pressures on land use management; therefore, they warrant a consistent, coordinated planning approach. Creation of a DRMP/DEIS for the Monument will also permit the BLM to incorporate the required Colorado Standards for Public Land Health and Guidelines for Livestock Grazing Management (Public Land Health Standards) (BLM 1997) and travel management designations into the land management program for the Monument.

The FLPMA provides the authority for the BLM to formulate land use plans and requires that a DRMP/DEIS be developed to guide management decisions. FLPMA states that BLM land management will be guided by the principles of multiple use and sustained yield. In addition, Section 302(a) requires that where a tract of land has been dedicated to a specific use according to law, such as the Presidential Proclamation that established the Monument, the tract shall be managed in accordance with the provisions of the FLPMA. The primary purpose of this DRMP/DEIS is to ensure that the BLM manages the Monument in accordance with the FLPMA, as well as with all other applicable laws, regulations, and policies.

When a proposed Federal action could significantly affect the environment, the NEPA requires the preparation of an EIS. The Draft EIS component of this document addresses such impacts. The "proposed action" under NEPA is considered the implementation of any of the possible five alternatives described in Chapter 2. Planning or NEPA decisions pertaining to the Monument apply to Federally administered lands only.

**Figure 1-1 General Location Map**  
**Canyons of the Ancients National Monument**  
September 2007



# Figure 1-2 Land Ownership Canyons of the Ancients National Monument

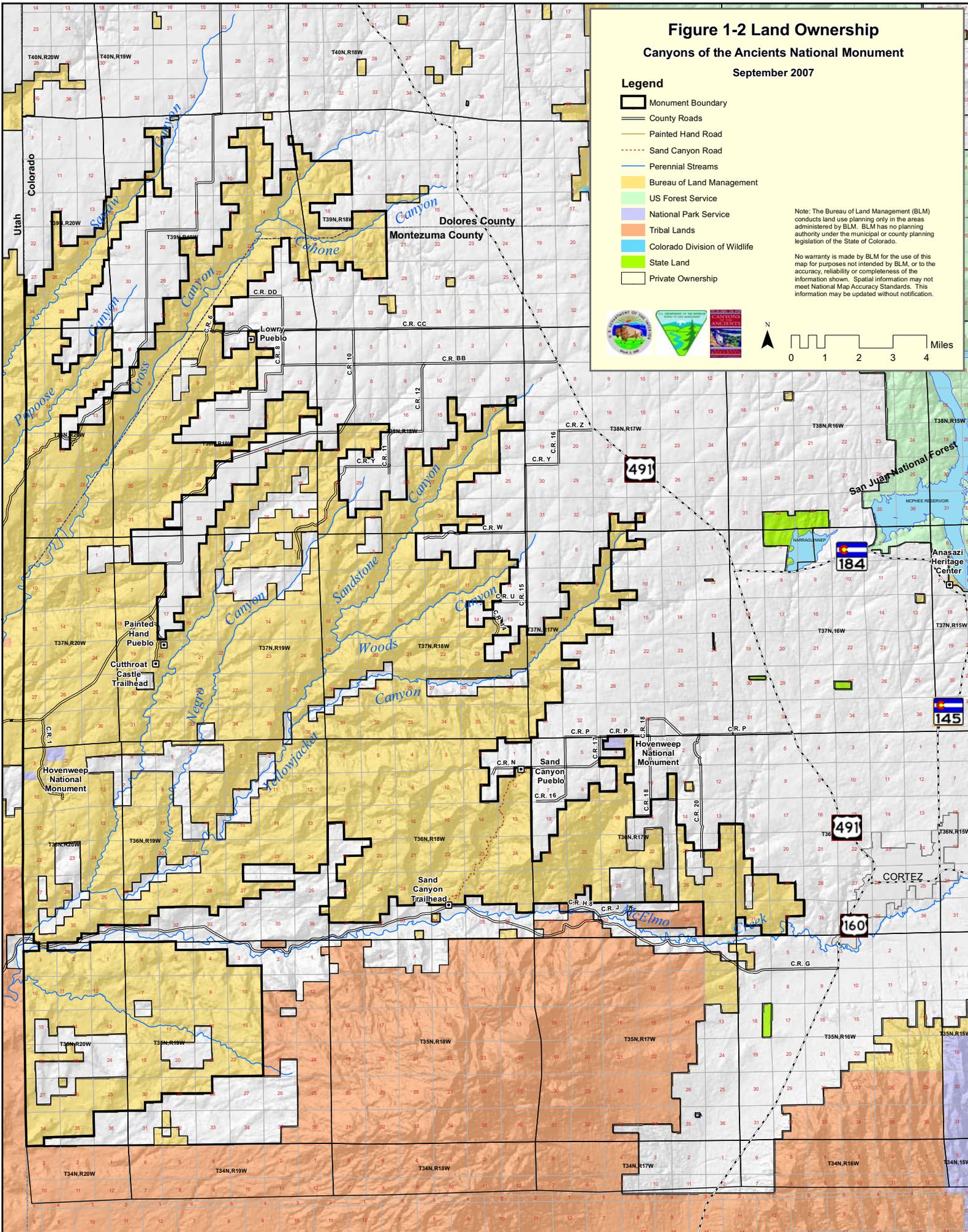
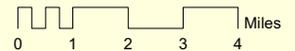
September 2007

## Legend

- Monument Boundary
- County Roads
- Painted Hand Road
- Sand Canyon Road
- Perennial Streams
- Bureau of Land Management
- US Forest Service
- National Park Service
- Tribal Lands
- Colorado Division of Wildlife
- State Land
- Private Ownership

Note: The Bureau of Land Management (BLM) conducts land use planning only in the areas administered by BLM. BLM has no planning authority under the municipal or county planning legislation of the State of Colorado.

No warranty is made by BLM for the use of this map for purposes not intended by BLM, or to the accuracy, reliability or completeness of the information shown. Spatial information may not meet National Map Accuracy Standards. This information may be updated without notification.



**Figure 1-3 Topography**  
**Canyons of the Ancients National Monument**

September 2007

**Legend**

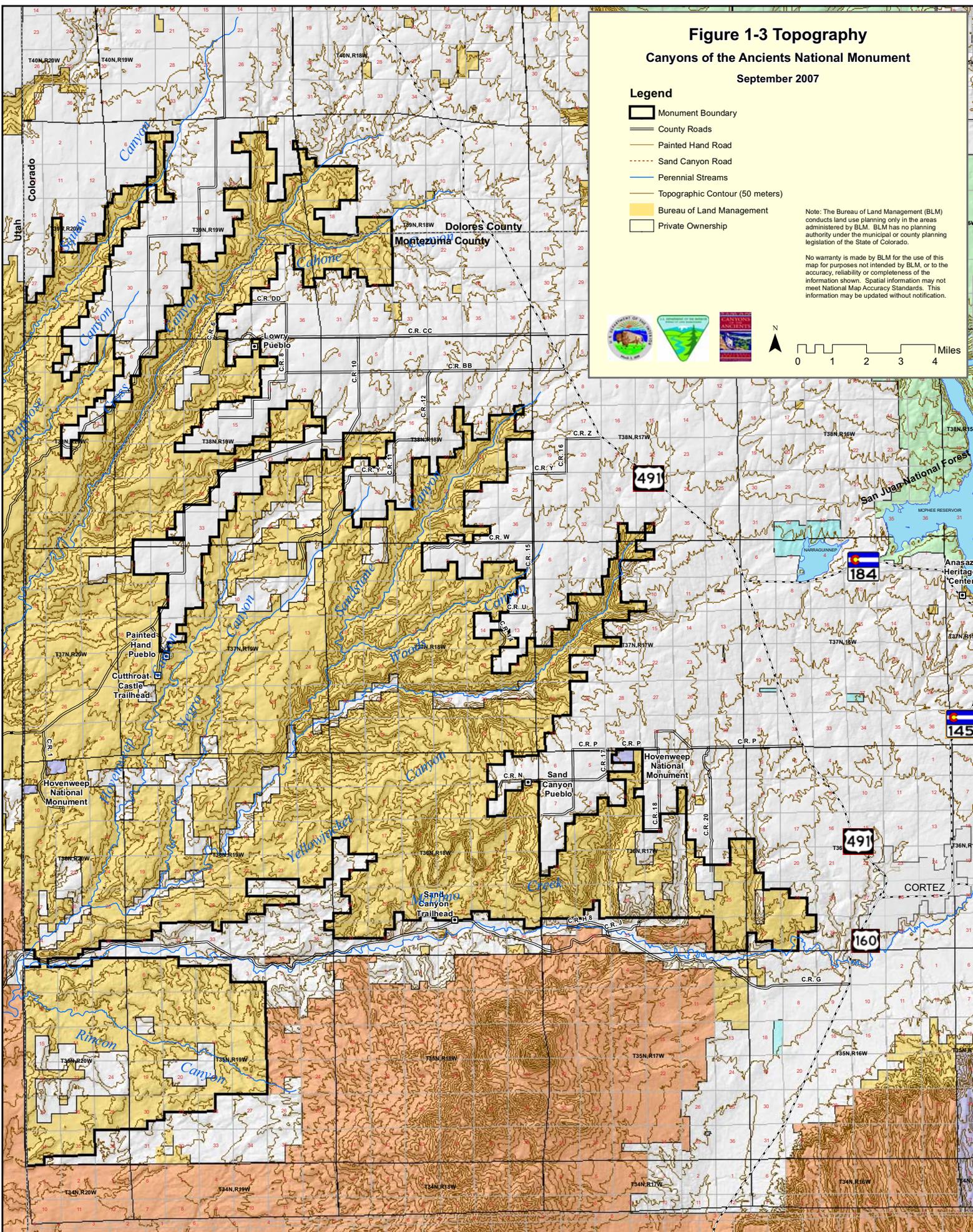
-  Monument Boundary
-  County Roads
-  Painted Hand Road
-  Sand Canyon Road
-  Perennial Streams
-  Topographic Contour (50 meters)
-  Bureau of Land Management
-  Private Ownership

Note: The Bureau of Land Management (BLM) conducts land use planning only in the areas administered by BLM. BLM has no planning authority under the municipal or county planning legislation of the State of Colorado.

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This DRMP/DEIS has been organized and formatted consistent with applicable National Environmental Policy Act and Council on Environmental Quality (CEQ) guidelines. The goal of this document is to provide the reader with a clear understanding of the alternatives, the environmental resources that may be affected, the potential environmental consequences, and the environmental review and evaluation process. The following are the chapter titles for this document and brief descriptions of the chapter contents:

- **Chapter 1 - Purpose and Need:** This chapter offers a brief history and background of the Monument and describes the purpose and need for the action, the scoping process and issues, planning criteria, the planning process, related plans and relevant policy, and the overall vision of the DRMP/DEIS
- **Chapter 2 - Alternatives:** This chapter describes potential management approaches or “alternatives” and discusses the alternative development process. It describes five alternative land use plans evaluated in detail in this DRMP/DEIS, including the No Action Alternative and the Preferred Alternative.
- **Chapter 3 - Affected Environment:** This chapter describes the current physical, biological, human, and land use environments of the Monument. The description provides a baseline against which to compare the impacts of the alternatives. The baseline described in this chapter represents environmental and social conditions and trends in the Monument at the time this document was being prepared.
- **Chapter 4 - Environmental Consequences:** This chapter evaluates how, and to what extent, baseline conditions would be altered by the alternatives. These changes are measured in terms of adverse and beneficial impacts, direct and indirect impacts, and individual and cumulative impacts.
- **Chapter 5 - References:** This chapter provides full citation information for all references, published and unpublished, cited in this document, as well as personal contacts used in developing this DRMP/DEIS.

Appendices A through K provide supporting information for the chapters described above. The appendices and glossary provided in this document offer more detailed information, which some readers may find helpful when reviewing the main text of the document.

NOTE: Potential decisions and/or other discussions contained in this document may refer directly to maps and figures. In fact, many potential decisions themselves are “map based.” Therefore, the reader must rely on the text, maps, and figures taken together to fully understand the potential decisions described for each alternative.

### **1.3. Purpose and Need for the Plan**

The purpose of the Canyons of the Ancients National Monument DRMP is to:

- ensure compliance with Presidential Proclamation 7317 that established the Monument;
- protect the scientific and historic objects, as well as other resources, identified in the Proclamation;
- establish guidance, objectives, policies and direction for managing the Monument; and
- address issues relating to management of the Monument as identified through agency, interagency, and public scoping efforts.

This DRMP is prepared in the context of carrying out the requirements of FLPMA and other applicable authorities. The DRMP will identify the “vision,” long term management goals,

intermediate objectives, and specific actions needed to attain the goals established for the Monument.

The DRMP is needed because:

- a Presidential Proclamation established the National Monument as a discrete management unit;
- the Proclamation required protection of the objects of the Monument while managing resources based on the FLPMA principles of multiple use and sustained yield; and
- the San Juan/San Miguel Resource Management Plan (1985) does not adequately address current issues and concerns and desired future conditions.

The DEIS provides analysis to support the development of the DRMP and provides a foundation for project-specific analyses that will support future land use decisions on the Monument. The DEIS evaluates existing management plans including but not limited to the fire management plan, cultural resource management plans, recreation management plans and emphasis area management plans, and their relationship to current planning issues on the Monument.

To achieve these goals, the BLM must:

- identify desired outcomes, as well as allowable uses and actions that restore and maintain the health of the land; preserve cultural and natural objects; reduce threats to public health, safety, and property; and provide for environmentally responsible activities;
- prepare a transportation plan that addresses actions, including road closures and travel restrictions, necessary to protect the objects of the Monument;
- evaluate the need for Special Designation Areas or other management determinations, as applicable, such as for stream segments eligible for designation as Wild and Scenic Rivers (WSRs), and areas to be managed for wilderness character;
- establish conservation measures for all species listed as threatened, endangered, proposed, candidate, or BLM sensitive. Conservation measures are designed to prevent the need for listing of additional species under the Endangered Species Act (ESA) of 1973, and to improve the condition of all special status species and their habitats to a point where their special status recognition is no longer warranted. (Refer to the August 30, 2000, Interagency Memorandum of Agreement for Programmatic ESA, Section 7 Consultation and BLM Manual 6840, Special Status Species Management [BLM 2001d]);
- apply BLM Public Land Health Standards (BLM Manual 4180) (BLM 2001e) to recommendations and information from land health assessments to develop direction that enhances or restores physical function and biological health and achieves Public Land Health Standards at the watershed scale;
- recognize valid existing rights, including oil and gas leases, mineral leases, mining claims, and lands and realty actions; and
- integrate the management of the Monument with adjacent land use plans and the San Juan/San Miguel RMP by applying management techniques that are successful in other portions of these areas.

These goals and objectives are based on the direction provided by numerous laws, mandates, policies, and plans, including:

- the NEPA;
- the FLPMA;
- the Taylor Grazing Act of 1934 (43 USC 315);
- BLM Planning Regulations (40 Code of Federal Regulations [CFR] 1600);
- the Mineral Leasing Act of 1920, as amended;
- the National Historic Preservation Act (NHPA) of 1966, as amended;
- the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990;
- the Archaeological Preservation Act (ARPA) of 1979;
- the Federal Onshore Oil and Gas Leasing and Reform Act of 1987;
- the Endangered Species Act (ESA), the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, the Clean Water Act, the Clean Air Act, and other environmental laws;
- the Federal Noxious Weed Act of 1974 (Public Law [PL] 93-629);
- the Final EIS: Vegetation Treatment on BLM Lands in the 13 Western States (BLM 1991b);
- BLM Instruction Memorandum 2001-022: Planning Guidance for National Monuments and National Conservation Areas (BLM 2001f);
- Fundamentals of Rangeland Health (43 CFR 4180);
- BLM Land Use Planning Handbook, H-1601-1, updated January 5, 2001 (BLM 2001g) and March 11, 2005 (BLM 2005a);
- BLM Manual 1613, Areas of Critical Environmental Concern, (BLM 1988a);
- BLM Manual 6840, Special Status Species Management (BLM 2001d); and
- BLM Manual 4180, Rangeland Health Standards (BLM 2001e).

## **1.4. Planning Area**

The Planning Area for this DRMP/DEIS consists of the entire area delineated by the boundaries of the Monument, which encompasses approximately 165,000 acres of public land managed by the BLM; approximately 18,000 acres of private land (Figure 1-2), and approximately 400 acres of Federal land managed by the National Park Service, as Hovenweep National Monument. The Monument is generally bounded on the east and north by Colorado Highway 491; on the south by Montezuma County Road G, McElmo Creek, and the Ute Mountain Ute Reservation; and on the west by the Utah/Colorado state line.

The Monument lies within the Colorado Plateau Ecological Province. The Monument exhibits the varied topography, geology, soil, and flora and fauna components typical of this Province, including desert scrub/salt desert, riparian, pinyon-juniper woodlands, mountain shrub, and big sagebrush plant communities. Elevations within the Monument range from approximately 4,900 feet to approximately 7,500 feet above sea level.

## **1.5. Scoping Process and Issues**

The NEPA requires that Federal agencies hold an open and early process for determining the scope of issues to be addressed in an EIS to identify the significant issues that could be

associated with the proposed action. The term “scope” is defined as the range of actions, alternatives, and impacts to be considered in an EIS.

The BLM initiated formal scoping for this DRMP/DEIS on April 24, 2002, when it published a Notice of Intent (NOI) to prepare a DRMP/DEIS in the Federal Register. The NOI initiated the public scoping process and served to notify the public of the BLM’s intent to develop a DRMP/DEIS for the Monument. Scoping process objectives are intended to:

- identify potentially interested parties;
- identify public and agency concerns;
- define the range of issues that will be examined in the DRMP/DEIS;
- ensure that relevant issues are identified early and drive the process; and
- establish a public record.

The BLM provided an extended public scoping period between April 2002 and November 2003 to allow ample opportunity for public comment and involvement in the initial stages of planning. The public scoping process included a series of planning newsletters, media releases, and information flyers in the Monument’s planning process and on the associated public involvement opportunities. Three public scoping workshops were held in the vicinity of the Monument. These workshops provided an opportunity for the public to receive information about the resources and land uses in the Monument, as well as on the BLM’s planning process. The workshops also provided an opportunity for the public to speak directly with BLM staff, to ask questions, and to provide input on the BLM’s planning effort. Table 1-1 summarizes the public workshop locations and dates. The entire scoping process and results are detailed in the Scoping Report (BLM 2004a).

<b>Location</b>	<b>Place</b>	<b>Date</b>	<b>Attendance</b>
Cortez, CO	Koko’s Conference Center	October 21, 2003	49
Durango, CO	Durango Community Recreation Center	October 22, 2003	15
Denver, CO	Holiday Inn Denver West	October 29, 2003	10

In addition to these scoping efforts, the BLM established the Monument Advisory Committee to facilitate a collaborative planning process for the Monument. The BLM has also been involved in a considerable amount of consultation and coordination with other Federal, State, and local agencies, and Native American tribes.

### **1.5.1. Major Issues Addressed**

Major planning issues were identified and defined through an analysis of current land use/management in the Monument; the results of BLM internal scoping; as well as public, agency, tribal, and the Committee’s scoping comments. The scoping comments also guided the BLM in determining the appropriate depth of analysis for each issue, as well as in determining which issues were outside of the scope of the DRMP/DEIS. As discussed in Chapter 2, the issues identified during the scoping process were taken into consideration during alternative formulation.

Table 1-2 summarizes issues raised by local interested parties and agency staff during the scoping process. Seven issues accounted for almost 77 percent of the scoping comments received from local communities (i.e., Durango, Dolores, Cortez, and Mancos) and agencies. These issues were taken into consideration during the formulation of the DRMP/DEIS alternatives, as well as during the evaluation of those alternatives.

<b>Table 1-2 Planning Issues Raised by Public and Agency Staff During Scoping (Percent of Comments)</b>
<b>Cultural and Paleontological Issues (15.9%)</b>
Protection and preservation of cultural and paleontological resources for current and future scientific research and development opportunities
Access to cultural resource sites
Looting
<b>General Recreation (14.1%)</b>
Permitted and restricted types of recreation and their allocated 'zones' or locations
Related roads and transportation issues, such as OHV access and limitations
<b>Transportation Network (12.7%)</b>
Road closures and access
Road maintenance and improvements
<b>Rangeland Management/Grazing (10.0%)</b>
Management for healthy plant communities to promote ecosystem health
Administration of grazing allotments
Evaluation of impacts of grazing and adjustment of practices, in terms of current standards and guidelines
<b>Mineral Resources (9.4%)</b>
Limitations on oil and gas exploration and development
Mitigation of impacts from existing and new mineral development
Mineral exploration and development alternatives
<b>Visitor Use (7.4%)</b>
Visitor education opportunities
Facility development and improvements
Commercial tours
<b>Soil, Water, and Air (7.1%)</b>
Protection/preservation of soil, water, and air quality
Mitigation for air pollution

## **1.6. Planning Criteria**

Planning criteria guide and direct this DRMP/DEIS and determine how the planning team approaches the development of alternatives and, ultimately, the selection of the Preferred

Alternative. Planning criteria ensure that the DRMP/DEIS complies with the Monument Proclamation, that it is tailored to the identified issues, that unnecessary data collection and analysis is avoided, and that the focus remains on the decisions to be made. Planning criteria:

- provide an early basis for determining inventory and data collection needs;
- enable the Monument Manager and staff to develop a preliminary planning base map delineating geographic analysis units;
- stimulate the revision of existing planning criteria and the development of additional criteria through public participation; and
- provide parameters for the decision and alternatives that will be considered in the DRMP/DEIS, taking into account laws, regulations, and policies.

The planning criteria identified for the DRMP/DEIS are as follows:

- The DRMP/DEIS will establish guidance for the management of the resources and values in the Monument. The Final RMP/Final EIS will supersede the existing 1985 San Juan/San Miguel RMP and will be integrated, to the extent possible, with provisions of existing management plans and policies for adjacent lands (e.g., the Montezuma Comprehensive Plan).
- The DRMP/DEIS will be completed in compliance with the FLPMA, the NEPA, the ESA, as well as with all other applicable laws, regulations, executive orders, and BLM policies.
- The Monument planning team worked collaboratively with the State of Colorado, Montezuma and Dolores Counties, Native American tribal governments, cooperating agencies, municipal governments, other Federal agencies, the Monument Advisory Council, and all other interested groups, agencies, and individuals.
- Decisions in the DRMP/DEIS, as well as in the Final RMP/Final EIS, will be compatible with existing plans and policies of adjacent local, State, and Federal agencies and Native American tribal governments, to the extent that they are in conformance with Federal laws and regulations.
- The planning process will involve Native American tribal governments and will provide strategies for protecting recognized traditional uses.
- The term “No Surface Occupancy” (NSO) applies only to oil and gas leasing and permitting, whereas the term “No Ground Disturbance” (NGD) applies to all other activities. Similarly, the term “Controlled Surface Use” (CSU) applies only to oil and gas leasing and permitting; whereas the term “Site-Specific Relocation” (SSR) applies to all other activities. Timing limitations (TLs) apply to all activities. Lease notices (LNs) apply only to oil and gas leasing and permitting; however, similar requirements would be applied during permit or application approval for other activities.
- All existing stipulations in the San Juan/San Miguel RMP Amendment ROD for oil and gas (BLM 1991a) will be carried forward into the Proposed Plan.
- The DRMP/DEIS will incorporate the Colorado BLM Recreation Guidelines to meet Public Land Health Standards (BLM 2000). It will set forth a framework for managing recreational activities to provide for the enjoyment and safety of the visiting public, consistent with the Proclamation.
- The lifestyles and recreational pursuits of area residents will be considered in the DRMP/DEIS.

- All private lands or private interests located within, or immediately adjacent to, the Monument boundary and acquired by the BLM will be managed consistently with the Final RMP/Final EIS, subject to any constraints associated with the acquisition.
- The DRMP/DEIS will not address Monument boundary adjustments or proposals to change the Proclamation.
- The DRMP/DEIS will recognize valid existing rights within the Monument and will review how valid existing rights are verified. The DRMP/DEIS will also outline the process the BLM will use to address applications or notices on existing claims or other land use authorizations filed after completion of the Final RMP/Final EIS Record of Decision (ROD).
- The DRMP/DEIS will emphasize the scientific and historic resources of the Monument. It will also identify opportunities and priorities for research and education related to the resources for which the Monument was created. In addition, it will describe an approach for incorporating research into management actions.
- The management of livestock grazing is governed by existing laws and regulations. The DRMP/DEIS will incorporate Colorado Standards for Public Land Health and Guidelines for Livestock Grazing. The DRMP/DEIS will provide a strategy for ensuring appropriate livestock grazing practices are followed within the Monument. The DRMP/DEIS will also allocate available livestock grazing AUMs through the ROD for the associated Final EIS.

### **1.6.1. Proclamation Requirements**

The DRMP/DEIS will meet the requirement of the Proclamation (Appendix A) to protect the objects of archaeological, historical, geological, and biological value within the Monument. All explicit land use planning and management statements included in the Proclamation will be addressed. These include:

- Direction that the Monument appropriate and withdraw all Federal lands within the Monument from, "...all forms of entry, location, selection, sale, or other disposition under the public land laws including, but not limited to, withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral leasing, other than by exchange that furthers the protective purposes of the Monument and except for oil and gas leasing."
- Direction 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 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; and provided further, 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, or to protect against drainage."
- Direction that the Monument, "For the purposes of protecting the objects of the Monument, prohibit all off-road motorized and mechanized vehicle use except for emergency or authorized administrative purposes".
- Direction that the Monument, "...shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation."
- Direction that the Monument will not, "...enlarge or diminish the jurisdiction of the State of Colorado with respect to fish and wildlife management".

## 1.7. Planning Process

In general, the BLM follows a nine-step land use planning process, as outlined below. Steps 1 through 7 have been completed for the current process. The results of these steps have been incorporated throughout this DRMP/DEIS, and are as follows:

- **Step 1 – Planning Issues Identified:** Issues and concerns are identified through a scoping process that includes the public, Native American tribes, other Federal agencies, and State and local governments.
- **Step 2 – Planning Criteria Development:** Planning criteria are created to ensure that decisions are made to address the issues pertinent to the planning effort. Planning criteria are derived from a variety of sources, including applicable laws and regulations, existing management plans, coordination with other agencies' programs, and the results of public and agency scoping. As planning proceeds, planning criteria may be updated or changed.
- **Step 3 – Data and Information Collection:** Based on planning criteria, data and information for the resources in the Monument are collected.
- **Step 4 – Analyze the Management Situation:** The collected data and information are assembled into the Analysis of the Management Situation (AMS) document (BLM 2005b).
- **Step 5 – Alternatives Formulation:** A range of reasonable management alternatives that address issues identified during scoping are developed.
- **Step 6 – Alternatives Assessment:** The environmental effects of each alternative are estimated and analyzed.
- **Step 7 – Preferred Alternative Selection:** The alternative that best resolves planning issues is identified as the Preferred Alternative.
- **Step 8 – Resource Management Plan Selection:** A DRMP/DEIS is issued and made available to the public for a review period of 90 calendar days. This document represents this step in the process. During the public review period, the BLM will hold additional public meetings to further explain the DRMP/DEIS, address public questions, and accept comments in writing. After comments to the draft document have been received and analyzed, the DRMP/DEIS will be revised and modified, as necessary, and the Proposed RMP/Final EIS will be published and made available for public review for 30 calendar days. A ROD will be signed to approve the Final Resource Management Plan and Environmental Impact Statement.
- **Step 9 – Implementation and Monitoring:** Upon approval of the ROD, land use decisions outlined in the approved Final Resource Management Plan would be effective immediately and would require no additional planning or NEPA analysis.

Consistent with BLM Land Use Planning Handbook H-1601-1, the BLM will monitor plan implementation and effectiveness, and will report annually, or as the BLM determines is appropriate, on:

- the management actions undertaken;
- the management actions remaining to be undertaken; and
- the effectiveness of those actions toward meeting goals and objectives.

Monitoring strategies would be developed that identify indicators of change, acceptable thresholds, methodologies, protocols, and timeframes that would be used to evaluate and determine whether desired outcomes are being achieved.

The Final RMP will be periodically evaluated, at least every five years as documented in an evaluation schedule. Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes that have the potential to trigger an amendment or revision.

**1.7.1. Relationship to BLM Policies, Plans, and Programs**

The BLM has three principal levels of land use planning decisions: 1) the RMP level; 2) the activity level; and 3) the site-specific level. This DRMP/DEIS focuses on establishing broad resource objectives and direction while, at the same time, providing some activity-level guidance and site-specific decisions. It builds on the history of natural resource management in the vicinity of the Monument.

Table 1-3 highlights the major plans and policies that have led up to how the Monument is presently managed. These plans are incorporated into this DRMP/DEIS by reference, but are not included herein. In addition, some of these plans, as well as other related plans, are currently being updated. All of the new and revised plans will be included in the Administrative Record (AR) for this project and made available upon request. New or updated plans may include:

- the ACEC Management Plan (existing, enlarged, and proposed ACECs);
- the Fire Management Plan;
- the SRMA Management Plans; and
- the Noxious Weed Management Plan.

<b>Table 1-3 Existing and Associated BLM Management Plans and Policies</b>	
<b>Document</b>	<b>Year</b>
San Juan/San Miguel Planning Area RMP (revision in progress)	1985
Anasazi Culture Multiple Use ACEC Management Plan	1986
Trail of the Ancients Scenic and Historic Byway Amended Corridor Management Plan	1998
BLM Standards for Public Land Health in Colorado	1997
Fire Management Plan for the San Juan Field Office and San Juan National Forest	2004
Monticello Field Office RMP (revision in progress)	1991
Canyons of the Ancients National Monument Law Enforcement Plan	In draft

Additional major plans, policies, and programs that apply to BLM land use planning relevant to this DRMP/DEIS are described below.

**BLM Wilderness Recommendations**

As a requirement under Section 603 of the FLPMA, *wilderness studies were completed for all BLM lands in the Monument, and recommendations have been formally submitted to Congress by the President. Therefore, these decisions cannot be changed except by Congressional action. In the Monument, approximately 25,000 acres are being managed as three separate Wilderness Study Areas until final determination as to their wilderness status is determined by Congress through legislative action.*

**National Off-Highway Vehicle (OHV) Strategy**

On January 19, 2001, the BLM released a National Management Strategy for Motorized Off-Highway Vehicle Use (OHV) on Public Lands (BLM 2001h). This strategy is aimed at recognizing the interests of motorized OHV users while, at the same time, protecting environmentally sensitive areas on public lands. It also seeks to focus the BLM's scarce funding and staffing resources for motorized OHV management at the local field office level. In addition, the Proclamation that established the Monument prohibited all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

(NOTE: For the purpose of this DRMP/DEIS, a "road" is defined as an open way for the passage of vehicles, persons, or animals on land, regardless of the type of travel; and "off-road" is defined as cross-country travel between designated roads. All off-road travel by motorized and/or mechanized vehicles is prohibited in the Monument.)

**National Mountain Bike Strategy**

On November 12, 2002, the BLM released a National Mountain Bicycling Strategic Action Plan (BLM 2002a). This plan offers a comprehensive approach to addressing issues regarding mountain bicycling and other mechanical transport activities on public lands. This Action Plan focuses on guidance and actions for BLM field office managers and staff, special interest groups, and the public. It provides innovative and proactive approaches to protecting soil, water and wildlife habitat; threatened or endangered plant and animal species; native vegetation; heritage resources; and other resources while, at the same time, providing for high-quality, environmentally responsible recreational opportunities. Implementation of this DRMP/DEIS would be an ongoing, adaptive approach and would require the continued cooperation and participation of the public.

**Wind Energy Development Program**

The BLM is responsible for the development of wind energy resources on BLM-administered lands. This interim policy was developed, in part, in response to the national energy policy recommendations that the Departments of the Interior, Energy, Agriculture, and Defense work together to increase renewable energy production (NEPDG 2001). To further support wind energy development on public lands and to minimize potential environmental and sociocultural impacts, the BLM is seeking to build on the existing interim policy to establish a Wind Energy Development Program.

**Native American Consultation, in Accordance With Executive Orders 12866, 13084, et seq.**

Executive Order 12866 enhances planning and coordination efforts with respect to both new and existing regulations, and makes the process more accessible and open to the public. Executive Order 13084 establishes requirements for meaningful consultation and collaboration with Native American tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities.

**CFR Title 43, Section 1610, and BLM Manual and Handbook 1601 on Land Use Planning**

CFR Title 43, Section 1610 states that guidance for preparation and amendment of DRMPs/DEISs may be provided by the Director of the BLM and the Colorado State Director, as needed, to help District and Area Managers and staff prepare a specific plan.

BLM Manual and Handbook H-1601-1 (BLM 2005a) provide guidance to the BLM on the requirements of the FLPMA, the BLM's Planning Regulations (43 CFR 1600), and the NEPA. Nothing in the BLM Manual or in the BLM handbook supersedes the legal and regulatory mandates in the Code of Federal Regulations (CFR). The BLM Manual and Handbook 1601 provide guidance for preparing new RMPs (draft and final), plan revisions, plan amendments, other equivalent plans (e.g., plans adopted from other agencies), and subsequent implementation-level plans. Procedures and requirements are set forth to ensure that BLM plans meet regulatory and statutory requirements. To the extent possible, this guidance integrates BLM land use planning requirements with the NEPA.

**1.7.2. Consultation and Coordination**

BLM Land Use Planning Handbook H-1601-1 (BLM 2005a) encourages the BLM to use a "Collaborative Planning Process" whereby interested parties, often with widely varied interests, can work together to seek solutions with broad support for managing public lands. This section describes specific actions undertaken to consult and coordinate with government agencies, special interest groups, Native American tribes, and the public in the development of this DRMP/DEIS. Additional information on public involvement and scoping is addressed in Section 1.5.

**Monument Advisory Committee Consultation and Coordination**

On February 4, 2003, the Monument Advisory Committee was established to gather and analyze information; hear public testimony; advise the BLM on priorities, goals, and objectives; and provide recommendations for implementation of ecosystem approaches to management. The Committee consists of 11 members who were selected based on their knowledge and their special expertise in specific areas of interest. The Committee will continue to meet regularly throughout the DRMP/DEIS planning process. The Committee members and actions are detailed in the Canyons of the Ancients National Monument Scoping Report (BLM 2004a).

**Intergovernmental and Interagency Consultation and Coordination**

Development of the DRMP/DEIS will allow the BLM the opportunity to review existing agreements and consider cooperative agreements with Federal, State, and local agencies to improve management in the Monument. In addition, several government agencies have been involved in the development of the DRMP/DEIS. These agencies include:

- the National Park Service (NPS) (Hovenweep National Monument);
- the United States Fish and Wildlife Service (USFWS);
- the United States Forest Service (USFS) (San Juan National Forest);
- the BLM (Monticello Field Office);
- Montezuma County;
- Dolores County;
- the Colorado Historical Society; and
- the Colorado Division Of Wildlife (CDOW).

**Native American Tribal Consultation and Coordination**

Twenty-five Native American tribes have cultural affiliation either with archaeological and historical sites in the Monument or with the Monument's natural landscape. The BLM must honor cultural and traditional Native American beliefs. Multiple uses such as recreation, science and research, livestock grazing, oil and gas development need to be managed in balance with these beliefs.

The BLM first initiated consultation with Native American tribes in 1993. Consultation specifically related to the Native American Graves Protection and Repatriation Act (NAGPRA) was conducted intermittently until 1999. At this time, the Monument and the Anasazi Heritage Center (AHC) formally initiated consultation with 25 tribes. The consultation effort had two goals. The first goal was to identify groups that, under NAGPRA, claim cultural affiliation with the human remains and associated funerary objects in the collections housed at the AHC. The second goal was to identify Native American groups that have traditional association with the landscape now known as Canyons of the Ancients National Monument.

A cultural affiliation study for the Monument was completed in December 2002 (Gilpin et al. 2002). The study determined that 25 tribes have traditional association with the Monument. In the affiliation study, the tribes commented on the management of cultural resources and treatment of human remains in the Monument. In addition, they made recommendations concerning their involvement in the development of the Monument DRMP/DEIS. These recommendations include: the BLM providing the tribes with updates during the planning process; the BLM hosting meetings with the tribes to collect scoping comments; and the BLM conducting a field trip of the Monument and of archaeological collections at the AHC in cooperation with the tribes.

The BLM will actively continue consultations with the Native American tribes culturally affiliated with the Monument. These efforts will include updates via newsletters, meetings, one-on-one contact with tribal members, and updates at Mesa Verde's biannual NAGPRA meetings.

**Consultation and Coordination with Other Stakeholders**

Official cooperating agencies include the Colorado Historical Society and the USFWS. Additional stakeholders include:

- the Anasazi Historical Society;
- the Canyonlands Natural History Association;
- Colorado Backcountry Byways;
- Colorado College;
- the Colorado Council of Professional Archaeologists;
- the Colorado Department of Natural Resources and Division of Wildlife;
- the Colorado Environmental Coalition;
- the Colorado Natural Heritage Program;
- the Colorado Office of Archaeology and Historic Preservation;
- Colorado Preservation, Inc.;
- the Colorado State Historical Fund;
- Colorado State Trails;
- The Conservation Fund;

- the Crow Canyon Archaeological Center;
- the Four Corners Trail Club;
- Friends of Canyons of the Ancients;
- Fort Lewis College;
- Great Old Broads for Wilderness;
- hosted workers;
- interns;
- the Kelly Place;
- the Kokopelli Bike Club;
- the McElmo Canyon Research Institute;
- Mesa Verde Backcountry Horsemen;
- the National Trust for Historic Preservation;
- the National Landscape Conservation System Coalition;
- the San Juan Citizen's Alliance;
- the San Juan Mountains Association;
- Save America's Treasures;
- the Southwest Conservation Corps;
- The Trust for Public Lands;
- The Watercourse, Montana State University;
- the University of Colorado;
- volunteers;
- the Wilderness Land Trust;
- The Wilderness Society;
- the USFS;
- the NPS; and
- The Ute Mountain Ute Tribe, The Uintah-Ouray Ute Tribe, The Southern Ute Tribe, The Navajo Nation, The Hopi Tribe, The Pueblo of Acoma, The Pueblo of Cochiti, The Pueblo of Isleta, The Pueblo of San Felipe, The Pueblo of Santa Ana, The Pueblo of Santo Domingo, The Pueblo of Jemez, The Pueblo of Laguna, The Pueblo of Sandia, The Pueblo of Zia, The Pueblo of Zuni, The Pueblo of Nambe, The Pueblo of San Juan, The Pueblo of Picuris, The Pueblo of Pojoaque, The Pueblo of San Ildefonso, The Pueblo of Santa Clara, The Pueblo of Taos, The Pueblo of Tesuque, and Jicarilla Apache.

## **1.8. Related Plans**

Other State, local, and tribal land use plans are relevant to this planning effort and were considered in the development of this DRMP/DEIS. These include:

- the Montezuma County Comprehensive Land Use Plan, January 1997;

- the Forest Management Plan, Ute Mountain Ute Indian Reservation, 2002-2016; and
- the Hovenweep National Monument Land Use Plan, in process.

## **1.9. Policy**

A broad range of Federal policies, decisions, and laws guide development of the DRMP/DEIS. Key laws with bearing on the planning decisions are discussed below.

### **1.9.1. Federal Land Policy Management Act (FLPMA)**

FLPMA establishes the land management authority of the BLM and provides guidance for how public lands are to be managed by the BLM. The BLM manages public lands on the basis of multiple use and sustained yield. It requires that the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values be protected. The DRMP/DEIS will not terminate any valid ROWs or customary operation, maintenance, repair, or replacement activities in existing ROWs on BLM lands.

### **1.9.2. National Environmental Policy Act (NEPA)**

NEPA established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling the social, economic, and other requirements of present and future generations of Americans. It established the CEQ to coordinate environmental matters at the Federal level and to advise the President on such matters. Under the law, all Federal actions that could result in a significant impact on the environment are subject to review by Federal, State, local, and Native American tribal environmental authorities, as well as by affected parties and interested citizens.

### **1.9.3. Clean Air Act**

The United States Congress passed the Clean Air Act in 1963, the Air Quality Act in 1967, the Clean Air Act Extension of 1970, and Clean Air Act Amendments in 1977 and 1990. The 1963 Clean Air Act relied on states to issue and enforce regulations regarding air pollution. Congress amended the Clean Air Act in 1970 and established the Environmental Protection Agency (EPA) to set and enforce national standards for air pollution. In 1990, the EPA was authorized to set National Ambient Air Quality Standards (NAAQS), which establish acceptable concentrations of six criteria pollutants: ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), and particulate matter (PM<sub>2.5</sub>).

### **1.9.4. Clean Water Act (CWA)**

The Clean Water Act (CWA), or the Federal Water Pollution Control Act, is the principal law governing pollution of the nation's surface waters (33 USC 1251). Originally enacted in 1948, it was revised, by subsequent amendments, to spell out ambitious programs for water quality improvements; programs that are still being implemented by industries and municipalities. The Clean Water Act consists of two major parts. The first provision authorized Federal financial assistance for municipal sewage treatment plant construction. The second provision, which is regulatory, established a national policy to maintain conditions under which people and nature can exist in productive harmony while, at the same time, fulfilling social, economic, and other requirements.

### **1.9.5. Endangered Species Act (ESA)**

Management activities on private and public lands are subject to the ESA, as amended. It directs project proponents or government agencies, as appropriate, to consult with the USFWS and/or the National Oceanic and Atmospheric Administration Fisheries Service (NOAA

Fisheries) to address the effects of management activities on threatened and endangered species and designated critical habitat. This consultation leads to the issuance of a Biological Opinion (BO), and may result in the issuance of a Section 10(a) permit (for non-Federal actions) or a Section 7 permit (for Federal actions) by the USFWS and/or NOAA Fisheries. The BLM is consulting with the USFWS regarding any actions that may, under this DRMP/DEIS affect ESA listed species. To this end, a Biological Assessment (BA) has been prepared for the actions proposed through this DRMP/DEIS.

### **1.9.6. National Historic Preservation Act (NHPA)**

The NHPA is the primary Federal law providing for the protection and preservation of cultural resources. The NHPA established the National Register of Historic Places (NRHP), the Advisory Council on Historic Preservation (ACHP), and the State Office of Historic Preservation (SHPO).

### **1.9.7. Migratory Bird Treaty Act (MBTA)**

The Migratory Bird Treaty Act (MBTA) is the domestic law that implements the United States' commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Under this law, all migratory birds and their parts (including eggs, nests, and feathers) are fully protected. Each of the conventions protects select species of birds that are common to multiple countries (i.e., they occur in more than one country at some point during their annual life cycle). The law is implemented by the USFWS. The BLM would be required to manage the bird populations on BLM-administered public lands in the Monument consistent with the requirements of the MBTA.

### **1.9.8. The Brunot Treaty**

The Brunot Treaty, ratified by Congress in 1874, withdrew over 5,000 square miles in the mountains of southwestern Colorado from the 1868 Ute Reservation. The Brunot cession area includes 3,857 acres (including 216 acres of private land) in the southeastern corner of the Monument. The agreement, entered into between the United States (as represented by Felix Brunot) and the Ute Indians in Colorado, was passed into law (18 Stat., 36) by the House of Representatives and the Senate of the U.S. Congress on April 29, 1874 (after Congress decided in 1871 that the U.S. would no longer make treaties with Native American tribes; yet continued to interact with Native American tribes in much the same manner through executive orders and agreements enacted as statutes). Under the "reserved rights doctrine," hunting rights on reservation lands relinquished by the Utes were retained; that is, the tribes retained such rights as part of their status as prior and continuing sovereigns. Article II of the Brunot Agreement specified that "the United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people." This is considered a valid existing right that, under the terms of the Proclamation that established the Monument, must be honored.

These hunting rights currently apply only to the Ute Mountain Ute Indian Tribe, acknowledged when the tribe sued the State of Colorado for their historical hunting rights in 1978. The rights were granted to the tribe under a consent decree that gives enrolled members of the Ute Mountain Ute Tribe the right to hunt deer and elk in the Brunot area for subsistence, religious, or ceremonial purposes. The consent decree specifies that tribal members may hunt deer and elk without a state license year-round, providing that they obtain a tribal hunting permit. Other game animals may be hunted without a license and without bag limits, but only during hunting seasons established by the CDOW. In exercising their Brunot hunting rights, the Ute Mountain Utes must adhere to regulations established by the Monument designed to protect other resources, such as the resources listed in the Monument's transportation plan.

## **1.10. Overall Vision**

The overall management vision for the Canyons of the Ancients National Monument, derived from public scoping, interagency dialogue, and the BLM's interdisciplinary (ID) team, is to "maintain and improve cultural, natural, and open space values on a landscape scale through partnerships and collaboration, for the enjoyment and use of a growing and diverse population of current and future generations."