

**From:** Appel, Elizabeth  
**To:** [Bowman, Randal](#)  
**Cc:** [Juliette Lillie](#)  
**Subject:** Re: Monuments Comments  
**Date:** Thursday, July 06, 2017 12:11:35 PM  
**Attachments:** [01 - Kaibab Band of Paiute Indians.pdf](#)  
[02 - Navajo Nation Council.pdf](#)  
[03 - Navajo Nation.pdf](#)  
[04 - Naabik"iyati" Committe of the Navajo Nation Council.pdf](#)  
[05 - Navajo Nation-Ute Mountain Ute Tribe-Ute Indian Tribe-Zuni Pueblo.pdf](#)  
[06 - Pueblo of Laguna.pdf](#)  
[07 - Bears Ears Commisison.pdf](#)  
[08 - Trask, Milliani.pdf](#)  
[09- Nez Perce Tribe.pdf](#)  
[10 - Gillespie, John.pdf](#)  
[11 - Navajo Nation Council.pdf](#)

---

Hi Randy-

Sure, that would be helpful to get them posted to [regulations.gov](#). I'm attaching the 11 we've received to date.

Thanks!  
Liz

On Thu, Jul 6, 2017 at 12:20 PM, Bowman, Randal <[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

Thank you. I am aware that there is often a delay between comments being filed on [regs.gov](#) and being posted. This is normal and will catch up after the comment period closes.

I'll forward the meeting request to the Secretary's office.

I also have a question for you - are Tribal comments generally released under Freedom of Information Act requests? We have several already that request all public comments. Comments posted on Regs.gov are exempt from these requests. If Tribal comments are subject to FOIA, would you like us to upload them to [regs.gov](#) so your office does not need to provide them in response to the FOIA requests?

On Thu, Jul 6, 2017 at 12:04 PM, Appel, Elizabeth <[elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov)> wrote:

Hi Randy-

I'm sure you're on top of this, but I happened to notice that that there are several thousand comments on the Monuments docket in FDMS that are pending post on [www.regulations.gov](#)... so I just wanted to flag it for you.

Also, we are working on compiling all the comments from Tribes received through our consultations email and will get you the compilation as soon as the comment period closes.

In the meantime, I'm attaching one of the comment letters we received because it includes a request for the Secretary to meet with Tribal officials and and members in the southern half of San Juan County.

Thanks for all of your hard work on this!

Liz

--

Elizabeth K. Appel  
Office of Regulatory Affairs & Collaborative Action  
Office of the Assistant Secretary - Indian Affairs  
(202) 273-4680 - office  
(202) 738-6065 - cell

--

Elizabeth K. Appel  
Office of Regulatory Affairs & Collaborative Action  
Office of the Assistant Secretary - Indian Affairs  
(202) 273-4680 - office  
(202) 738-6065 - cell

# Kaibab Band of Paiute Indians



May 15, 2017

Ryan Zinke, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington D.C., 20240

Mr. Secretary;

Congratulations on your new position as the Secretary of the Interior. I am writing you this letter to express my concerns regarding your most recent visit to the Grand Staircase-Escalante National Monument and the Bears Ears National Monument and for your lack of consultation with Tribal entities. The following concerns directly address the issues of consultation in accord with Executive Orders;

- E.O. 13175; recognizing Tribal Sovereignty and meaningful consultation,
- E.O. 13007; Tribal Sacred Sites,
- E.O. 12898; Environmental Justice in low income and minority communities,
- E.O. 12875; Federal Government to pay for implementation of federal regulations,
- E.O. 11593; Federal entities are to be leaders in the preservation, restoring and maintaining of federally owned historical, archeological and anthropologic site and,
- Executive Memorandum 4/29/94; Insure that all Federal entities recognize and work with Tribal entities in a Government to Government (G2G) relationship and that federal entities work in unison and cooperatively with tribes.

The Kaibab Band of Paiute Indians were a part of the original cooperators seeking to have the Grand Staircase - Escalante to be designated as a National Monument. This we felt was a necessary action on our part due to the fact that things were being done without Tribal input or consultation. For example;

- Many actions in connection with Sacred Sites,
- Repatriation of discovered human remains,
- Over grazing of land,
- Introduction of non-native invasive plant species and,
- Issuance of Mining, Gas and Oil leases that were detrimental to natural resources, sacred sites and accessibility to the land scape.

You stated that "you will work tirelessly to ensure our public lands are managed and preserved in a way that benefits everyone for generations to come", does this still hold true? Most importantly, our sovereign Tribal Nations and Territories must have the respect and freedom they deserve in accordance with your trust responsibilities, thus looking forward to making the Department of the Interior and America trustworthy again.

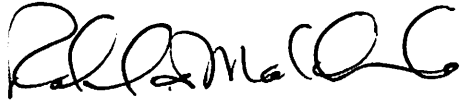
Tribal Affairs

HC 65 Box 2  
Fredonia, Arizona 86022

Phone (928) 643-7245  
Fax (888) 939-3777  
DOI-2018-09 00428

*In respect to the Tribal Sovereignty of the Kaibab Band of Paiute Indians, I as Chairman, am requesting a meeting with yourself, the Secretary of the Department of the Interior, for an official Government to Government (G2G) meeting to address these very important issues in accord with these relevant Executive Orders and Memorandum before continuing and completion of this review of National Monuments.*

*Respectfully*

A handwritten signature in black ink, appearing to read 'Roland Maldonado', with a stylized, cursive script.

*Roland Maldonado  
Tribal Chairman  
Kaibab Band of Paiute Indians  
928/643/7245*





## 23<sup>RD</sup> NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

HONORABLE LORENZO C. BATES  
SPEAKER, 23<sup>RD</sup> NAVAJO NATION COUNCIL

May 22, 2017

Michael S. Black, Acting Assistant Secretary  
United States Department of Interior  
Office of Secretary  
Washington, DC 20240

**Re: Review of National Monuments – Bears Ears**

Dear Mr. Michael Black,

First and foremost, on behalf of the 23<sup>rd</sup> Navajo Nation Council, I would like to extend my sincere appreciation of your invitation to meet with U.S. Department of Interior (DOI) for an opportunity to provide additional comments related to the Bears Ears National Monument. I believe this is another great opportunity for Tribal Leaders to express additional concerns to ensure the Navajo Nation's future prosperity is protected.

Unfortunately, I regret to inform you that I am unable to meet with Mr. James Cason, Acting Deputy Secretary this week. However, Honorable Davis Filfred, Council Delegate (*Aneth, Teechnospos, Tolikan, Red Mesa*) of the 23<sup>rd</sup> Navajo Nation Council will be attending on my behalf. Mr. Filfred has confirmed a meeting is scheduled to meet with DOI on Thursday, May 25, 2017.

Furthermore, I want to reemphasize the Navajo Nation maintains its interest to support the Bears Ears National Monument and oppose any further congressional action to reverse President Barack Obama's proclamation. A position statement will be provided by the end of the week. I look forward to working with DOI as we move forward in addressing these concerns.

Your attention and cooperation is greatly appreciated. If you have any questions, please contact Chief of Staff, Pete Ken Atcitty with the Office of the Speaker at (928) 871-7160.

Sincerely,

LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council

cc: Davis Filfred, Council Delegate, 23<sup>rd</sup> Navajo Nation Council



# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

May 24, 2017

Monument Review, MS-1530  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

## Re: Review of Certain National Monuments Established Since 1996

### I. The History and significance of the Bears Ears National Monument to the Navajo Nation

The Bears Ears National Monument lies immediately adjacent to the Navajo Nation's northern boundary in San Juan County, Utah. The lands protected by the Monument hold special cultural and historical significance for the Navajo people, who believe that the towering spires in the Valley of the Gods are ancient Navajo warriors frozen in stone, and that the Bears Ears peaks are the top of the dismembered head of a bear that stands guard to culturally important Changing Bear Woman.

Additionally, the origin narratives of certain Navajo healing ceremonies make special mention of geographic sites located in present-day Bear's Ears National Monument, including the Bears Ears buttes themselves, Elk Ridge, Comb Ridge, the Abajo Mountains, and zones around crossings of the San Juan River at Cottonwood Wash, Comb Wash, and Mexican Hat. At least five types of Navajo ceremonies are associated with these places. The prominence of these sites in our ceremonies' origin narratives underscores those sites' cultural, spiritual, and historical significance to the Navajo people. Some of these sites were created when our deities first put the earth's surface in order, including what was to become a homeland for the Navajo people and our ancestors. Other sites in the Monument were where our deities and our people stopped amid travels and gained bits of knowledge that became incorporated into some of our most significant ceremonies. The influence of that knowledge continues to ordain the manner by which those ceremonies are practiced even today.

The lands that fall within the Bears Ears National Monument also have great significance to the human history of the Navajo people. By no later than 1800, specific, genealogically-identified Navajo forebears dwelt, herded, farmed, hunted, gathered, and performed ceremonial activities in the present-day Bears Ears National Monument. In 1864, U.S. troops marched several groups of Navajos—totaling over 9,000 individuals—in succession and at gunpoint 350 miles to Fort Sumner in east central New Mexico as the finale to Colonel Kit Carson's scorched earth campaign against the Navajo. Many Navajos escaped this removal by remaining in or fleeing to the stronghold of what is now the Bears Ears National Monument. The Monument is also the home of important figures in Navajo history, including Headman *K'aayèlìi*, and Navajo Chief Manuelito (one of the negotiators of and signatories to the Navajo Treaty of 1868 with the United States).

The ties of the Navajo to the region extend from "pre-historic" times to the present. Ethnographic studies and oral traditions describe the Navajo ethno-genesis as an assimilation of various ethnic groups, including the Anasazi and Puebloan peoples from Canyon de Chelly and elsewhere, who the Navajo acknowledge as their relatives by referring to them as *Nihinaazázi* (the ancestors who lived around us). Today the Navajo people continue to make offerings and prayers to these relatives in the Bears Ears region. Until recently, the Navajo people resided in areas now within the Monument's boundaries. They



lived there in hogans and wikiups, herded sheep, and hunted on the land. They also foraged, created rock art, and buried ancestors there. Many hogans remain in the region today, standing as a tribute to the deep cultural and historical ties the Navajo people retain to the Monument lands.

Indeed, Navajo people continue to make extensive use of the Monument lands. Traditional Navajo ceremonies, practiced since time immemorial, continue to take place in the Monument, and draw on plants, soils, and other items that can only be harvested from the Monument. The Navajo people have a demonstrated, enduring, and strong interest in the preservation of the Monument as designated by President Obama because this specific designation provides significant protection for the preservation of Navajo culture and traditions into the future.

## **II. The Establishment of Bears Ears National Monument Was Proper**

The lands now protected within the Bears Ears National Monument are archaeologically rich, in part because of the strong human presence of the Navajo people and our forebears on that land. This richness did not go unnoticed. Vandalism and looting of those lands has long been an issue of concern for the region, and for the Navajo people and the Navajo Nation. In 2009 a federal raid resulted in the arrest and sentencing of 19 San Juan County residents for violations of the Archaeological Resources Protection Act. It was perhaps this recent and egregious incident that prompted a more than six years long robust public process that engaged the citizens of San Juan County and elsewhere in Utah in a discussion on how Bears Ears and other public lands in Utah might be better protected. This process was initiated by former Utah Senator Ben Bennett, and included specific outreach to the Utah Navajo Chapters.

As a people whose culture is derived from a deep connection to the Monument lands, and to the animals that share that land, the Navajo people have remained dedicated participants in this public process and ultimately in the protection of those land through designation of the Monument. As part of the larger public process underway, Utah Diné Bikéyah, a Navajo citizens group, was directed to undertake an ethnographic study. They spent two and a half years researching and analyzing the specific lands in the Bears Ears region to identify those lands with the strongest cultural ties to the Navajo and other tribes. Then-Navajo Nation President Ben Shelly officially called on the U.S. Department of Interior to designate the Bears Ears region as a National Monument in 2011. That same year, the Navajo Nation and Utah Diné Bikéyah signed an MOU with San Juan County to engage in a joint public lands planning process. Between 2011 and 2015, Navajo Nation and Utah Diné Bikéyah continued to engage in outreach to local and federal representatives and officials, publish information about the proposed monument, and host public meetings. In 2014, six out of seven Utah Navajo Chapters passed resolutions in support of the Monument, and four other tribes joined the Navajo Nation in forming the Bears Ears Inter-Tribal Coalition (“Coalition”) to advocate for the protection of the Monument lands. The other member tribes to the Coalition include the Hopi Tribe, the Zuni Tribe, the Ute Indian Tribe, and the Ute Mountain Ute Tribe.

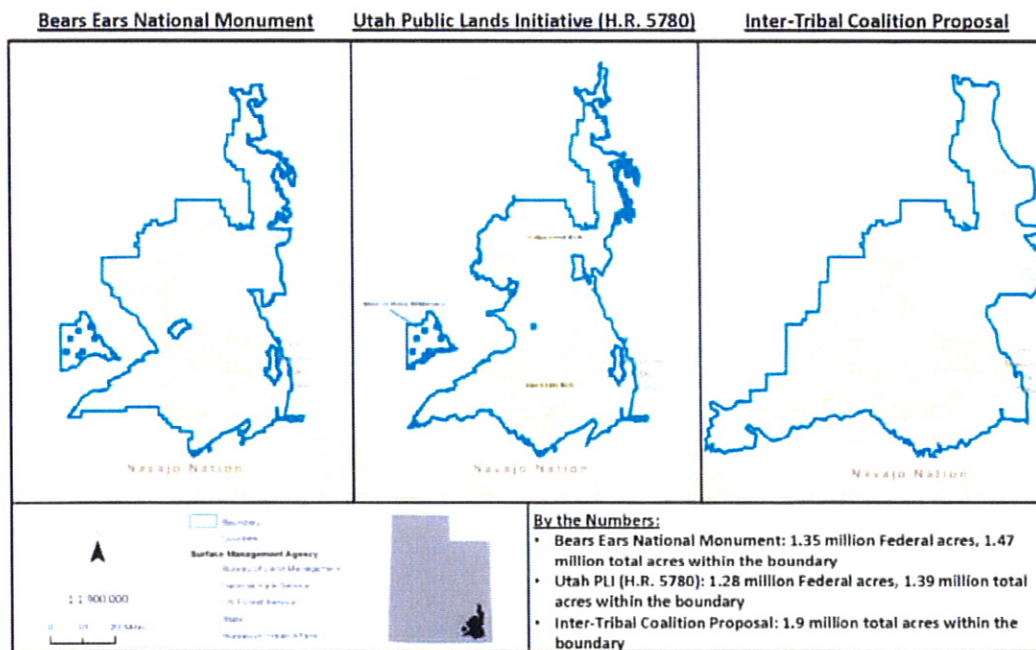
The ethnographic research and data analysis conducted by Utah Diné Bikéyah was used by the Coalition in making its recommendation for first a National Conservation Area and—when it became clear Congress would not act to adequately protect the Monument lands—then a monument designation. Utah Diné Bikéyah identified hundreds of thousands of historic landmarks, structures, and historic and scientific objects located within the boundaries of Bears Ears National Monument. These included migration routes, ancient roads, great houses, villages, granaries, hogans, wikiups, sweat lodges, corrals, tipi rings, shade houses, pueblos, kivas, rock paintings, petroglyphs, pictographs, and cliff dwellings in addition to the rich paleontological and ecological resources the Monument protects. This research demonstrates that all lands within the Monument boundary (and many thousand acres more) are necessary for the proper care and management of important cultural and historic resources. The original map the Coalition presented to the Obama administration for protection included 1.9 million acres of land defined

by the ethnographic research conducted by Utah Diné Bikéyah. This same map was presented to the people of San Juan County in December of 2014 and received the approval of 64 percent of respondents.

When the MOU between the Navajo Nation, Utah Diné Bikéyah, and San Juan County expired in 2013, the County chose not to renew it. Instead, the County collaborated with the Utah Congressional delegation to develop an alternative proposal they called the Public Lands Initiative. The Public Lands Initiative proposed protections in the form of two National Conservation Areas (NCAs): the Bears Ears NCA and the Indian Creek NCA. The Public Lands Initiative bill would have provided for management advice through two bodies: one composed of tribal members, and a second composed of citizens of San Juan County. The Bears Ears NCA section of the bill did not address mineral or land disposal withdrawals, livestock grazing, wildlife management, vehicle use, or water rights. The Indian Creek NCA section of the bill would not have provided for management advisors, but would have withdrawn the area from mineral development and disposal under applicable public lands laws, and limited vehicle use to designated routes. This proposal was also presented to the people of San Juan County in December 2014, but received the support of less than 1 percent of respondents.

The Navajo Nation and other Coalition tribes spent extensive time and resources on developing the evidence and working with the federal government on the creation of Bears Ears National Monument in order to protect ongoing use of the region by Native and non-Native people. When the Monument was designated, the Obama administration created the boundary based on a compromise between the tribes' proposed boundary (which was based on cultural resource protection), and the Utah Delegation's Public Lands Initiative bill (which was based on facilitating natural resource extraction). The map below comparing both proposals with the current Monument forcefully makes this point. While this compromise did not afford the extent of protection that the Coalition tribes sought, the Navajo Nation believes that the compromise was well-reasoned, and allows for an appropriate balance between protection of cultural and historic sites within the Monument and extraction in the most appropriate locations along the boundaries of the Monument.

#### Bears Ears National Monument and other proposals for protecting the Bears Ears area



### **III. Threats to Monument Lands Remain Imminent and Warrant Protection**

Throughout the public engagement process, vandalism and looting of the archaeologically rich Bears Ears region continued to threaten even the most remote areas of Bears Ears. The BLM Field Office in Monticello, Utah reports that it investigated 25 instances of looting, vandalism, and disturbance of grave sites in San Juan County between 2011 and 2016, and has continued to receive increasing numbers of similar reports in 2017. Other threats to the Bears Ears region and its fragile archaeological and paleontological resources prior to Monument designation included irresponsible off-road vehicle use, visitors who caused damage due to lack of knowledge about the nature and fragility of archaeological and paleontological resources, and mining and energy development. Oil, gas, and uranium can be found in and around the Monument, and in March 2015 the Utah legislature passed HB 0393, which designated the majority of the Monument lands as an “Energy Zone.” The bill aimed to streamline development and declared grazing, energy and mineral development to be the “highest and best use” of public lands. All of these uses threaten the integrity of the archaeological and cultural resources now protected by Monument status.

### **IV. Continued Use and Enjoyment of Bears Ears National Monument**

The collaborative role the Coalition tribes will play in providing guidance and recommendations on the development and implementation of management plans and on management of the Monument, will ensure that Monument management will acknowledge and protect the living and dynamic nature of Navajo culture, as well as the resources of the Monument. Our tribal members will thus be able to continue age-old cultural practices on Monument lands—such as the harvesting of plants, firewood, and minerals, hunting, and ceremonial practices—even while we preserve invaluable cultural and historic structures that provide unparalleled scientific and recreational opportunities to the general public.

The Coalition tribes worked hard to ensure the designation of Bears Ears National Monument in a manner that would both protect the lands and their historical, archaeological, cultural, and spiritual resources and also ensure ongoing traditional use of those lands by the membership of all five tribes. The Monument has the broad and enthusiastic support of tribal members, including the majority of Navajos living in San Juan County. The Nation stands ready to support and defend the Monument alongside the other Coalition tribes for as long as necessary to ensure that the Monument remains protected for tribal people and all people who wish to visit its lands. One of the key drivers in the Coalition seeking to protect these lands was to protect their healing powers, which extend beyond Indian country and offer a benefit to all humanity. The region has already seen a marked increase in use of these lands, as visitors from around the world learn about the wonders of the Bears Ears region. This increased visitation has begun, and will continue to benefit the local economy in San Juan County, Utah.

### **V. Management of the Monument**

The Coalition tribes have all appointed representatives to the Bears Ears Commission, which was established by the Bears Ears Monument declaration. Although a Monument Manager has not yet been appointed by the Bureau of Land Management, the Commission is currently developing governing documents and management recommendations. The Coalition tribes are deeply committed to supporting the successful management of Bears Ears National Monument, and with the help of a group of non-profits, have begun work even without federal funding. The Commission’s work is vital at this time, in light of the increased visitation to the Monument. The majority of visitors are new to the region, and many do not have the knowledge about how to responsibly visit fragile archaeological sites without causing damage to manmade objects and fragile desert ecosystems. The Navajo Nation and other Coalition tribes will continue to support and work for the successful management of the Monument, and

stand ready to assist the federal land management agencies with visitation and management planning by bringing additional personnel, knowledge, and some grant funding resources to the process.

**VI. Bears Ears Was Properly Designated and Should Remain a Monument**

The area protected by Bears Ears National Monument is deeply significant to the Navajo people and other Coalition tribes, and is replete with paleontological, archaeological, historic, and scientific resources. These resources extend outside of the Monument boundaries, but the dimension of Bears Ears National Monument were carefully crafted to protect the most important objects while allowing for continued natural resource extraction in other parts of San Juan County. The area protected is the "smallest area compatible with the proper care and management" of the area's most important objects and ecosystems, while allowing for appropriate multiple uses both within and outside the Monument's boundaries. The Navajo Nation, including a majority of its members in San Juan County, supports the Monument designation. The Nation looks forward to the economic growth through tourism that the Monument will bring to the region, as well as the protections to significant cultural and historic landmarks that it affords. The Navajo Nation stands ready to continue to provide expertise and resources in the management and protection of the Monument.

Sincerely,

**THE NAVAJO NATION**

A handwritten signature in black ink, appearing to read "Russell Begaye". The signature is fluid and cursive, with the first name "Russell" being more prominent than the last name "Begaye".

Russell Begaye, *President*



RESOLUTION OF THE  
NAABIK'IYATI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO NAABIK'IYATI'; SUPPORTING THE PROCLAMATION  
ESTABLISHING THE BEARS EARS NATIONAL MONUMENT BY THE PRESIDENT  
OF THE UNITED STATES BARACK OBAMA AND OPPOSE CONGRESSIONAL  
ACTION TO REVERSE THE PRESIDENTIAL PROCLAMATION

WHEREAS:

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164 (A). oppose
- B. The Navajo Nation established the Naabik'iyati' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyati' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); see also CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. The Navajo Nation hereby supports the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama, attached hereto as Exhibit A. See also <https://www.whitehouse.gov>.
- E. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe. *Id.*



- F. The Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic and scientific values of this area remain for the benefit of all Americans. *Id.*
- G. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. *Id.*
- H. The Antiquities Act authorizes the President, in his discretion, 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 Federal Government to be national monuments. 54 U.S.C. §320301 (2014); See also Exhibit B.
- I. The Navajo Nation opposes any further congressional action to reverse the presidential proclamation in establishing the Bears Ears National Monument.
- J. The people of Utah include many Native American tribes and to undo the designation would not honor the will of the people of Utah.
- K. The Navajo Nation finds it in the best interest of the Navajo People to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and oppose further congressional action to reverse the presidential proclamation.

**NOW THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and to advocate support from the 115<sup>th</sup> Congress and the Trump Administration to oppose further congressional action to reverse the presidential proclamation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of in 19 favor and 0 oppose, this 5<sup>th</sup> day of January, 2017.

A handwritten signature in black ink, appearing to read 'Lorenzo C. Bates', with a large, stylized initial 'L'.

Honorable Lorenzo C. Bates, Chairperson  
Naabik'íyáti' Committee

Motion: Nelson S. BeGaye

Second: Alton Joe Shepherd



**The White House**

Office of the Press Secretary

For Immediate Release

December 28, 2016

# Proclamation -- Establishment of the Bears Ears National Monument

ESTABLISHMENT OF THE BEARS EARS NATIONAL MONUMENT

-----

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, or "Bears Ears." For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.

The area's human history is as vibrant and diverse as the ruggedly beautiful landscape. From the earliest occupation, native peoples left traces of their presence. Clovis people hunted among the cliffs and canyons of Cedar Mesa as early as 13,000 years ago, leaving behind tools and projectile points in places like the Lime Ridge Clovis Site, one of the oldest known archaeological sites in Utah. Archaeologists believe that these early people hunted mammoths, ground sloths,

and other now-extinct megafauna, a narrative echoed by native creation stories. Hunters and gatherers continued to live in this region in the Archaic Period, with sites dating as far back as 8,500 years ago.

Ancestral Puebloans followed, beginning to occupy the area at least 2,500 years ago, leaving behind items from their daily life such as baskets, pottery, and weapons. These early farmers of Basketmaker II, and III and builders of Pueblo I, II and III left their marks on the land. The remains of single family dwellings, granaries, kivas, towers, and large villages and roads linking them together reveal a complex cultural history. "Moki steps," hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people's ingenuity and perseverance and are still used today to access dwellings along cliff walls. Other, distinct cultures have thrived here as well -- the Fremont People, Numic- and Athabaskan-speaking hunter-gatherers, and Utes and Navajos. Resources such as the Doll House Ruin in Dark Canyon Wilderness Area and the Moon House Ruin on Cedar Mesa allow visitors to marvel at artistry and architecture that have withstood thousands of seasons in this harsh climate.

The landscape is a milieu of the accessible and observable together with the inaccessible and hidden. The area's petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists. The Indian Creek area contains spectacular rock art, including hundreds of petroglyphs at Newspaper Rock. Visitors to Bears Ears can also discover more recent rock art left by the Ute, Navajo, and Paiute peoples. It is also the less visible sites, however -- those that supported the food gathering, subsistence and ceremony of daily life -- that tell the story of the people who lived here. Historic remnants of Native American sheep-herding and farming are scattered throughout the area, and pottery and Navajo hogans record the lifeways of native peoples in the 19th and 20th centuries.

For thousands of years, humans have occupied and stewarded this land. With respect to most of these people, their contribution to the historical record is unknown, but some have played a more public role. Famed Navajo headman K'aayéíí was born around 1800 near the twin Bears Ears buttes. His band used the area's remote canyons to elude capture by the U.S. Army and avoid the fate that befell many other Navajo bands: surrender, the Long Walk, and forced relocation to

Bosque Redondo. Another renowned 19th century Navajo leader, "Hastiin Ch'ihaajin" Manuelito, was also born near the Bears Ears.

The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.

Euro-Americans first explored the Bears Ears area during the 18th century, and Mormon settlers followed in the late 19th century. The San Juan Mission expedition traversed this rugged country in 1880 on their journey to establish a new settlement in what is now Bluff, Utah. To ease the passage of wagons over the slick rock slopes and through the canyonlands, the settlers smoothed sections of the rock surface and constructed dugways and other features still visible along their route, known as the Hole-in-the-Rock Trail. Cabins, corrals, trails, and carved inscriptions in the rock reveal the lives of ranchers, prospectors, and early archaeologists. Cattle rustlers and other outlaws created a convoluted trail network known as the Outlaw Trail, said to be used by Butch Cassidy and the Sundance Kid. These outlaws took advantage of the area's network of canyons, including the aptly-named Hideout Canyon, to avoid detection.

The area's stunning geology, from sharp pinnacles to broad mesas, labyrinthine canyons to solitary hoodoos, and verdant hanging gardens to bare stone arches and natural bridges, provides vital insights to geologists. In the east, the Abajo Mountains tower, reaching elevations of more than 11,000 feet. A long geologic history is documented in the colorful rock layers visible in the area's canyons.

For long periods over 300 million years ago, these lands were inundated by tropical seas and hosted thriving coral reefs. These seas infused the area's black rock shale

with salts as they receded. Later, the lands were bucked upwards multiple times by the Monument Upwarp, and near-volcanoes punched up through the rock, leaving their marks on the landscape without reaching the surface. In the sandstone of Cedar Mesa, fossil evidence has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, in the Late Triassic Period more than 200 million years ago, seasonal monsoons flooded an ancient river system that fed a vast desert here.

The paleontological resources in the Bears Ears area are among the richest and most significant in the United States, and protection of this area will provide important opportunities for further archaeological and paleontological study. Many sites, such as Arch Canyon, are teeming with fossils, and research conducted in the Bears Ears area is revealing new insights into the transition of vertebrate life from reptiles to mammals and from sea to land. Numerous ray-finned fish fossils from the Permian Period have been discovered, along with other late Paleozoic Era fossils, including giant amphibians, synapsid reptiles, and important plant fossils. Fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles have been found in Indian Creek's Chinle Formation, dating to the Triassic Period, and phytosaur and dinosaur fossils from the same period have been found along Comb Ridge. Paleontologists have identified new species of plant-eating crocodile-like reptiles and mass graves of lumbering sauropods, along with metoposaurus, crocodiles, and other dinosaur fossils. Fossilized trackways of early tetrapods can be seen in the Valley of the Gods and in Indian Creek, where paleontologists have also discovered exceptional examples of fossilized ferns, horsetails, and cycads. The Chinle Formation and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition in the world, crucial to understanding how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. In Pleistocene Epoch sediments, scientists have found traces of mammoths, short-faced bears, ground sloths, primates, and camels.

From earth to sky, the region is unsurpassed in wonders. The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence.

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters. Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia. Ranchers have relied on the forests and grasslands of the region for ages, and hunters come from across the globe for a chance at a bull elk or other big game. Today, ecological restoration through the careful use of wildfire and management of grazing and timber is working to restore and maintain the health of these vital watersheds and grasslands.

The diversity of the soils and microenvironments in the Bears Ears area provide habitat for a wide variety of vegetation. The highest elevations, in the Elk Ridge area of the Manti-La Sal National Forest, contain pockets of ancient Engelmann spruce, ponderosa pine, aspen, and subalpine fir. Mesa tops include pinyon-juniper woodlands along with big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah serviceberry, western chokecherry, hackberry, barberry, cliff rose, and greasewood. Canyons contain diverse vegetation ranging from yucca and cacti such as prickly pear, claret cup, and Whipple's fishhook to mountain mahogany, ponderosa pine, alder, sagebrush, birch, dogwood, and Gambel's oak, along with occasional stands of aspen. Grasses and herbaceous species such as bluegrass, bluestem, giant ryegrass, ricegrass, needle and thread, yarrow, common mallow, balsamroot, low larkspur, horsetail, and peppergrass also grow here, as well as pinnate spring parsley, Navajo penstemon, Canyonlands lomatium, and the Abajo daisy.

Tucked into winding canyons are vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder. Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species such as Douglas fir. A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area's canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape. Wildflowers such as beardtongue, evening primrose, aster, Indian paintbrush, yellow and purple beeflower, straight bladderpod, Durango tumble mustard, scarlet



gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, hedgehog cactus, and columbine, bring bursts of color to the landscape.

The diverse vegetation and topography of the Bears Ears area, in turn, support a variety of wildlife species. Mule deer and elk range on the mesas and near canyon heads, which provide crucial habitat for both species. The Cedar Mesa landscape is home to bighorn sheep which were once abundant but still live in Indian Creek, and in the canyons north of the San Juan River. Small mammals such as desert cottontail, black-tailed jackrabbit, prairie dog, Botta's pocket gopher, white-tailed antelope squirrel, Colorado chipmunk, canyon mouse, deer mouse, pinyon mouse, and desert woodrat, as well as Utah's only population of Abert's tassel-eared squirrels, find shelter and sustenance in the landscape's canyons and uplands. Rare shrews, including a variant of Merriam's shrew and the dwarf shrew can be found in this area.

Carnivores, including badger, coyote, striped skunk, ringtail, gray fox, bobcat, and the occasional mountain lion, all hunt here, while porcupines use their sharp quills and climbing abilities to escape these predators. Oral histories from the Ute describe the historic presence of bison, antelope, and abundant bighorn sheep, which are also depicted in ancient rock art. Black bear pass through the area but are rarely seen, though they are common in the oral histories and legends of this region, including those of the Navajo.

Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog. Even the most sharp-eyed visitors probably will not catch a glimpse of the secretive Utah night lizard. Other reptiles in the area include the sagebrush lizard, eastern fence lizard, tree lizard, side-blotched lizard, plateau striped whiptail, western rattlesnake, night snake, striped whipsnake, and gopher snake.

Raptors such as the golden eagle, peregrine falcon, bald eagle, northern harrier, northern goshawk, red-tailed hawk, ferruginous hawk, American kestrel, flammulated owl, and great horned owl hunt their prey on the mesa tops with deadly speed and accuracy. The largest contiguous critical habitat for the threatened Mexican spotted owl is on the Manti-La Sal National Forest. Other bird species found in the area include Merriam's turkey, Williamson's sapsucker,

common nighthawk, white-throated swift, ash-throated flycatcher, violet-green swallow, cliff swallow, mourning dove, pinyon jay, sagebrush sparrow, canyon towhee, rock wren, sage thrasher, and the endangered southwestern willow flycatcher.

As the skies darken in the evenings, visitors may catch a glimpse of some the area's at least 15 species of bats, including the big free-tailed bat, pallid bat, Townsend's big-eared bat, spotted bat, and silver-haired bat. Tinajas, rock depressions filled with rainwater, provide habitat for many specialized aquatic species, including pothole beetles and freshwater shrimp. *Eucosma navajoensis*, an endemic moth that has only been described near Valley of the Gods, is unique to this area.

Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. The area contains numerous objects of historic and of scientific interest, and it provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region.

WHEREAS, section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, 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 Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Bears Ears lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and

interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.35 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land

management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commission) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the

Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land currently owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. The Secretary of the Interior shall report to the President by January 19, 2017, regarding the potential for such an exchange.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional

roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

**54 USC 320301: National monuments**

Text contains those laws in effect on December 28, 2016

**From Title 54-NATIONAL PARK SERVICE AND RELATED PROGRAMS**

Subtitle III-National Preservation Programs

DIVISION C-AMERICAN ANTIQUITIES

CHAPTER 3203-MONUMENTS, RUINS, SITES, AND OBJECTS OF ANTIQUITY

**Jump To:**[Source Credit](#)[Miscellaneous](#)**§320301. National monuments**

(a) Presidential Declaration.-The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) Reservation of Land.-The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) Relinquishment to Federal Government.-When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) Limitation on Extension or Establishment of National Monuments in Wyoming.-No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

( Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3259 .)

## Historical and Revision Notes

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
320301(a) through (c)	16 U.S.C. 431.	June 8, 1906, ch. 3060, §2, 34 Stat. 225 .
320301(d)	16 U.S.C. 431a.	Sept. 14, 1950, ch. 950, §1 (proviso relating to national monuments), 64 Stat. 849 .

In subsection (c), the word "parcel" is substituted for "tract" for consistency in this section.

In subsection (d), the word "further" is omitted as obsolete.

## National Monuments Established Under Presidential Proclamation

Ackia Battleground National Monument, Mississippi [see section 450r of Title 16, Conservation].-Proc. No. 2307, Oct. 25, 1938, 53 Stat. 2494.

Admiralty Island National Monument, Alaska [Monument established within Tongass National Forest by Pub. L. 96-487, title V, §503(b), Dec. 2, 1980, 94 Stat. 2399 ; Pub. L. 104-123, Apr. 1, 1996, 110 Stat. 879 ; Pub. L. 105-60, Oct. 10, 1997, 111 Stat. 1269 ].-Proc. No. 4611, Dec. 1, 1978, 93 Stat. 1446.

African Burial Ground National Monument, New York.-Proc. No. 7984, Feb. 27, 2006, 71 F.R. 10793.

Agua Fria National Monument, Arizona.-Proc. No. 7263, Jan. 11, 2000, 65 F.R. 2817.

Andrew Johnson National Monument, Tennessee [Monument redesignated Andrew Johnson National Historical Site, see section 450o of Title 16, Conservation].-Proc. No. 2554, Apr. 27, 1942, 56 Stat. 1955.

Aniakchak National Monument, Alaska [Monument established as unit of National Park System, see section 410hh(1) of Title 16, Conservation].-Proc. No. 4612, Dec. 1, 1978, 93 Stat. 1448.

Arches National Monument, Utah [Monument abolished and funds made available to Arches National Park, see section 272 of Title 16, Conservation].-Proc. No. 1875, Apr. 12, 1929, 46 Stat. 2988; Proc. No. 2312, Nov. 25, 1938, 53 Stat. 2504; Proc. No. 3360, July 22, 1960, 74 Stat. c79; Proc. No. 3887, Jan. 20, 1969, 83 Stat. 920.

Aztec Ruins National Monument, New Mexico.-Proc. No. 1650, Jan. 24, 1923, 42 Stat. 2295; Proc. No. 1840, July 2, 1928, 45 Stat. 2954; Proc. No. 1928, Dec. 19, 1930, 46 Stat. 3040; Proc. No. 2787, May 27, 1948, 62 Stat. 1513; Pub. L. 100-559, title VI, §§601-604, Oct. 28, 1988, 102 Stat. 2800 .

Badlands National Monument, South Dakota [Monument redesignated Badlands National Park, see section



- 141e-1 of Title 16, Conservation].-Proc. No. 2320, Jan. 25, 1939, 53 Stat. 2521.
- Bandelier National Monument, New Mexico.-Proc. No. 1322, Feb. 11, 1916, 39 Stat. 1764; Proc. No. 1991, Feb. 25, 1932, 47 Stat. 2503; Proc. No. 3388, Jan. 9, 1961, 75 Stat. 1014; Proc. No. 3539, May 27, 1963, 77 Stat. 1006; Pub. L. 94-578, title III, §309, Oct. 21, 1976, 90 Stat. 2736; Pub. L. 105-85, div. C, title XXXI, §3164, Nov. 18, 1997, 111 Stat. 2050; Pub. L. 105-376, Nov. 12, 1998, 112 Stat. 3388.
- Basin and Range National Monument, Nevada.-Proc. No. 9297, July 10, 2015, 80 F.R. 41969.
- Becharof National Monument, Alaska.-Proc. No. 4613, Dec. 1, 1978, 93 Stat. 1450.
- Belmont-Paul Women's Equality National Monument, District of Columbia.-Proc. No. 9423, Apr. 12, 2016, 81 F.R. 22505.
- Bering Land Bridge National Monument, Alaska.-Proc. No. 4614, Dec. 1, 1978, 93 Stat. 1451.
- Berryessa Snow Mountain National Monument, California.-Proc. No. 9298, July 10, 2015, 80 F.R. 41975.
- Big Hole Battlefield National Monument, Montana [Monument redesignated Big Hole National Battlefield, see section 430uu of Title 16, Conservation].-Ex. Ord. No. 1216, June 23, 1910; Proc. No. 2339, June 29, 1939, 53 Stat. 2544.
- Black Canyon of the Gunnison National Monument, Colorado [Monument abolished and lands incorporated in, and funds made available for, Black Canyon of the Gunnison National Park, see section 410fff-2 of Title 16, Conservation].-Proc. No. 2033, Mar. 2, 1933, 47 Stat. 2558; Proc. No. 2286, May 16, 1938, 52 Stat. 1548; Proc. No. 2372, Oct. 28, 1939, 54 Stat. 2669; Proc. No. 3344, Apr. 8, 1960, 74 Stat. c56; Pub. L. 98-357, July 13, 1984, 98 Stat. 397.
- Browns Canyon National Monument, Colorado.-Proc. No. 9232, Feb. 19, 2015, 80 F.R. 9975.
- Bryce Canyon National Monument, Utah.-Proc. No. 1664, June 8, 1923, 43 Stat. 1914; Proc. No. 1930, Jan. 5, 1931, 46 Stat. 3042; Proc. No. 1952, May 4, 1931, 47 Stat. 2455.
- Buck Island Reef National Monument, Virgin Islands.-Proc. No. 3443, Dec. 28, 1961, 76 Stat. 1441; Proc. No. 4346, Feb. 1, 1975, 89 Stat. 1237; Proc. No. 4359, Mar. 28, 1975, 89 Stat. 1254; Proc. No. 7392, Jan. 17, 2001, 66 F.R. 7335.
- Cabrillo National Monument, California.-Proc. No. 1255, Oct. 14, 1913, 38 Stat. 1965; Proc. No. 3273, Feb. 2, 1959, 73 Stat. c19; Proc. No. 4319, Sept. 28, 1974, 88 Stat. 2514.
- California Coastal National Monument, California.-Proc. No. 7264, Jan. 11, 2000, 65 F.R. 2821; Proc. No. 9089, Mar. 11, 2014, 79 F.R. 14603.
- Canyon De Chelly National Monument, Arizona [see section 445 of Title 16, Conservation].-Proc. No. 1945, Apr. 1, 1931, 47 Stat. 2448; Proc. No. 2036, Mar. 3, 1933, 47 Stat. 2562.
- Canyons of the Ancients National Monument, Colorado.-Proc. No. 7317, June 9, 2000, 65 F.R. 37243.
- Cape Krusenstern National Monument, Alaska [Monument established as unit of National Park System, see section 410hh(3) of Title 16, Conservation].-Proc. No. 4615, Dec. 1, 1978, 93 Stat. 1453.
- Capitol Reef National Monument, Utah [Monument abolished and funds made available to Capitol Reef National Park, see section 273 of Title 16, Conservation].-Proc. No. 2246, Aug. 2, 1937, 50 Stat. 1856; Proc. No. 3249, July 2, 1958, 72 Stat. c48; Proc. No. 3888, Jan. 20, 1969, 83 Stat. 922.
- Capulin Mountain National Monument, New Mexico [Monument redesignated Capulin Volcano National Monument by Pub. L. 100-225, title V, §506(g), Dec. 31, 1987, 101 Stat. 1547].-Proc. No. 1340, Aug. 9, 1916, 39 Stat. 1792.
- Capulin Volcano National Monument, New Mexico [Monument changed from Capulin Mountain National Monument, see section 460uu-46(g) of Title 16, Conservation].-Proc. No. 1340, Aug. 9, 1916, 39 Stat. 1792; Pub. L. 87-635, Sept. 5, 1962, 76 Stat. 436; Pub. L. 100-225, title V, §506(g), Dec. 31, 1987, 101 Stat. 1547.
- Carlsbad Cave National Monument, New Mexico [Monument redesignated Carlsbad Caverns National Park, see section 407 of Title 16, Conservation].-Proc. No. 1679, Oct. 25, 1923, 43 Stat. 1929.
- Carrizo Plain National Monument, California.-Proc. No. 7393, Jan. 17, 2001, 66 F.R. 7339.
- Casa Grande National Monument, Arizona.-Proc. No. 1470, Aug. 3, 1918, 40 Stat. 1818.
- Cascade-Siskiyou National Monument, Oregon.-Proc. No. 7318, June 9, 2000, 65 F.R. 37249; Pub. L. 111-11, title I, §§1401-1406, Mar. 30, 2009, 123 Stat. 1026-1031.
- Castillo de San Marcos National Monument, Florida [Monument changed from Fort Marion National Monument by act June 5, 1942, ch. 337, 56 Stat. 312].-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Pub. L. 108-480, Dec. 23, 2004, 118 Stat. 3907.
- Castle Mountains National Monument, California.-Proc. No. 9394, Feb. 12, 2016, 81 F.R. 8365.
- Castle Pinckney National Monument, South Carolina.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.
- Cedar Breaks National Monument, Utah.-Proc. No. 2054, Aug. 22, 1933, 48 Stat. 1705.
- César E. Chávez National Monument, California.-Proc. No. 8884, Oct. 8, 2012, 77 F.R. 62413.
- Chaco Canyon National Monument, New Mexico [Monument abolished and funds made available to Chaco

- Culture National Historical Park, see section 410ii-1(a) of Title 16, Conservation].-Proc. No. 740, Mar. 11, 1907, 35 Stat. 2119; Proc. No. 1826, Jan. 10, 1928, 45 Stat. 2937.
- Channel Islands National Monument, California [Monument abolished and incorporated in Channel Islands National Park, see section 410ff of Title 16, Conservation].-Proc. No. 2281, Apr. 26, 1938, 52 Stat. 1541; Proc. No. 2825, Feb. 9, 1949, 63 Stat. 1258; Pub. L. 93-477, title IV, §401, Oct. 26, 1974, 88 Stat. 1447; Pub. L. 94-578, title II, §201(9), Oct. 21, 1976, 90 Stat. 2733.
- Charles Young Buffalo Soldiers National Monument, Ohio.-Proc. No. 8945, Mar. 25, 2013, 78 F.R. 18777.
- Chesapeake and Ohio Canal National Monument, Maryland.-Proc. No. 3391, Jan. 18, 1961, 75 Stat. 1023.
- Chimney Rock National Monument, Colorado.-Proc. No. 8868, Sept. 21, 2012, 77 F.R. 59275.
- Chiricahua National Monument, Arizona.-Proc. No. 1692, Apr. 18, 1924, 43 Stat. 1946; Proc. No. 2288, June 10, 1938, 52 Stat. 1551.
- Cinder Cone National Monument, California.-Proc. No. 753, May 6, 1907, 35 Stat. 2131.
- Colonial National Monument, Virginia [Monument redesignated Colonial National Historical Park, see section 81 of Title 16, Conservation].-Proc. No. 1929, Dec. 30, 1930, 46 Stat. 3041; Proc. No. 2055, Aug. 22, 1933, 48 Stat. 1706.
- Colorado National Monument, Colorado.-Proc. No. 1126, May 24, 1911, 37 Stat. 1681; Proc. No. 2037, Mar. 3, 1933, 47 Stat. 2563; Proc. No. 3307, Aug. 7, 1959, 73 Stat. c69; Pub. L. 94-578, title III, §302(a), Oct. 21, 1976, 90 Stat. 2734.
- Craters of the Moon National Monument, Idaho.-Proc. No. 1694, May 2, 1924, 43 Stat. 1947; Proc. No. 1843, July 23, 1928, 45 Stat. 2959; Proc. No. 1916, July 9, 1930, 46 Stat. 3029; Proc. No. 2499, July 18, 1941, 55 Stat. 1660; Proc. No. 3506, Nov. 19, 1962, 77 Stat. 960; Pub. L. 104-333, div. I, title II, §205, Nov. 12, 1996, 110 Stat. 4106; Proc. No. 7373, Nov. 9, 2000, 65 F.R. 69221; Pub. L. 107-213, §1, Aug. 21, 2002, 116 Stat. 1052.
- Death Valley National Monument, California and Nevada [Monument abolished and incorporated in Death Valley National Park, see section 410aaa-1 of Title 16, Conservation].-Proc. No. 2028, Feb. 11, 1933, 47 Stat. 2554; Proc. No. 2228, Mar. 26, 1937, 50 Stat. 1823; Proc. No. 2961, Jan. 17, 1952, 66 Stat. c18; Pub. L. 103-433, title III, §302, Oct. 31, 1994, 108 Stat. 4485.
- Denali National Monument, Alaska.-Proc. No. 4616, Dec. 1, 1978, 93 Stat. 1455.
- Devil Postpile National Monument, California.-Proc. No. 1166, July 6, 1911, 37 Stat. 1715.
- Devils Tower National Monument, Wyoming.-Proc. No. 658, Sept. 24, 1906, 34 Stat. 3236; act Aug. 9, 1955, ch. 647, 69 Stat. 575.
- Dinosaur National Monument, Utah-Colorado.-Proc. No. 1313, Oct. 4, 1915, 39 Stat. 1752; Proc. No. 2290, July 14, 1938, 53 Stat. 2454; Pub. L. 100-701, §§2-4, Nov. 19, 1988, 102 Stat. 4641.
- Edison Laboratory National Monument, New Jersey [Monument and Edison Home National Historic Site together with certain adjacent lands redesignated Edison National Historic Site by Pub. L. 87-628, §1, Sept. 5, 1962, 76 Stat. 428; Pub. L. 87-628 repealed and references to the Edison National Historic Site deemed to refer to the Thomas Edison National Historical Park by Pub. L. 111-11, title VII, §7110(c)(4), (5), Mar. 30, 2009, 123 Stat. 1198, see section 410mmm of Title 16, Conservation].-Proc. No. 3148, July 14, 1956, 70 Stat. c49.
- Effigy Mounds National Monument, Iowa.-Proc. No. 2860, Oct. 25, 1949, 64 Stat. a371; Pub. L. 106-323, Oct. 19, 2000, 114 Stat. 1289.
- El Morro National Monument, New Mexico.-Proc. No. 695, Dec. 8, 1906, 34 Stat. 3264; Proc. No. 1377, June 18, 1917, 40 Stat. 1673.
- First State National Monument, Delaware [Monument redesignated First State National Historical Park, see section 410rrr of Title 16, Conservation].-Proc. No. 8944, Mar. 25, 2013, 78 F.R. 18769.
- Fort Jefferson National Monument, Florida [Monument abolished and incorporated in Dry Tortugas National Park, see section 410xx of Title 16, Conservation].-Proc. No. 2112, Jan. 4, 1935, 49 Stat. 3430; Pub. L. 96-287, title II, June 28, 1980, 94 Stat. 600; Pub. L. 102-525, title II, §201(c), Oct. 26, 1992, 106 Stat. 3440.
- Fort Laramie National Monument, Wyoming [Monument redesignated Fort Laramie National Historic Site by Pub. L. 86-444, §3, Apr. 29, 1960, 74 Stat. 84].-Proc. No. 2292, July 16, 1938, 53 Stat. 2461.
- Fort Marion National Monument, Florida [Monument redesignated Castillo de San Marcos National Monument by act June 5, 1942, ch. 337, 56 Stat. 312].-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.
- Fort Matanzas National Monument, Florida.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Proc. No. 2114, Jan. 9, 1935, 49 Stat. 3433; Proc. No. 2773, Mar. 24, 1948, 62 Stat. 1491; Pub. L. 106-524, Nov. 22, 2000, 114 Stat. 2493.
- Fort Monroe National Monument, Virginia.-Proc. No. 8750, Nov. 1, 2011, 76 F.R. 68625.
- Fort Niagara National Monument, New York.-Proc. No. 1745, Sept. 5, 1925, 44 Stat. 2582.
- Fort Ord National Monument, California.-Proc. No. 8803, Apr. 20, 2012, 77 F.R. 24579.
- Fort Pulaski National Monument, Georgia.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; June 26, 1936, ch. 844,

49 Stat. 1979 ; Pub. L. 104-333, div. I, title VIII, §807, Nov. 12, 1996, 110 Stat. 4188 .

Fort Wood National Monument, New York.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.

Fossil Cycad National Monument, South Dakota.-Proc. No. 1641, Oct. 21, 1922, 42 Stat. 2286.

Gates of the Arctic National Monument, Alaska.-Proc. No. 4617, Dec. 1, 1978, 93 Stat. 1457.

Giant Sequoia National Monument, California.-Proc. No. 7295, Apr. 15, 2000, 65 F.R. 24095.

Gila Cliff-Dwellings National Monument, New Mexico.-Proc. No. 781, Nov. 16, 1907, 35 Stat. 2162; Proc. No. 3467, Apr. 17, 1962, 76 Stat. 1465.

Glacier Bay National Monument, Alaska [Monument redesignated Glacier Bay National Park, see section 410hh-1(1) of Title 16, Conservation].-Proc. No. 1733, Feb. 26, 1925, 43 Stat. 1988; Proc. No. 2330, Apr. 18, 1939, 53 Stat. 2534; Proc. No. 3089, Mar. 31, 1955, 69 Stat. c27; Proc. No. 4618, Dec. 1, 1978, 93 Stat. 1458.

Governors Island National Monument, New York.-Proc. No. 7402, Jan. 19, 2001, 66 F.R. 7855; Proc. No. 7647, Feb. 7, 2003, 68 F.R. 7053.

Gran Quivira National Monument, New Mexico [Monument abolished and funds made available to Salinas National Monument by Pub. L. 96-550, title VI, §601(b), Dec. 19, 1980, 94 Stat. 3231 . Salinas National Monument redesignated Salinas Pueblo Missions National Monument by Pub. L. 100-559, title I, §101, Oct. 28, 1988, 102 Stat. 2797 ].-Proc. No. 882, Mar. 20, 1909, 36 Stat. 2503; Proc. No. 1545, Nov. 25, 1919, 41 Stat. 1778.

Grand Canyon National Monument, Arizona.-Proc. No. 794, Jan. 11, 1908, 35 Stat. 2175; Proc. No. 2022, Dec. 22, 1932, 47 Stat. 2547; Proc. No. 2393, Apr. 4, 1940, 54 Stat. 2692.

Grand Canyon-Parashant National Monument, Arizona.-Proc. No. 7265, Jan. 11, 2000, 65 F.R. 2825.

Grand Staircase-Escalante National Monument, Utah.-Proc. No. 6920, Sept. 18, 1996, 110 Stat. 4561; Pub. L. 105-335, Oct. 31, 1998, 112 Stat. 3139 ; Pub. L. 105-355, title II, §201, Nov. 6, 1998, 112 Stat. 3252 ; Pub. L. 106-176, title III, §307, Mar. 10, 2000, 114 Stat. 33 .

Great Sand Dunes National Monument, Colorado [Monument abolished and incorporated in Great Sand Dunes National Park, see section 410hhh-2 of Title 16, Conservation].-Proc. No. 1994, Mar. 17, 1932, 47 Stat. 2506; Proc. No. 2681, Mar. 12, 1946, 60 Stat. 1339; Proc. No. 3138, June 7, 1956, 70 Stat. c31.

Granford Reach National Monument, Washington.-Proc. No. 7319, June 9, 2000, 65 F.R. 37253.

Harriet Tubman-Underground Railroad National Monument, Maryland.-Proc. No. 8943, Mar. 25, 2013, 78 F.R. 18763.

Holy Cross National Monument, Colorado [Monument abolished by act Aug. 3, 1950, ch. 530, 64 Stat. 404 ].-Proc. No. 1877, May 11, 1929, 46 Stat. 2993.

Honouliuli National Monument, Hawaii.-Proc. No. 9234, Feb. 24, 2015, 80 F.R. 11069.

Hovenweep National Monument, Colorado-Utah.-Proc. No. 1654, Mar. 2, 1923, 42 Stat. 2299; Proc. No. 2924, Apr. 26, 1951, 65 Stat. c8; Proc. No. 2998, Nov. 20, 1952, 67 Stat. c21; Proc. No. 3132, Apr. 6, 1956, 70 Stat. c26.

Ironwood Forest National Monument, Arizona.-Proc. No. 7320, June 9, 2000, 65 F.R. 37259.

Jackson Hole National Monument, Wyoming [Monument abolished and incorporated in Grand Teton National Park, see section 406d-1 of Title 16, Conservation].-Proc. No. 2578, Mar. 15, 1943, 57 Stat. 731.

Jewel Cave National Monument, South Dakota.-Proc. No. 799, Feb. 7, 1908, 35 Stat. 2180; Pub. L. 89-250, Oct. 9, 1965, 79 Stat. 971 .

Joshua Tree National Monument, California [see section 450ii of Title 16, Conservation] [Monument abolished and incorporated in Joshua Tree National Park, see section 410aaa-22 of Title 16, Conservation].-Proc. No. 2193, Aug. 10, 1936, 50 Stat. 1760; Pub. L. 103-433, title IV, §402, Oct. 31, 1994, 108 Stat. 4488 .

Kasha-Katuwe Tent Rocks National Monument, New Mexico.-Proc. No. 7394, Jan. 17, 2001, 66 F.R. 7343.

Katahdin Woods and Waters National Monument, Maine.-Proc. No. 9476, Aug. 24, 2016, 81 F.R. 59121.

Katmai National Monument, Alaska [Monument redesignated Katmai National Park, see section 410hh-1(2) of Title 16, Conservation].-Proc. No. 1487, Sept. 24, 1918, 40 Stat. 1855; Proc. No. 1950, Apr. 24, 1931, 47 Stat. 2453; Proc. No. 2177, June 15, 1936, 49 Stat. 3523; Proc. No. 2564, Aug. 4, 1942, 56 Stat. 1972; Proc. No. 3890, Jan. 20, 1969, 83 Stat. 926; Proc. No. 4619, Dec. 1, 1978, 93 Stat. 1460.

Kenai Fjords National Monument, Alaska.-Proc. No. 4620, Dec. 1, 1978, 93 Stat. 1462.

Kobuk Valley National Monument, Alaska.-Proc. No. 4621, Dec. 1, 1978, 93 Stat. 1463.

Lake Clark National Monument, Alaska.-Proc. No. 4622, Dec. 1, 1978, 93 Stat. 1465.

Lassen Peak National Monument, California.-Proc. No. 754, May 6, 1907, 35 Stat. 2132.

Lava Beds National Monument, California.-Proc. No. 1755, Nov. 21, 1925, 44 Stat. 2591; Proc. No. 2925, Apr. 27, 1951, 65 Stat. c9.

Lehman Caves National Monument, Nevada [Monument abolished and lands incorporated in, and funds made available for, Great Basin National Park, see section 410mm(d) of Title 16, Conservation].-Proc. No. 1618,

- Jan. 24, 1922, 42 Stat. 2260.
- Lewis and Clark Cavern National Monument, Montana.-Proc. No. 807, May 11, 1908, 35 Stat. 2187; Proc. No. 1123, May 16, 1911, 37 Stat. 1679.
- Marble Canyon National Monument, Arizona.-Proc. No. 3889, Jan. 20, 1969, 83 Stat. 924.
- Marianas Trench Marine National Monument, Northern Mariana Islands and Guam.-Proc. No. 8335, Jan. 6, 2009, 74 F.R. 1557.
- Meriwether Lewis National Monument, Tennessee [Monument included in Natchez Trace Parkway, see section 460-1 of Title 16, Conservation].-Proc. No. 1730, Feb. 6, 1925, 43 Stat. 1986; Proc. No. 1825, Dec. 6, 1927, 45 Stat. 2935.
- Minidoka Internment National Monument, Idaho [Monument abolished and lands incorporated in Minidoka Historic Site by Pub. L. 110-229, title III, §313, May 8, 2008, 122 Stat. 770, as amended by Pub. L. 113-171, §1, Sept. 26, 2014, 128 Stat. 1895].-Proc. No. 7395, Jan. 17, 2001, 66 F.R. 7347.
- Misty Fjords National Monument, Alaska [Monument established within Tongass National Forest by Pub. L. 96-487, title V, §503(a), Dec. 2, 1980, 94 Stat. 2399].-Proc. No. 4623, Dec. 1, 1978, 93 Stat. 1466.
- Mojave Trails National Monument, California.-Proc. No. 9395, Feb. 12, 2016, 81 F.R. 8371.
- Montezuma Castle National Monument, Arizona.-Proc. No. 696, Dec. 8, 1906, 34 Stat. 3265; Proc. No. 2226, Feb. 23, 1937, 50 Stat. 1817; Pub. L. 108-190, Dec. 19, 2003, 117 Stat. 2867.
- Mound City Group National Monument, Ohio [Monument redesignated Hopewell Culture National Historic Park, see section 401uu of Title 16, Conservation].-Proc. No. 1653, Mar. 2, 1923, 42 Stat. 2298; Pub. L. 96-607, title VII, §701, Dec. 28, 1980, 94 Stat. 3540.
- Mount Olympus National Monument, Washington [Monument abolished and lands incorporated in Mount Olympus National Park, see section 251 of Title 16, Conservation].-Proc. No. 869, Mar. 2, 1909, 35 Stat. 2247; Proc. No. 1191, Apr. 17, 1912, 37 Stat. 1737; Proc. No. 1293, May 11, 1915, 39 Stat. 1726; Proc. No. 1862, Jan. 7, 1929, 45 Stat. 2984.
- Muir Woods National Monument, California.-Proc. No. 793, Jan. 9, 1908, 35 Stat. 2174; Proc. No. 1608, Sept. 22, 1921, 42 Stat. 2249; Proc. No. 2122, Apr. 5, 1935, 49 Stat. 3443; Proc. No. 2932, June 26, 1951, 65 Stat. c20; Proc. No. 3311, Sept. 8, 1959, 73 Stat. c76.
- Mukuntuweap National Monument, Utah [Monument redesignated Zion National Monument by Proc. No. 1435, Mar. 18, 1918, 40 Stat. 1760, and later redesignated Zion National Park, see section 344 of Title 16, Conservation].-Proc. No. 877, July 31, 1909, 36 Stat. 2498.
- Natural Bridges National Monument, Utah.-Proc. No. 804, Apr. 16, 1908, 35 Stat. 2183; Proc. No. 881, Sept. 25, 1909, 36 Stat. 2502; Proc. No. 1323, Feb. 11, 1916, 39 Stat. 1764; Proc. No. 3486, Aug. 14, 1962, 76 Stat. 1495.
- Navajo National Monument, Arizona.-Proc. No. 873, Mar. 20, 1909, 36 Stat. 2491; Proc. No. 1186, Mar. 14, 1912, 37 Stat. 1733.
- Noatak National Monument, Alaska.-Proc. No. 4624, Dec. 1, 1978, 93 Stat. 1468.
- Northwestern Hawaiian Islands Marine National Monument, Hawaii [Monument redesignated Papahānaumokuākea Marine National Monument by Proc. No. 8112, Feb. 28, 2007, 72 F.R. 10031].-Proc. No. 8031, June 15, 2006, 71 F.R. 36443.
- Ocmulgee National Monument, Georgia [see section 447a of Title 16, Conservation].-Proc. No. 2212, Dec. 23, 1936, 50 Stat. 1798; Proc. No. 2493, June 13, 1941, 55 Stat. 1654; Pub. L. 102-67, July 9, 1991, 105 Stat. 325.
- Old Kasaan National Monument, Alaska [Monument abolished and incorporated in Tongass National Forest by act July 26, 1955, ch. 387, 69 Stat. 380].-Proc. No. 1351, Oct. 25, 1916, 39 Stat. 1812.
- Oregon Caves National Monument, Oregon [Monument and land designated as National Preserve to be administered as single unit of National Park System and designated as Oregon Caves National Monument and Preserve, see section 410vvv of Title 16, Conservation].-Proc. No. 876, July 12, 1909, 36 Stat. 2497.
- Organ Mountains-Desert Peaks National Monument, New Mexico.-Proc. No. 9131, May 21, 2014, 79 F.R. 30431.
- Organ Pipe Cactus National Monument, Arizona.-Proc. No. 2232, Apr. 13, 1937, 50 Stat. 1827; Pub. L. 108-64, July 29, 2003, 117 Stat. 874.
- Pacific Remote Islands Marine National Monument, Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll.-Proc. No. 8336, Jan. 6, 2009, 74 F.R. 1565.
- Pacific Remote Islands Marine National Monument Expansion, Wake and Jarvis Islands, Johnston Atoll.-Proc. No. 9173, Sept. 25, 2014, 79 F.R. 58645.
- Papago Saguaro National Monument, Arizona [Monument abolished by act Apr. 7, 1930, ch. 107, 46 Stat. 142, as amended by Pub. L. 109-163, div. B, title XXVIII, §2873, Jan. 6, 2006, 119 Stat. 3535].-Proc. No. 1262, Jan. 31, 1914, 38 Stat. 1991.
- Papahānaumokuākea Marine National Monument, Hawaii [Monument changed from Northwestern Hawaiian

- slands Marine National Monument by Proc. No. 8112, Feb. 28, 2007, 72 F.R. 10031].-Proc. No. 8031, June 15, 2006, 71 F.R. 36443.
- Papahānaumokuākea Marine National Monument Expansion, Hawaii.-Proc. No. 9478, Aug. 26, 2016, 81 F.R. 60227.
- Perry's Victory and International Peace Memorial National Monument, Ohio.-Proc. No. 2182, July 6, 1936, 50 Stat. 1734.
- Petrified Forest National Monument [Monument disestablished on establishment of Petrified Forest National Park, see sections 119 and 444 of Title 16, Conservation].-Proc. No. 697, Dec. 8, 1906, 34 Stat. 3266; Proc. No. 1167, July 31, 1911, 37 Stat. 1716; Proc. No. 1927, Nov. 14, 1930, 46 Stat. 3040; Proc. No. 1975, Nov. 30, 1931, 47 Stat. 2486; Proc. No. 2011, Sept. 23, 1932, 47 Stat. 2532.
- Pinnacles National Monument, California [Monument abolished and lands and interests therein incorporated within and made part of Pinnacles National Park, see section 410ooo-1 of Title 16, Conservation].-Proc. No. 796, Jan. 16, 1908, 35 Stat. 2177; Proc. No. 1660, May 7, 1923, 43 Stat. 1911; Proc. No. 1704, July 2, 1924, 43 Stat. 1961; Proc. No. 1948, Apr. 13, 1931, 47 Stat. 2451; Proc. No. 2050, July 11, 1933, 48 Stat. 1701; Proc. No. 2528, Dec. 5, 1941, 55 Stat. 1709; Proc. No. 7266, Jan. 11, 2000, 65 F.R. 2831.
- Pipe Spring National Monument, Arizona.-Proc. No. 1663, May 31, 1923, 43 Stat. 1913.
- Pompeys Pillar National Monument, Montana.-Proc. No. 7396, Jan. 17, 2001, 66 F.R. 7351.
- President Lincoln and Soldiers' Home National Monument, District of Columbia.-Proc. No. 7329, July 7, 2000, 65 F.R. 43673.
- Pullman National Monument, Illinois.-Proc. No. 9233, Feb. 19, 2015, 80 F.R. 10315.
- Rainbow Bridge National Monument, Utah.-Proc. No. 1043, May 30, 1910, 36 Stat. 2703.
- Rio Grande del Norte National Monument, New Mexico.-Proc. No. 8946, Mar. 25, 2013, 78 F.R. 18783.
- Rose Atoll Marine National Monument, American Samoa.-Proc. No. 8337, Jan. 6, 2009, 74 F.R. 1577.
- Russell Cave National Monument, Alabama.-Proc. No. 3413, May 11, 1961, 75 Stat. 1058.
- Saguaro National Monument, Arizona [Monument abolished and incorporated in Saguaro National Park, see section 410zz-1 of Title 16, Conservation].-Proc. No. 2032, Mar. 1, 1933, 47 Stat. 2557; Proc. No. 3439, Nov. 15, 1961, 76 Stat. 1437; Pub. L. 102-61, June 19, 1991, 105 Stat. 303; Pub. L. 103-364, §3, Oct. 14, 1994, 108 Stat. 3467.
- San Gabriel Mountains National Monument, California.-Proc. No. 9194, Oct. 10, 2014, 79 F.R. 62303.
- San Juan Islands National Monument, Washington.-Proc. No. 8947, Mar. 25, 2013, 78 F.R. 18789; Ex. Ord. No. 13708, §1(nn), Sept. 30, 2015, 80 F.R. 60272.
- Sand to Snow National Monument, California.-Proc. No. 9396, Feb. 12, 2016, 81 F.R. 8379.
- Santa Rosa Island National Monument, Florida.-Proc. No. 2337, May 17, 1939, 53 Stat. 2542; Proc. No. 2659, Aug. 13, 1945, 59 Stat. 877.
- Scotts Bluff National Monument, Nebraska.-Proc. No. 1547, Dec. 12, 1919, 41 Stat. 1779; Proc. No. 1999, June 1, 1932, 47 Stat. 2512; Proc. No. 2391, Mar. 29, 1940, 54 Stat. 2690.
- Shoshone Cavern National Monument, Wyoming [Monument abolished by act May 17, 1954, ch. 203, 68 Stat. 98].-Proc. No. 880, Sept. 21, 1909, 36 Stat. 2501.
- Sieur de Monts National Monument, Maine.-Proc. No. 1339, July 8, 1916, 39 Stat. 1785.
- Sitka National Monument, Alaska [Monument redesignated Sitka National Historical Park by Pub. L. 92-501, Oct. 18, 1972, 86 Stat. 904, as amended by Pub. L. 106-291, title I, §130, Oct. 11, 2000, 114 Stat. 946].-Proc. No. 959, Mar. 23, 1910, 36 Stat. 2601; Proc. No. 2965, Feb. 25, 1952, 66 Stat. c22.
- Sonoran Desert National Monument, Arizona.-Proc. No. 7397, Jan. 17, 2001, 66 F.R. 7354.
- Statue of Liberty National Monument.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Proc. No. 2250, Sept. 7, 1937, 51 Stat. 393; Proc. No. 3656, May 11, 1965, 79 Stat. 1490.
- Stonewall National Monument, New York.-Proc. No. 9465, June 24, 2016, 81 F.R. 42215.
- Sunset Crater Volcano National Monument, Arizona [Monument changed from Sunset Crater National Monument by Pub. L. 101-612, §15, Nov. 16, 1990, 104 Stat. 3222].-Proc. No. 1911, May 26, 1930, 46 Stat. 3023.
- Timpanogos Cave National Monument, Utah.-Proc. No. 1640, Oct. 14, 1922, 42 Stat. 2285; Proc. No. 3457, Mar. 27, 1962, 76 Stat. 1457; Pub. L. 107-329, title I, Dec. 6, 2002, 116 Stat. 2815.
- Tonto National Monument, Arizona.-Proc. No. 787, Dec. 19, 1907, 35 Stat. 2168; Proc. No. 2230, Apr. 1, 1937, 50 Stat. 1825.
- Tumacacori National Monument, Arizona [Monument abolished and lands incorporated in, and funds made available for, Tumacacori National Historical Park, see section 410ss of Title 16, Conservation].-Proc. No. 821, Sept. 15, 1908, 35 Stat. 2205; Proc. No. 3228, Mar. 28, 1958, 72 Stat. c30.
- Tuzigoot National Monument, Arizona.-Proc. No. 2344, July 25, 1939, 53 Stat. 2548.
- Upper Missouri River Breaks National Monument, Montana.-Proc. No. 7398, Jan. 17, 2001, 66 F.R. 7359.
- Verde River National Monument, North Dakota.-Proc. No. 4288, June 22, 1917, 40 Stat. 4677.

Vermilion Cliffs National Monument, Arizona.-Proc. No. 7374, Nov. 9, 2000, 65 F.R. 69227.

Virgin Islands Coral Reef National Monument, Virgin Islands.-Proc. No. 7399, Jan. 17, 2001, 66 F.R. 7364.

Vaco Mammoth National Monument, Texas.-Proc. No. 9299, July 10, 2015, 80 F.R. 41983.

Walnut Canyon National Monument, Arizona.-Proc. No. 1318, Nov. 30, 1915, 39 Stat. 1761; Proc. No. 2300, Sept. 24, 1938, 53 Stat. 2469; Pub. L. 104-333, div. I, title II, §208, Nov. 12, 1996, 110 Stat. 4107 .

Wheeler National Monument, Colorado [Monument abolished by act Aug. 3, 1950, ch. 534, 64 Stat. 405 ].-Proc. No. 831, Dec. 7, 1908, 35 Stat. 2214.

White Sands National Monument, New Mexico.-Proc. No. 2025, Jan. 18, 1933, 47 Stat. 2551; Proc. No. 2108, Nov. 28, 1934, 49 Stat. 3426; Proc. No. 2295, Aug. 29, 1938, 53 Stat. 2465; Proc. No. 3024, June 24, 1953, 67 Stat. c53; Pub. L. 104-201, div. B, title XXVIII, §2854, Sept. 23, 1996, 110 Stat. 2803 .

World War II Valor In the Pacific National Monument, Alaska, California, and Hawaii.-Proc. No. 8327, Dec. 5, 2008, 73 F.R. 75293.

Wrangell-St. Elias National Monument, Alaska.-Proc. No. 4625, Dec. 1, 1978, 93 Stat. 1470.

Yupatki National Monument, Arizona.-Proc. No. 1721, Dec. 9, 1924, 43 Stat. 1977; Proc. No. 2243, July 9, 1937, 52 Stat. 1841; Proc. No. 2454, Jan. 20, 1941, 55 Stat. 1608; Pub. L. 104-333, div. I, title II, §207, Nov. 12, 1996, 110 Stat. 4107 .

Yucca House National Monument, Colorado.-Proc. No. 1549, Dec. 19, 1919, 41 Stat. 1781; Pub. L. 104-333, div. I, title II, §201, Nov. 12, 1996, 110 Stat. 4105 .

Yukon-Charley National Monument, Alaska.-Proc. No. 4626, Dec. 1, 1978, 93 Stat. 1472.

Yukon Flats National Monument, Alaska.-Proc. No. 4627, Dec. 1, 1978, 93 Stat. 1473.

Zion National Monument, Utah [Monument combined with Zion National Park into a single National park unit, see section 346b of Title 16, Conservation. A prior Zion National Monument, formerly Mukuntuweap National Monument, Proc. No. 877, July 31, 1909, 36 Stat. 2498, and Proc. No. 1435, Mar. 18, 1918, 40 Stat. 1760, was redesignated Zion National Park, see section 344 of Title 16, Conservation].-Proc. No. 2221, Jan. 22, 1937, 50 Stat. 1809.

---

#### Miscellaneous National Monuments

---

Agate Fossil Beds National Monument, Nebraska.- Pub. L. 89-33, June 5, 1965, 79 Stat. 123 .

Alibates Flint Quarries National Monument, Texas.- Pub. L. 89-154, Aug. 31, 1965, 79 Stat. 587 . Name changed from Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument by Pub. L. 95-625, title III, §321(c), Nov. 10, 1978, 92 Stat. 3488 .

Congaree Swamp National Monument, South Carolina [Monument redesignated Congaree National Park, see section 410jjj of Title 16, Conservation].

El Malpais National Monument, New Mexico.- Pub. L. 100-225, title I, §§101-104, Dec. 31, 1987, 101 Stat. 1539 (16 U.S.C. 460uu et seq.).

Florissant Fossil Beds National Monument, Colorado.- Pub. L. 91-60, Aug. 20, 1969, 83 Stat. 101 .

Fossil Butte National Monument, Wyoming.- Pub. L. 92-537, Oct. 23, 1972, 86 Stat. 1069 .

Gagerman Fossil Beds National Monument, Idaho.- Pub. L. 100-696, title III, §§301-308, Nov. 18, 1988, 102 Stat. 4575 , as amended by Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923 ; Pub. L. 104-333, div. I, title II, §206, Nov. 12, 1996, 110 Stat. 4106 ; Pub. L. 106-421, Nov. 1, 2000, 114 Stat. 1870 .

Hohokam Pima National Monument, Arizona.- Pub. L. 92-525, Oct. 21, 1972, 86 Stat. 1047 .

John Day Fossil Beds National Monument, Oregon.- Pub. L. 93-486, title I, §101(a)(2), Oct. 26, 1974, 88 Stat. 1461 .

Kill Devil National Monument, North Carolina.-Act Mar. 2, 1927, ch. 251, 44 Stat. 1264 . Redesignated Wright Brothers National Memorial, Dec. 1, 1953.

Little Bighorn Battlefield National Monument, Montana.- Pub. L. 102-201, titles I, II, Dec. 10, 1991, 105 Stat. 1631 .

Mount St. Helens National Volcanic Monument, Washington.- Pub. L. 97-243, Aug. 26, 1982, 96 Stat. 301 ; Pub. L. 105-279, Oct. 23, 1998, 112 Stat. 2690 .

National Military Working Dog Teams Monument, Virginia.- Pub. L. 110-181, div. B, title XXVIII, §2877, Jan. 28, 2008, 122 Stat. 563 ; Pub. L. 111-84, div. B, title XXVIII, §2871, Oct. 28, 2009, 123 Stat. 2696 .

Newberry National Volcanic Monument, Oregon.- Pub. L. 101-522, Nov. 5, 1990, 104 Stat. 2288 .

Pecos National Monument, New Mexico [included in Pecos National Historical Park by Pub. L. 101-313, title II, §202(b), June 27, 1990, 104 Stat. 278 (16 U.S.C. 410rr-1(b))].- Pub. L. 89-54, June 28, 1965, 79 Stat. 195 ; Pub. L. 94-578, title III, §317, Oct. 21, 1976, 90 Stat. 2737 ; repealed by Pub. L. 101-313, title II, §202(c),

June 27, 1990, 104 Stat. 278 (16 U.S.C. 410rr-1(c)).

Petroglyph National Monument, New Mexico.- Pub. L. 101-313, title I, June 27, 1990, 104 Stat. 272, as amended by Pub. L. 103-50, ch. IV, §401, July 2, 1993, 107 Stat. 252; Pub. L. 104-333, div. I, title VIII, §814 (d)(2)(D), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 105-174, title III, §3005, May 1, 1998, 112 Stat. 82.

Poverty Point National Monument, Louisiana.- Pub. L. 100-560, Oct. 31, 1988, 102 Stat. 2803.

Prehistoric Trackways National Monument, New Mexico.- Pub. L. 111-11, title II, §§2101-2105, Mar. 30, 2009, 123 Stat. 1096-1099.

Salinas Pueblo Missions National Monument, New Mexico.- Pub. L. 96-550, title VI, §601, Dec. 19, 1980, 94 Stat. 3231, as amended by Pub. L. 100-559, title I, §101, Oct. 28, 1988, 102 Stat. 2797.

Santa Rosa and San Jacinto Mountains National Monument, California.- Pub. L. 106-351, Oct. 24, 2000, 114 Stat. 1362; Pub. L. 106-434, §2, Nov. 6, 2000, 114 Stat. 1913; Pub. L. 111-11, title I, §1853, Mar. 30, 2009, 123 Stat. 1068.

Tule Springs Fossil Beds National Monument, Nevada.- Pub. L. 113-291, div. B, title XXX, §3092(a), Dec. 19, 2014, 128 Stat. 3861.

#### National Memorials

AIDS Memorial Grove National Memorial, California.- Pub. L. 104-333, div. I, title V, §516, Nov. 12, 1996, 110 Stat. 4170.

Arkansas Post National Memorial, Arkansas.- Pub. L. 86-595, July 6, 1960, 74 Stat. 333; Pub. L. 94-578, title II, §201(2), Oct. 21, 1976, 90 Stat. 2733; Pub. L. 105-83, title I, §126, Nov. 14, 1997, 111 Stat. 1567.

Astronauts Memorial, John F. Kennedy Space Center, Florida.-Recognized as national memorial to astronauts who die in line of duty by Pub. L. 102-41, May 8, 1991, 105 Stat. 242.

Battle of Midway National Memorial, Midway Atoll.- Pub. L. 106-113, div. B, §1000(a)(3) [title I, §126], Nov. 29, 1999, 113 Stat. 1535, 1501A-164.

Benjamin Franklin National Memorial, Pennsylvania.-Designation of Benjamin Franklin Memorial Hall as National Memorial by Pub. L. 92-551, Oct. 25, 1972, 86 Stat. 1164.

Bosque Redondo Memorial, New Mexico.- Pub. L. 106-511, title II, Nov. 13, 2000, 114 Stat. 2369; Pub. L. 108-204, title I, §101, Mar. 2, 2004, 118 Stat. 543.

Buffalo Soldiers Memorial, Louisiana.- Pub. L. 109-152, Dec. 30, 2005, 119 Stat. 2887.

Chamizal National Memorial, Texas.- Pub. L. 89-479, June 30, 1966, 80 Stat. 232; Pub. L. 94-578, title II, §201 (3), Oct. 21, 1976, 90 Stat. 2733.

Coronado National Memorial, Arizona.-Acts Aug. 18, 1941, ch. 365, §1, 55 Stat. 630, and July 9, 1952, ch. 610, 66 Stat. 510 (16 U.S.C. 450y); Proc. No. 2995, Nov. 5, 1952, 67 Stat. c18.

Custis-Lee Mansion National Memorial, Virginia.-Act Mar. 4, 1925, ch. 562, 43 Stat. 1356. Made permanent memorial by act June 29, 1955, ch. 223, 69 Stat. 190.

David Berger Memorial, Ohio.- Pub. L. 96-199, title I, §116, Mar. 5, 1980, 94 Stat. 71.

Disabled American Veterans Vietnam Veterans National Memorial, New Mexico.-Recognized as a memorial of national significance by Pub. L. 100-164, Nov. 13, 1987, 101 Stat. 905.

Distinguished Flying Cross National Memorial, California.- Pub. L. 113-132, July 25, 2014, 128 Stat. 1727.

Father Marquette National Memorial, Michigan.- Pub. L. 94-160, Dec. 20, 1975, 89 Stat. 848.

Federal Hall National Memorial, New York.-Designated May 26, 1939. Designation changed from Federal Hall Memorial Historic Site by act Aug. 11, 1955, ch. 779, §3, 69 Stat. 633.

Flight 93 National Memorial, Pennsylvania.- Pub. L. 107-226, Sept. 24, 2002, 116 Stat. 1345; Pub. L. 110-161, div. F, title I, §128, Dec. 26, 2007, 121 Stat. 2122.

Fort Caroline National Memorial, Florida.-Act Sept. 21, 1950, ch. 973, 64 Stat. 897. Established Jan. 16, 1953.

Franklin Delano Roosevelt National Memorial, District of Columbia.-Acts Aug. 11, 1955, ch. 833, 69 Stat. 694; Sept. 1, 1959, Pub. L. 86-214, 73 Stat. 445; Oct. 18, 1962, Pub. L. 87-842, 76 Stat. 1079; Oct. 30, 1965, Pub. L. 89-305, 79 Stat. 1126; Sept. 8, 1970, Pub. L. 91-398, 84 Stat. 837; June 30, 1972, Pub. L. 92-332, 86 Stat. 401; July 28, 1982, Pub. L. 97-224, 96 Stat. 243; Oct. 1, 1996, Pub. L. 104-221, §§3, 4, 110 Stat. 3024; July 24, 1997, Pub. L. 105-29, 111 Stat. 246; Nov. 14, 1997, Pub. L. 105-83, title III, §335, 111 Stat. 1601.

Hamilton Grange National Memorial, New York.- Pub. L. 87-438, Apr. 27, 1962, 76 Stat. 57, as amended by Pub. L. 100-701, §1, Nov. 19, 1988, 102 Stat. 4640; Pub. L. 106-482, Nov. 9, 2000, 114 Stat. 2192.

House Where Lincoln Died National Memorial, District of Columbia.-Act June 11, 1896, ch. 420, 29 Stat. 439.

Johnstown Flood National Memorial, Pennsylvania.- Pub. L. 88-546, Aug. 31, 1964, 78 Stat. 752; Pub. L. 108-313, Oct. 5, 2004, 118 Stat. 1196.



Lincoln Boyhood National Memorial, Indiana.- Pub. L. 87-407, Feb. 19, 1962, 76 Stat. 9 .

Lincoln Museum National Memorial, District of Columbia.-Act Apr. 7, 1866, ch. 28, §1, 14 Stat. 23 .

Lincoln National Memorial, District of Columbia.-Act Feb. 9, 1911, ch. 42, 36 Stat. 898 .

Medicine Creek Treaty National Memorial, Washington.- Pub. L. 114-101, §3, Dec. 18, 2015, 129 Stat. 2203 .

Memorial to the Victims of the Shooting at the Washington Navy Yard on September 16, 2013, District of Columbia.- Pub. L. 113-291, div. B, title XXVIII, §2853, Dec. 19, 2014, 128 Stat. 3715 .

Military Divers Memorial.- Pub. L. 113-66, div. B, title XXVIII, §2842, Dec. 26, 2013, 127 Stat. 1024 .

Mount Rushmore National Memorial, South Dakota.-Act Feb. 25, 1929, ch. 315, 45 Stat. 1300 .

Mt. Soledad Veterans Memorial, California.- Pub. L. 108-447, div. J, title I, §116, Dec. 8, 2004, 118 Stat. 3346 ; Pub. L. 109-272, Aug. 14, 2006, 120 Stat. 770 ; Pub. L. 109-364, div. A, title X, §1071(d), Oct. 17, 2006, 120 Stat. 2401 ; Pub. L. 113-291, div. B, title XXVIII, §2852, Dec. 19, 2014, 128 Stat. 3713 .

National D-Day Memorial, Virginia.- Pub. L. 104-201, div. A, title X, §1080, Sept. 23, 1996, 110 Stat. 2670 .

National Fallen Firefighters' Memorial, Maryland.- Pub. L. 101-347, Aug. 9, 1990, 104 Stat. 398 .

National Law Enforcement Officers Memorial, District of Columbia.-Establishment of Maintenance Fund by Pub. L. 104-329, title II, §201, Oct. 20, 1996, 110 Stat. 4011 ; Pub. L. 109-314, Oct. 6, 2006, 120 Stat. 1739 .

National Medal of Honor Sites.- Pub. L. 106-83, Oct. 28, 1999, 113 Stat. 1293 .

Patrick Henry National Memorial, Virginia.- Pub. L. 99-296, May 12, 1986, 100 Stat. 429 .

Port Chicago National Memorial, California.- Pub. L. 102-562, title II, Oct. 28, 1992, 106 Stat. 4235 ; Pub. L. 111-84, div. B, title XXVIII, §2853(a), Oct. 28, 2009, 123 Stat. 2685 .

Prisoner of War/Missing in Action National Memorial, California.- Pub. L. 108-454, title VI, §601, Dec. 10, 2004, 118 Stat. 3623 .

Richard L. Kohnstamm Memorial Area, Oregon.- Pub. L. 111-11, title I, §1202(b), Mar. 30, 2009, 123 Stat. 1009 .

Seabees of the United States Navy Memorial.- Pub. L. 92-422, Sept. 18, 1972, 86 Stat. 678 .

Signers of the Declaration of Independence Memorial, District of Columbia.- Pub. L. 95-260, Apr. 17, 1978, 92 Stat. 197 .

Thomas Jefferson National Memorial, District of Columbia.-Act June 26, 1934, ch. 763, 48 Stat. 1243 .

United States Marine Corps Memorial, Virginia.-Act July 1, 1947, ch. 196, 61 Stat. 242 , as amended July 7, 1952, ch. 585, 66 Stat. 441 ; June 16, 1953, ch. 120, 67 Stat. 64 .

United States National Civil Defense Monument, Maryland.-Authorized by Pub. L. 106-103, Nov. 13, 1999, 113 Stat. 1482 .

United States Navy Memorial, District of Columbia.- Pub. L. 96-199, title I, §113, Mar. 5, 1980, 94 Stat. 70 .

U.S.S. Indianapolis Memorial, Indiana.- Pub. L. 103-160, div. A, title XI, §1165, Nov. 30, 1993, 107 Stat. 1765 .

USS Oklahoma Memorial, Hawaii.- Pub. L. 109-163, div. A, title X, §1017, Jan. 6, 2006, 119 Stat. 3425 .

Vietnam Veterans Memorial, District of Columbia.- Pub. L. 96-297, July 1, 1980, 94 Stat. 827 ; Pub. L. 106-214, §1, June 15, 2000, 114 Stat. 335 ; Pub. L. 108-126, title I, §101, Nov. 17, 2003, 117 Stat. 1348 ; Pub. L. 111-270, §1, Oct. 12, 2010, 124 Stat. 2851 ; Pub. L. 112-74, div. E, title IV, §420, Dec. 23, 2011, 125 Stat. 1045 ; Pub. L. 113-21, July 18, 2013, 127 Stat. 490 .

Washington Monument National Memorial, District of Columbia.-Act Aug. 2, 1876, ch. 250, §1, 19 Stat. 123 .

White Cross World War I Memorial, California.- Pub. L. 107-117, div. A, title VIII, §8137, Jan. 10, 2002, 115 Stat. 2278 ; Pub. L. 108-87, title VIII, §8121, Sept. 30, 2003, 117 Stat. 1100 .

World War II Memorial, Guam.- Pub. L. 106-398, §1 [div. B, title XXVIII, §2886], Oct. 30, 2000, 114 Stat. 1654 , 1654A-441, as amended by Pub. L. 107-107, div. B, title XXVIII, §2868, Dec. 28, 2001, 115 Stat. 1334 .

Wright Brothers National Memorial, North Carolina.-Kill Devil Hill National Monument authorized by act Mar. 2, 1927, ch. 251, 44 Stat. 1264 . Redesignated Wright Brothers National Memorial, Dec. 1, 1953.

### ALBERT EINSTEIN MEMORIAL

Conveyance of property to National Academy of Sciences for erection and maintenance of a Memorial to Albert Einstein on south side of Square Numbered 88 between 21st Street, 22d Street, and Constitution Avenue, District of Columbia, with reverter of title when no longer used for memorial purposes or public access is restricted, was authorized by Pub. L. 95-625, title VI, §612, Nov. 10, 1978, 92 Stat. 3521 , as amended Pub. L. 96-87, title IV, §401(o), Oct. 12, 1979, 93 Stat. 666 .



## MEMORANDUM

To: Speaker LoRenzo C. Bates and the Nabikiyati Committee of the 23<sup>rd</sup> Navajo Nation Council  
From: Professor Charles Wilkinson of the University of Colorado Law School and Special Advisor  
to the Bears Ears Inter-Tribal Coalition  
Date: Thursday, January 5, 2017  
Re: Litigation by the State of Utah to Overturn the Bears Ears National Monument

As all of you know, last week President Obama issued a proclamation under the 1906 Antiquities Act creating the Bears Ears National Monument. It was an historic event; tribes had never before joined together to propose a national monument. Most observers would agree that the monument would not exist if it were not for the tribes' work. The Navajo Nation participated fully in this effort and helped enormously in achieving this result.

The Attorney General of Utah has stated that he intends to file a lawsuit, on behalf of the state, to have the monument declared invalid. Existing law recognizes very broad authority to the president in creating monuments, and the high likelihood is that the monument will survive this challenge. At the same time, it is a case that needs to be defended vigorously in order to protect this monument. Environmental organizations are already preparing for the expected lawsuit.

The tribes, however, took the lead in getting the monument established in the first place, and a tribal presence in the litigation process is very important. As just one example, the tribal-federal collaborative management established in the proclamation—a powerful application of tribal sovereignty, the federal trust obligation, and the government-to-government relationship—raises many questions of Indian law, policy, and culture that tribal attorneys are best equipped to present in court. Without question, the Navajo Nation could make a major contribution to the defense of the monument through arguments made by the Navajo Nation Attorney General's Office. In addition, the Native American Rights Fund is now considering whether to participate in the expected litigation. NARF could also play an important role in representing tribes and cooperating with the Navajo Attorney General.

The Utah lawsuit could be filed at any time, although we don't have any inside information on that. We can say that the goal of defending the monument will be maximized if the tribes are ready to jump in immediately.

It is, of course, entirely a matter for the Navajo Nation to decide how you wish to proceed from here. As a result, I am not making any recommendations. I do hope that this memorandum will be of some use to you in making your decision.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Wilkinson". The signature is fluid and cursive, with the first name "Charles" written in a more stylized, looped manner.

Charles Wilkinson  
Distinguished Professor  
Moses Lasky Professor of Law

**National Monument Review  
Department of the Interior  
1849 C St. NW  
Washington, DC 20240**

**COMMENTS OF  
THE HOPI TRIBE, NAVAJO NATION,  
UTE MOUNTAIN UTE TRIBE.  
UTE INDIAN TRIBE, AND ZUNI PUEBLO**

**May 25, 2017**

## Table of Contents

Introduction.....	1
The Nature and Validity of This Review of Monument Designations.....	2
Bears Ears: A Tribal Homeland Since Time Immemorial.....	3
The Origins of the Monument: Defining the Boundaries of the Cultural Landscape.....	4
The Tribal Proposal.....	6
The Administration’s Extensive Public Outreach and Thorough Analysis of Legal Requirements.....	11
The Presidential Proclamation.....	14
Conclusion.....	16
Bibliography.....	19

## Introduction

The creation of the Bears Ears National Monument represents a landmark in the long history of the American public lands system. It is also a notable event in our Tribal histories. Together, we five Tribes took the lead in making this Monument a reality. We conceived of this Monument, helped build overwhelming support for it locally and nationally, and carried the many justifications for it to Washington DC. We earned this Monument every step of the way. It was well worth it, but it required a huge amount of work.

For us, Bears Ears is homeland. It always has been and still is. The culture is everywhere. The canyons and forests hold many sacred sites. Family gatherings, dances, and ceremonies are held at special places within Bears Ears. People go to Bears Ears to gather roots, berries, pinon nuts, weaving materials, and medicines. We go for healing. Stone cliff-dwellings and trails, testaments to the Old People, have survived thousands of years of wear and weather. Our ancestors are buried there. We can hear the songs and prayers of our ancestors on every mesa and in every canyon.

Attempting to eliminate or reduce the boundaries of this Monument would be wrong on every count. Such action would be illegal, beyond the reach of presidential authority. Bears Ears enjoys overwhelming popularity nationally—and extensive and passionate support in the State of Utah as well. It would be a travesty to leave this landscape vulnerable to the wounds inflicted by uranium and fossil-fuel mining, and excessive off-road vehicle use. Additionally, there has been ghastly looting and grave robbing that continues to this day, which was a major impetus for the Monument status. Citizens of America and the world would lose the opportunity to enjoy the wonders of one of the most remote and wondrous landscapes found anywhere. They would lose,

as well, the opportunity for Bears Ears to become home to a world-class institute on indigenous Traditional Knowledge.

The radical idea of breaking up Bears Ears National Monument would be a slap in the face to the members of our Tribes and an affront to Indian people all across the country. We did not bring forth grievances. We brought a solution: the permanent protection of a great natural and cultural landscape. When the President of the United States created the Monument, he accepted our solution and promised that the lands within the Monument would be protected for us and the generations that come after us. Bears Ears is too precious a place, and our cultures and values too dignified and worthy, to backtrack on the promises made in the Presidential Proclamation.

#### The Nature and Validity of This Review of Monument Designations

On April 26, 2017, President Trump called for an unprecedented review of national monument designations made since January 1, 1996, where the designation covers more than 100,000 acres, or where the Secretary of Interior determines that the designation or expansion was made without adequate public outreach or coordination with relevant stakeholders. The review is purportedly to determine whether the designations conform to the objectives of the Antiquities Act. However, there is no statute authorizing any such review of monuments, nor statutory authority for any public comment period, and certainly no authority—statutory or otherwise—to diminish or revoke any monument. Any such presidential action would be ultra vires and unconstitutional. Therefore, although we have no choice but to respond, the public process created by this order is unauthorized and void.

Pursuant to President Trump's executive order, the Department of the Interior is reviewing monument designations and seeking comments as part of the review. 82 Fed. Reg.

22016 (May 11, 2017). As part of the review, the Secretary is purportedly considering several factors. *See* 82 Fed. Reg. 20429-20430 (May 1, 2017). We are confused by the inclusion of factors outside of the statutory text of the Antiquities Act, as they are irrelevant to whether or not Bears Ears was properly designated. As such, any recommendation by the Secretary to the President that is based on information outside the scope or authority of the Secretary or President under the Antiquities Act would be improper. The President has authority to designate national monuments, but does not have authority to eliminate, shrink, or move the boundaries of them.

As will be seen below, Bears Ears easily fits within the objectives of the Antiquities Act, and was the product of extensive public outreach, coordination with relevant stakeholders, and substantive research.

#### Bears Ears: A Tribal Homeland Since Time Immemorial

Our Tribes came to the Bears Ears landscape at different times. Some of us have been there forever, and some came later. We inhabited, hunted, gathered, prayed, and built civilizations. Our presence, much in evidence today, covered the whole region and is manifested in migration routes, ancient roads, great houses, villages, granaries, hogans, wickiups, sweat lodges, corrals, petroglyphs and pictographs, tipi rings, and shade houses. Bears Ears holds more than 100,000 Native American cultural sites and is widely recognized as one of the world's premier areas for archaeological resources.

By the mid-19<sup>th</sup> century, the United States became determined to open the American Southwest to homesteading. This meant moving Indian people off many traditional lands and that included Bears Ears. Utes and Navajos were force-marched to reservations. For the Navajo, this was the Long Walk to Bosque Redondo in New Mexico. In particular, the White Canyon region of Bears Ears remains a significant historical site because of its many *Nahonidzho*, or



escaping places, used by Navajos to protect themselves from the soldiers. The Zuni and Hopi were spared the violence of the forced removal because, after thousands of years of residence in Bears Ears, they had relocated to their current pueblos to the south and southeast.

For generations, federal policy required Indian people to remain on their reservations and pueblos. The sense of homeland and the ancestors, however, was too strong. People avoided their federal overseers and found ways to return to Bears Ears for hunting, gathering, and ceremonies. In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, as federal policy relented, the non-Indian residents of San Juan County regularly forced Native Americans out of Bears Ears, sometimes violently. Yet our people continued to find ways to return.

As Tribes became more active after World War II, we began talking about Bears Ears. The looting and grave robbing had been intensifying ever since the 1890s, causing widespread destruction. In 1968, Robert Kennedy came to the Navajo reservation during his presidential campaign. He held a meeting in Bluff and Navajo people urged him to protect the Ancient Puebloan villages and other archaeological resources.

#### The Origins of the Monument: Defining the Boundaries of the Cultural Landscape

The push for Bears Ears began in earnest in 2010 with the creation of the grassroots non-profit organization, Utah Diné Bikéyah (UDB). UDB was formed with a primary objective of protecting Bears Ears. Looking back, we can see that the formation of UDB was an important step on the road to the Bears Ears National Monument.

Early on, UDB set out on a project that was ambitious in the extreme. People were already discussing the possibility of creating a wilderness area, national park, national monument, or other appropriate classification. UDB defined its goal as establishing conclusively the proper boundaries, defined scientifically, culturally, and historically, necessary to protect the

Bears Ears homeland. After much deliberation, it settled upon a methodology, one which would require a prodigious amount of work. The interdisciplinary effort was based on thorough ethnographic research featuring an intensive interviewing regime; research by academic experts in ecology, biology, anthropology, archaeology, and public policy; Traditional Knowledge; extensive data on wildlife species obtained from Utah state wildlife officials; and data analysis.

The ethnographic data resulted in sophisticated and highly reliable cultural mapping. See generally Bears Ears Inter-Tribal Coalition, *Protecting the Whole Bears Ears Landscape: A Call to Honor the Full Cultural and Ecological Boundaries* (2016). Seventy cultural interviews were conducted by a Navajo traditionalist fluent in English and the Diné languages and possessing ethnographic training. The resulting ethnographic data was captured and organized on a fine scale. Maps were then prepared using that information to show why 1.9 million acres should be set aside as a cultural landscape.

This ethnographic mapping process benefited from Traditional Knowledge, which is increasingly recognized by western sciences and scholarship and used by federal agencies in land management and planning. Traditional Knowledge is derived from keen observation carried out and passed down over hundreds or thousands of years. It represents another way of knowing the social and ecological landscape. It is invaluable to scientists in places where it remains intact—places such as Bears Ears. The Presidential Proclamation rightly refers to Traditional Knowledge several times and emphasizes its critical place in future land management at the Bears Ears National Monument.

This intensive work began in 2010 and continued for 6 ½ years. It was a joined enterprise of Traditional Knowledge and western sciences. It reflected the careful, dedicated, and knowledgeable work of hundreds of Native people and dozens of academics. Their work shows

that the Bears Ears landscape is one discrete unit, bound together in numerous ways, and it blends perfectly with other protected federal and Tribal lands.

UDB released its Bears Ears proposal in April, 2013. The Proposal called for a 1.9 million acre protected area that could be designated as a national monument, wilderness area, national recreation area, or other classification under federal law. The carefully-considered, data-driven boundaries developed by UDB quickly became accepted as a serious proposal that deserved serious attention. While Utah public officials were generally noncommittal or negative, the boundaries were praised by conservation groups and many federal officials. We Indian people were inspired by the Proposal and the hard work that went into it, especially the cultural mapping that UDB developed that so fully represented Native American values.

For its part, UDB was disappointed and frustrated by the opposition or disinterest of Utah federal, state, and county politicians. In 2014, UDB turned to the Tribes to support and carry the Proposal. This was only logical. Federal Indian policy is based on the federal-tribal relationship and the Tribes would be the appropriate advocates to carry the Proposal forward. As a result, protecting Bears Ears increasingly became a major subject in the minds of the Tribes of the Southwest during 2014 and 2015.

#### The Tribal Proposal

We held many meetings, large and small, and made conference calls to discuss the alternatives. It became clear to us that there were two broad considerations. As a legal matter, what were the pros and cons of the different land classifications—wilderness, national monument, national recreation area, and others? At least as important, though, was the question of which would be the best forum—legislation controlled by the Utah delegation or a national monument proclamation developed by the administration and signed by President Obama?

In 2013, the Utah delegation was developing the so-called Public Lands Initiative (PLI). This was an initiative, led by Congressmen Bishop and Chaffetz, with the professed goal of reaching a consensus agreement among all stakeholders over the public lands of Eastern and Southern Utah, an area of great cultural value, beauty, and mineral potential. The general idea was that an agreement would lead to congressional legislation putting some federal lands in wilderness and other protected status and allowing multiple-use development to proceed on most of the other lands. We wanted to develop an agreement through the PLI process, but also wanted to ensure that Bears Ears was properly protected. As a result, we analyzed the options of PLI and national monument status, among others.

We were very apprehensive about entering into discussions on the PLI. Up to that time, the Utah leaders had never taken us seriously. This was in spite of the fact that we worked tirelessly on the PLI process, putting in as much or more effort than any party involved in the process. We made at least 25 presentations at PLI meetings, complete with maps, a two-page summary of the UDB proposal (the precursor to the later and more comprehensive Coalition Proposal), and substantial oral presentations. Congressional staff were present at approximately a dozen of these meetings. We also made four separate trips to Washington DC to meet with the Utah delegation; at each of those meetings, we made extensive statements complete with maps and a summary of the Proposal. At all of these meetings, both in the field and in Washington DC, we asked for comments on our proposal. It was to no avail.

In spite of our extensive and unwavering efforts, in no instance did anyone from the Utah delegation or the PLI make a single substantive comment, positively or negatively, on our proposal. Our painful experience with attempting to make an inroad into the PLI process was

epitomized by our dealings with the San Juan County Commission. Although the proponents of the PLI described the process as “open” and “ground-up,” PLI leaders said that they were relying heavily on the county commission. Indeed, we were told to present our proposal to the San Juan County Commission.

As part of the PLI process, the San Juan County Commission conducted a public comment survey on PLI in 2014 to gauge support for various land use proposals for Bears Ears. The UDB proposal was initially identified as “Alternative D” and the County Commission staff agreed to include Alternative D in the list of alternatives on the survey. Then, the staff broke that promise and refused to include Alternative D on the list for the formal comment process.

Supporters of Alternative D (Bears Ears) waged a write-in campaign. Despite being omitted from the list, the Bears Ears proposal received 300 positive comments, 64% of the 467 total comments received in the County. The Commission then completely rejected the results of its own survey—and the wishes of the Indian people who constitute nearly 60% of the population of San Juan County—and selected the heavy-development, low conservation “Alternative B.” Alternative B had received just two comments, one half of 1% of the total.

In spite of the extraordinary unfairness of this proceeding—the kind of raw, heavy-handed political overreaching rarely seen in America today—at no time has San Juan County, the PLI, or the Utah delegation ever seen fit to acknowledge it, much less apologize and disown it.

In 2015, the Tribes decided to hold a special meeting to decide what the strategy should be. The meeting was held in Towaoc at the Ute Mountain Ute Reservation on July 15-17, 2015. The third day, Friday, was reserved for a meeting with federal officials from Washington, D.C.

The day before, at the Thursday meeting in Towaoc, Tribal leaders had made a series of critical decisions that energized the already enthusiastic Bears Ears movement.

UDB and the Navajo Nation had always wanted this effort to be headed up by a multi-Tribal organization comprised of the Tribes that used the Bears Ears area the most. Thus, on that day at Towaoc, to unite formally in furtherance of protecting the sacred Bears Ears landscape, Tribal leaders from Hopi, Navajo, the Ute Indian Tribes, Ute Mountain Ute, and the Pueblo of Zuni agreed to create the historic Bears Ears Inter-Tribal Coalition to protect and preserve the homeland area they all care so deeply about. All of the Tribes passed resolutions on the subject before the meeting or shortly after it. The five Tribes then adopted an MOU setting forth the mission, function, and procedures for the Coalition. (The Coalition continues to exist and is dedicated to grassroots organizing and public outreach. The Bears Ears Tribal Commission, was created by the Presidential Proclamation as a land management entity for the National Monument.)

The newly-formed Bears Ears Inter-Tribal Coalition, recognizing the significance of the creation and management of a Bears Ears National Monument, decided to craft a comprehensive, detailed proposal, to be submitted to the President by a self-imposed deadline of October 15, 2015. Submission by this date would allow the President ample time to consider, and hopefully sign, a proclamation under the Antiquities Act, before the end of his term. This would also allow time for the Bishop-Chaffetz PLI process to review our proposal and include all or part of it in its proposed legislation, if so inclined.

During the late summer of 2015, the Tribes held four more well-attended, intensive day-long meetings, hosted at the reservations of the Coalition members, to review draft proposals in depth. These meetings, combined with UDB's work since 2010, allowed us to become well-

informed in all of the issues related to achieving and carrying out a complex federal land management program.

The Proposal had many aspects to it, but two were the most fundamental to the Tribes. We strongly recommended the 1.9 million acre national monument with the boundaries developed by UDB's comprehensive, in-depth research and analysis. In addition, we discussed Collaborative Management often and in-depth, and unanimously put forth a strong version of Collaborative Management between our Tribes and the federal agencies in which Traditional Knowledge would play an essential role.

Our Proposal reflects our intimate connection with Bears Ears, a cultural landscape densely inhabited by the stories, histories, prayers, and practices of people and place over millennia. Tucked among the canyons, folds, meadows, and promontories of Bears Ears rest an estimated 100,000 archaeological sites, regarded by researchers as world-class objects of scientific inquiry. Kivas, granaries, hogans, rock art panels, graves, and many more historic and prehistoric markers—all the work of our ancestors—are found throughout this area, preserved relatively undisturbed for centuries by the Colorado Plateau's arid climate and rugged terrain.

The supplemental report, Bears Ears Inter-Tribal Coalition, *Protecting the Whole Bears Ears Landscape: A Call to Honor the Full Cultural and Ecological Boundaries* October 18, 2016, includes both maps and narrative descriptions of the importance and significance of the five geographic regions that comprise the whole of the Bears Ears National Monument: The Confluence, White Canyon, Indian Creek, Headwaters, and Cedar Mesa. *Id.* Each of the Bears Ears regions stand as significant historic and cultural landscapes deserving of a national monument designation in its own right. Taken as a whole, these five regions interlace to tell a



compelling story of ancient cultures—even reaching into the present day with dwellings established as recently as the 1920s.

In all, our proposal represented the true voice of these Tribes and our determination to present to the United States a program that is workable in the real world of land management. We believed then and now that our proposal, as now mostly embodied in the Presidential Proclamation, will add even more luster to the proud American system of conservation lands and, as well, bring justice to Tribes and this sacred landscape.

The Coalition submitted its comprehensive proposal to the Obama Administration on October 15, 2015 *See* Bears Ears Inter-Tribal Coalition, *Proposal to President Barack Obama for the Creation of Bears Ears National Monument* 18 (Oct. 15, 2015).

<http://www.bears earscoalition.org/wp-content/uploads/2015/10/Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf>.

#### The Administration's Extensive Public Outreach and Thorough Analysis of Legal Requirements

The Obama Administration put in an inordinate amount of time and expertise in conducting comprehensive research, reaching out to the public, and developing its position on Bears Ears. It was a big issue. Opposition was small in numbers but very loud—although there was a magnificent outpouring of public support for the Monument, the Utah congressional delegation and various state officials all were extremely active in pressing their positions with administration officials. But, from top to bottom, the administration developed and analyzed a tremendous amount of scientific, historical, economic, cultural, and legal material. On our trips back to Washington, we never failed to be amazed by the number of dedicated administration people who actively responded to the public and were deeply familiar with all or some of the issues.

For our part, beginning with the presentation of our Proposal, we began a 14-month period in which we had numerous meetings and conference calls with officials in the Interior Department, Forest Service, and Council on Environmental Quality. Most of our people live in remote areas in the Southwest, and travel to the East Coast is grueling, but we made many, many trips to Washington DC.

We established a substantial public relations program and reached out locally and nationally through public meetings, op-ed articles, and television and radio presentations. Gradually, support for Bears Ears and our proposed collaborative management regime rose across the country. The only place where there was opposition was in the state of Utah, but public opinion polls showed that the Utah citizenry was about equally divided. Opponents blithely stated that “the people of San Juan County” oppose Bears Ears, ignoring the fact that the Native American population in the county is nearly 60%.

Virtually every major newspaper in the country supported the national monument. Especially notable is the Salt Lake City *Tribune*, with the largest circulation in Utah. The *Tribune* invested more resources in reporting on the issue than any other media outlet in the country, editorialized in favor of the Monument several times, and often exposed misinformation being released by the Utah delegation.

The Obama Administration welcomed and received the views of the public. The Antiquities Act does not require any specific procedures, other than the entry of a proclamation by the President. But the President directed that this be an open process. The administration received all manner of written opinions by letters and email. Meetings were arranged with countless organizations and individuals. Utah public officials, for example, had ongoing

meetings and communications with the President, high White House officials, the two secretaries, heads of agencies, and career staff. As late as December 21, 2016, just one week before the Proclamation was signed, the Governor of Utah's office complimented the staff to the Department of the Interior on the time and attention that they devoted to this issue.

In an exceptional display of reaching out to the public, Secretary Sally Jewell, accompanied by top Interior and Agriculture officials, traveled to Bluff, Utah and held a day-long open public hearing in which more than one hundred citizens, drawn by lot, made two-minute statements. *See* <http://bluffutah.org/secretary-jewell-to-discuss-protection-of-bears-ears-at-public-meeting>. Every perspective was represented. The overflow crowd was estimated at approximately 2,000; the largest gathering ever held in Bluff.

The Committee on Oversight and Government Reform has documented the timeline of events that led up to the Bears Ears Proclamation. The timeline and the documentation reveal repeated contacts, meetings, coordination, and outreach by the Obama Administration with the Utah delegation, governor, and local communities prior to the Monument Proclamation. *See Documents Obtained by Oversight Committee Refute Republican Claims That Obama Administration Did Not Consult on Bears Ears Monument Designation*, Committee On Oversight and Government Reform (April 13, 2017), <https://democrats-oversight.house.gov/news/press-releases/documents-obtained-by-oversight-committee-refute-republican-claims-that-obama>. To show the extensive public outreach and coordination in the creation of the Bears Ears National Monument, we incorporate by reference the timeline and documentation of the Committee on Oversight and Government Reform.

In addition to attending to public outreach, the President and the administration gave long and careful attention to two provisions in the Antiquities Act that were especially relevant to the

creation of this Monument. The statute allows presidents to create national monuments to protect “objects” of historic or scientific interest. While the legal definition of “objects” is very broad and calls for extensive discretion by presidents, the designation of such objects is critical to the creation of any monument. In this case, administration officials gave the matter continuing consideration. The result can be seen in the Proclamation, which identifies a great many objects and places them in context. The other provision is that, under the Antiquities Act, national monuments “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” While uniform case law gives very broad authority to presidents—Congress delegated authority to create national monuments to the President, “in his discretion” in the Antiquities Act—agency officials scrutinized this issue at length. State of Utah and mining company executives pressed for reducing the acreage. Finally, the Proclamation made a major reduction from the Tribes’ proposal of 1.9 million acres down to 1.35 million acres, a cut of nearly 30%. This action, which we strenuously opposed, brought the size of the Monument down nearly to the acreage allocated for protection under the Bishop-Chaffetz proposal in the PLI. Certainly, however, the current acreage is easily supported as “the smallest area compatible with the proper care and management of the objects to be protected.”

#### The Presidential Proclamation

The Presidential Proclamation of December 28, 2016 reflects the long and hard work that the administration put into it. The new Monument is tailor-made for coverage under the Antiquities Act of 1906, which Congress passed in response to the destruction of the kind of exquisite Southwestern archaeological resources that are so abundant at Bears Ears. Every part of the Monument holds “historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest,” the core requirement of the Antiquities Act and the evocative

Proclamation identifies such archaeological objects in great detail. The Proclamation is equally expansive with objects that are historical, geological, anthropological, paleontological, ecological, hydrological, botanical, and biological. Proclamation No. 9558, 82 Fed. Reg. 1139-43 (Dec. 28, 2016). These objects exist everywhere within the Monument.

The Proclamation recognizes the “[a]bundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts [that] provide an extraordinary archaeological and cultural record.” While the area is important to all Americans, the Proclamation recognizes that “the land is profoundly sacred to many Native American Tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and [Pueblo of] Zuni.”

The Proclamation notes that the earliest Native people—from the Clovis to the Ancestral Puebloans—utilized the Bears Ears region for millennia. *Id.* “The remains of single family dwellings, granaries, kivas, towers, and large villages, and roads linking them together, reveal a complex cultural history. ‘Moki steps,’ hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people’s ingenuity and perseverance and are still used today to access dwellings along cliff walls.”

The “petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists.”

We were disappointed by the Obama Administration’s reduction of the Monument from our proposal of 1.9 million acres down to 1.35 million acres. Virtually all of the changes were made to accommodate mining interests. We were saddened because those areas are all culturally

important to us and now may well be developed in disruptive ways that detract from the values of the Monument lands themselves.

But, otherwise, the Proclamation achieved our goals. The provisions for collaborative management vary somewhat from our proposal but the end result is truly exciting in that it calls for deep involvement—not just “consultation” or “advice”—of our tribal Commission as a “partner” in management of the Monument. The Proclamation leaves no doubt about the central importance of our Traditional Knowledge in management of this Monument: “The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.” 82 Fed Reg. at 1140.

As an overarching matter, the Proclamation alludes to, and honors, Indian people in the way we would wish. It describes our cultural practices in terms that are accurate, neither demeaning nor romantic. The Proclamation is not locked in the past: it acknowledges contributions of both our ancestors and Native Americans today. Traditional Knowledge, for example, is correctly recognized as being possessed by us both historically and contemporarily. In the past, monument proclamations made only passing references to Native Americans. In this case, about one-quarter of the text is dedicated to our people and our relationship to all that is the Bears Ears landscape. In reading the Proclamation, one can see—and it means a great deal to us—that President Obama created the Bears Ears National Monument to honor Indian Tribes (both past and present), the land, and the relationship between the Tribes and the land.

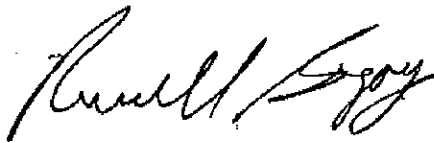
#### Conclusion

As can be seen from these comments, there was extensive public outreach and coordination with relevant stakeholders and the Bears Ears National Monument easily conforms to the objectives of the Antiquities Act. Under the Antiquities Act, presidents have authority to create new national monuments, but not to extinguish or diminish existing monuments. An attempt to do either one would be struck down by the courts as executive overreaching. We are attaching a short, recent article in which distinguished scholars address this matter entitled, .

Leaving the Monument fully intact is also the correct result as a matter of right and wrong. The wonderful Bears Ears National Monument is a gift to the citizens of the United States and the world. Once experienced, the physical beauty of the red-rock terrain and the cultural power of the Old People stay with visitors forever. As for us, we personally have received a great gift also, but most of all we think of our ancestors. They gave us everything we have and this Monument honors them, their wisdom, and their way of life. As President Theodore Roosevelt said in proclaiming the 800,000-acre Grand Canyon National Monument under the Antiquities Act, "Leave it just as it is. You cannot improve upon it."



**THE NAVAJO NATION**

A handwritten signature in black ink, appearing to read "Russell Begaye". The signature is fluid and cursive, with the first name "Russell" and last name "Begaye" clearly distinguishable.

Russell Begaye, *President*

## Bibliography

- Abel, A. H. (1915). *The Official Correspondence of James S. Calhoun: While Indian Agent at Santa Fe and Superintendent of Indian Affairs in New Mexico*. Washington D.C.: Government Printing Office.
- Adams, W. Y. (1959). Navajo and Anglo Reconstruction of Prehistoric Sites in Southeastern Utah. *American Antiquity* , 25 (2), 269-272.
- Adams, W. Y., & Adams, N. K. (1959). An Inventory of Prehistoric Sites on the Lower San Juan River, Utah. *Museum of Northern Arizona, Bulletin* , 31 (Glan Canyon Series, No. 1).
- Adams, W. Y., Lindsay Jr., A. J., & Turner II, C. G. (1961). Survey and Excavations In Lower Glen Canyon, 1952-1958. *Museum of Northern Arizona: Bulletin* , 36 (Glen Canyon Series No. 3).
- Aton, J. M., & McPherson, R. S. (2000). *River Flowing From The Sunrise: An Environmental History Of The Lower San Juan*. Logan: Utah State University Press.
- Benally, C. (1982). *Dinéjį Nákéé Nááhane': A Utah Navajo History*. Monticello, UT: San Juan School District.
- Brugge, D. M. (2012). Emergence of the Navajo People. In D. J. Seymour (Ed.), *From the Land of Ever Winter to the American Southwest: Athapaskan Migrations, Mobility, and Ethnogenesis*. Salt Lake City: University of Utah Press.
- Brugge, D. M. (1996). Navajo Archaeology, A Promising Past. In R. H. Towner (Ed.), *The Archaeology of Navajo Origins* (pp. 255-271). Salt Lake City: University of Utah Press.
- Brugge, D. M. (1983). Navajo Prehistory and History to 1850. In A. Ortiz (Ed.), *Handbook of North American Indians: The Southwest* (Vol. 10, pp. 489-501). Washington D.C.: Smithsonian Institution.
- Brugge, D. M. (1966?). *Navajo Use and Occupation of Lands North of the San Juan River in Present-Day Utah to 1935*. Unpublished.
- Brugge, D. M. (1964). Vizcarra's Navajo Campaign of 1823. *Arizona and the West* , 6 (3), 223-244.
- Bureau of Land Management. (2007). *Draft Resource Management Plan and Environmental Impact Statement* (BLM-UT-PL07-007-1610 ed.). Monticello: Monticello Field Office: Bureau of Land Management.

- Carlson, R. L. (2012). Issues in Athapaskan Prehistory. In D. J. Seymour (Ed.), *From the Land of Ever Winter to the American Southwest: Athapaskan Migrations, Mobility, and Ethnogenesis*. Salt Lake City: University of Utah Press.
- Correll, J. L. (1971). Navajo Frontiers in Utah and Troublous Times in Monument Valley. *Utah Historical Quarterly* , 39 (2), 145-161.
- Crampton, C. G. (1960). Historic sites in Glen Canyon, Mouth of the San Juan River to Lee's Ferry. *University of Utah, Anthropological Papers* , 46.
- Crampton, C. G. (1959). Outline History of the Glen Canyon Region, 1776-1922. *University of Utah: Anthropological Papers* , 46 (Glen Canyon Series: 9).
- Davis, E. L. (1965). Small Pressures and Cultural Drift as Explanations for Abandonment of the San Juan Area, New Mexico and Arizona. *American Antiquity* , 30 (3), 353-355.
- Day, K. C. (1964). Appendix II: Survey and Tested Sites. In F. W. Sharrock, J. D. Jennings, & C. C. Stout (Eds.), *Anthropological Papers: 1962 Excavations, Glen Canyon Area (Glen Canyon Series No. 25)* (Vol. 73, pp. 141 -152). Salt Lake City: University of Utah - Department of Anthropology.
- Doyel, D. E. (1982). Medicine Men, Ethnic Significance, and Cultural Resource Management. *American Antiquity* , 47 (3), 634-642.
- Dykeman, D. D., & Roebuck, P. (2012). Navajo Emergence in Dinétah: Social Imaginary and Archaeology. In D. J. Seymour (Ed.), *From the Land of Ever Winter to the American Southwest: Athapaskan Migrations, Mobility, and Ethnogenesis*. Salt Lake City: University of Utah Pres.
- Edison, C. A. (1996). Willow Stories: An Introduction. In C. A. Edison (Ed.), *Willow Stories: Utah Navajo Baskets* (pp. 8-15). Salt Lake City: Utah Arts Council.
- Ewing, J. (2016). Geographic Sampling of Antiquities of Bears Ears. *Friends of Cedar Mesa*.
- Ewing, J (2016). Geographic Sampling of Paleontological Resources in Bears Ears. *Friends of Cedar Mesa*
- Fowler, D., Gunnerson, J., Jennings, J., Lister, R., Suhm, D., & Weller, T. (1959). The Glen Canyon Archaeological Survey, Part 2. *University of Utah, Anthropological Papers* , 39 (Glen Canyon Series, No. 6), 319-707.
- Gill, S. (1983). Navajo Views Of Their Origins. In A. Ortiz (Ed.), *Handbook of North American Indians: The Southwest* (Vol. 10, pp. 502-505). Washington D.C.: Smithsonian Insitution.

- Gilmore, K. P., & Larmore, S. (2012). Looking for Lovitt in All the Wrong Places: Migration Models and the Athapaskan Diaspora as Viewed from Eastern Colorado. In D. J. Seymour (Ed.), *From the Land of Ever Winter to the American Southwest: Athapaskan Migrations, Mobility, and Ethnogenesis*. Salt Lake City: University of Utah Press.
- Grayeyes, W. (2013, May 5). Feedback on Literature Review Report. (G. Noyes, Pers Comm)
- Gregory, H. E. (1916). *The Navajo Country: A Geographic and Hydrographic Reconnaissance of parts of Arizona, New Mexico, and Utah*. Washington D.C.: Government Printing Office.
- Hester, J. J. (1971). Navajo Culture Change: From 1550 to 1960 and Beyond. In K. H. Basso, & M. E. Opler (Eds.), *Apachean Culture History and Ethnology* (pp. 51-68). Tuscon: The University of Arizona Press.
- Hewett, E. L. (1906). Anthropologic Miscellanea: Origin of the Name Navaho. *American Anthropologist* , 8 (1), 192-207.
- Hobler, P. M., & Hobler, A. E. (1978). An Archeological Survey of the Upper White Canyon Area, Southeastern Utah. *Antiquities Section Selected Papers* , 5 (13).
- Huscher, B. H., & Huscher, H. A. (1942). Athapaskan Migration via the Intermontane Region. *American Antiquity* , 8 (1), 80-88.
- Janetski, J. C., Kreutzer, L., Talbot, R. K., Richens, L. D., & Baker, S. A. (2005). Life on the Edge: Archaeology in Capitol Reef National Park. *Museum of Peoples and Cultures, Occasional Papers* , 11.
- Jett, S. C. (1978). The Origins of Navajo Settlement Patterns. *Annals of the Association of American Geographers* , 68 (3), 351-62.
- Jones, Kevin (2015). *Archaeological and Cultural Treasures of Bears Ears National Monument*. Utah Diné Bikéyah. Email [utahdinebikeyah@gmail.com](mailto:utahdinebikeyah@gmail.com) for a copy
- Kelley, K. B. (1986). *Navajo Land Use: An Ethnoarchaeological Study*. Orlando: Academic Press.
- Kelley, K. B., & Whiteley, P. M. (1989). *Navajoland: Family Settlement and Land Use*. Tsailie, AZ: Navajo Community College Press.
- Kuckhorn, C., & Leighton, D. (1951). *The Navaho*. Cambridge: Harvard University Press.
- Lane, L. (1999). Practical and Religious Meanings of the Navajo Hogan. In V. D. Nazarea (Ed.), *Ethnoecology: situated knowledge/located lives*. Tuscon: Universtiy of Arizon Press.

- Linford, L. D. (2000). *Navajo Places: History, Legend, Landscape*. Salt Lake City: The University of Utah Press.
- Littell, N. M. (1967). Finding 14: Navajo Use and Occupancy of the Northern Area North of the San Juan River. In *Proposed Findings Of Fact In Behalf Of The Navajo Tribe Of Indians In Area Of Overall Navajo Claim (Docket 229)* (Vol. 2, pp. 479-518). Window Rock: Navajo Printing Section.
- Magne, M. P. (2012). Modeling Athapaskan Migrations. In D. J. Seymour (Ed.), *From The Land of Ever Winter To the American Southwest*. Salt Lake City: University of Utah Press.
- Maryboy, N., & Begay, D. (2000). The Navajos. In F. S. Cuch (Ed.), *A History of Utah's American Indians* (pp. 265-314). Salt Lake City: Utah Division of Indian Affairs and Utah Division of State History.
- McGreevy, S. B. (1996). Contemporary Navajo Basket Makers. In C. A. Edison (Ed.), *Willow Stories: Utah Navajo Baskets* (pp. 22-29). Salt Lake City: Utah Arts Council.
- McPherson, R. S. (1996). A Brief History of the Utah Navajos. In *Willow Stories: Utah Navajo Baskets* (pp. 16-21). Salt Lake City: Utah Arts Council.
- McPherson, R. S. (2009). *Comb Ridge and Its People: The Ethnohistory of a Rock*. Logan, UT: Utah State University Press.
- McPherson, R. S. (2001). *Navajo Land, Navajo Culture: The Utah Experience In The Twentieth Century*. Norman: University of Oklahoma Press.
- McPherson, R. S. (1992). *Sacred Land Sacred View*. Provo: Charles Redd Center for Western Studies, Brigham Young University.
- Newell, L. K. (1999). *A History of Piute County*. Salt Lake City, UT: Utah State Historical Society and Piute County Commission.
- Prudden, T. M. (1903). The Prehistoric Ruins of the San Juan Watershed in Utah, Arizona, Colorado, and New Mexico. *American Anthropologist*, 5 (2), 224-288.
- Roessel, R. A. (1983). Navajo History 1850-1923. In A. Ortiz (Ed.), *Handbook of North American Indians: The Southwest* (pp. 506-523). Washington D.C.: Smithsonian Institution.
- Schaafsma, P. (1980). *Indian Rock Art of the Southwest*. Santa Fe: School of American Research.

Seymour, D. J. (2012). Isolating a Pre-differentiation Athapaskan Assemblage in the Southern Southwest: The Cerro Rojo Complex . In D. J. Seymour (Ed.), *From the Land of Ever Winter to the American Southwest: Athapaskan Migrations, Mobility, and Ethnogenesis*. Salt Lake City: University of Utah Press.

Shepardson, M., & Hammond, B. (1970). *The Navajo Mountain Community*. Berkeley: University of California Press.

Shumway, G. L. (1980). Blanding: The Making of a Community. *Utah Historical Quarterly* , 48 (4), 390-405.

Sprangler, J. D., Yentsch, A. T., & Green, R. (2009). *Farming and Foraging on the Southwestern Frontier: An Overview of Previous Research of the Archaeological and Historical Resources of the Greater Cedar Mesa Area*. . Unpublished.

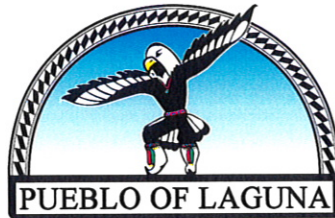
Stevens, M., Fenchel, G., & Hoag, C. (2000 йил 5-Dec). *Coyote Willow*. (USDA-NRCS, Producer) Retrieved 2013 йил 18-Feb from The PLANTS Database:  
[http://plants.usda.gov/plantguide/pdf/cs\\_saex.pdf](http://plants.usda.gov/plantguide/pdf/cs_saex.pdf)

Stokes, M., & Smiley, T. (1963). Tree-ring Dates from the Navajo Land Claim: I. The Northern Sector. (W. J. Robinson, E. Holmsgaard, & H. C. Fritts, Eds.) *Tree-Ring Bulletin* , 25 (3-4).

Sucec, R. (2006). *Fulfilling Destinies, Sustaining Lives: The Landscape of the Waterpocket Fold: An Ethnographic Overview and Assessment of American Indian Histories and Resource Uses with Capitol Reef National Park, Utah and on Lands Surrounding It*. Denver: U.S. Department of Interior: National Park Service: Intermountain Region.

Towner, R. H. (2008). The Navajo Depopulation of Dinétah. *Journal of Anthropological Research* . 64 (4).

Worley-Hood, G. (2013). Land and Resource Use of the Utah Navajo. *Round River Conservation Studies* USGS National Gap Analysis Program. 2007. Digital Animal-Habitat Models for the Southwestern United States. Version 1.0. Center for Applied Spatial Ecology, New Mexico Cooperative Fish and Wildlife Research Unit, New Mexico State University



May 25, 2017

Secretary of the Department of the Interior

<http://www.regulations.gov>

DOI-2017-0002

Re: Comments to Bears Ears National Monument Review

The Pueblo of Laguna supports President Obama's designation of Bears Ears National Monument, and strongly opposes review of the designation as irresponsible and illegitimate for three reasons – (1) the designation was lawful and correct on the facts; (2) neither the President nor the Secretary have a legal basis to make any modifications, and (3) the factual basis for this review has been contrived. The Secretary should either withdraw the review, or justly conclude that the designation was appropriate.

The Secretary cannot implement the President's Executive Order 13972 (Order) "consistent with applicable law" as directed. Order at Sec. 3(b). The Order retroactively imposes constraints on prior national monument designations not authorized by the Antiquities Act of 1906 (Antiquities Act), or any other federal law. The Order sets forth a policy for future designations or expansions of national monuments under the Antiquities Act. Order at Sec. 1. The Order aspires that "[d]esignations should . . . appropriately balance the protection of landmarks, structures, and objects against appropriate use of Federal lands and the effects on surrounding lands and communities." Arguably, the President has authority to set policy for how he will treat future national monument designations. However, the President lacks authority to second-guess and modify past designations.

Absent any authority, the Order directs that "[t]he Secretary shall conduct a review" of national monuments designated after 1995 "where the Secretary determines that the designation . . . was made without adequate public outreach and coordination with relevant stakeholders." Order at Sec. 2. The Antiquities Act compelled no such criteria on national monument designations made by previous Presidents. And, the current President lacks authority to require the consideration of superimposed standards on previously-designated national monuments. The Antiquities Act "does not authorize [the President] to abolish [national monuments] after they have been established." 39 Op. Att'y Gen. 185, 185 (1938). Moreover, the Federal Land Policy and Management Act of 1976 (FLPMA) restricts the President's and the Secretary's authority over federal lands in this regard by directing that "[t]he Secretary shall not . . . modify or revoke any withdrawal creating national monuments under [the Antiquities Act]. 43 U.S.C. § 1714(j). Accordingly, the Secretary's review cannot, "consistent with applicable law," proceed as directed by the Order or as interpreted in Docket No. DOI-2017-0002, and should be withdrawn.

Notwithstanding the illegitimacy of the current review, Bears Ears National Monument designation received an enormous amount of careful consideration, including years of listening



to stakeholders. Dozens of community meetings and public discussions were held throughout 2016, including a well-attended public meeting with then-Secretary of the Interior Sally Jewell in Bluff, Utah. The final monument designation boundaries are very close to what was proposed in the Utah delegation's Public Lands Initiative (PLI), and much smaller (550,000 acres) than the Tribally-led proposal. The record of "public outreach and coordination with relevant stakeholders" amply support Bears Ears National Monument were it left to this administration to designate.

Bears Ears is a sacred landscape with more than 100,000 Native American cultural sites, dozens of which were looted and desecrated between 2014 and 2015 alone. The proposal to establish it was developed by a coalition of five sovereign Tribal Governments (Hopi, Navajo, Ute Mountain Ute, Ute, and Zuni). Perhaps it is because of this unique circumstance that Bears Ears has been singled-out for fast-tracked illegal reconsideration under this administration. However, that alone was not the sole impetus for the designation. Bears Ears is also home to scientific wonders, irreplaceable wildlife and biodiversity, and recreational opportunities that form a vital base to the local economy. That is why Utah citizens, Americans across the country, and many other Indian tribes (like the Pueblo of Laguna) have all agreed it should be protected for future generations.

Most Americans support protection of public lands. According to a 2016 study from Harvard's Kennedy School of Government, more than 93 percent of respondents said that historical sites, public lands, and national parks should be protected for current and future generations. Reducing the size of Bears Ears will primarily benefit the profiteering extractive industries to the detriment of the important qualities intended for protection by the designation. Any change in the monument will benefit abusers who act as though Federal public land is their private domain, or those who neither respect nor appreciate Bears Ears' irreplaceable aspects. Any reduction in protection will cause irreparable harm and not adhere to the will of the majority, but benefit only an insignificant minority. The Pueblo of Laguna joins with a majority of Americans in Western states that support the protection that national monument status affords Bears Ears.

While Pueblo of Laguna is not opposed to sensible energy development, we believe the Bears Ears National Monument area has greater value as protected wildlife, cultural, recreational, and historical resources than any temporary economic gain from mineral resource extraction. Rather than sacrificing this incomparable place for the removal of low-quality energy and mineral resources, which exist in abundance elsewhere, the National Park-quality landscape deserves permanent protection. Thus, the unauthorized review should be withdrawn, or at a minimum should recommend National Park designation by Congress.

Respectfully,

  
Virgil Siow, Governor

# BEARS EARS



⊗ TRIBAL COMMISSION ⊗

June 7, 2017

The Honorable Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Zinke:

The Bears Ears Commission, made up of the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Pueblo of Zuni, appreciates your efforts to continue discussions with the Commission and its tribes who hold sacred the lands and resources of the Bears Ears National Monument. As you know, on May 25, 2017, representatives of the Tribes who make up the Commission met with Acting Deputy Secretary James Cason to let him know that the President does not have the authority to modify or revoke any national monument, and in particular Bears Ears. These representatives also provided an overview of the substantial data and information supporting the size and scope of the Bears Ears National Monument, including voluminous information about cultural, anthropological, paleontological, biological, and geological sites and resources. As we explained, the area within the Monument is a vital part of the traditions of our people, and our Tribes use sites within the Monuments for ceremonies and traditional activities, such as hunting and herb gathering. We reiterate here that there is no statute authorizing any review of monuments, nor statutory authority for any public comment period, and certainly no authority—statutory or otherwise—to diminish or revoke any monument. Therefore, although we have no choice but to respond, the public process created by this order is unauthorized and void.

If you decide to move forward with the review process, the Presidential Proclamation establishing the Bears Ears National Monument provides the Commission with an essential role in the management of the Monument. The Proclamation requires that the Departments of Interior and Agriculture “meaningfully engage” the Commission in management of the monument. Under this existing law, the Commission must be involved in proposals that you put forward in your June 10<sup>th</sup> Interim Report.

While our tribes have always managed the lands and resources within what is now the Bears Ears National Monument, we began our work as the Commission in early 2017. As you can see in the enclosed materials, each of the five named tribes appointed a representative to the Commission and we quickly passed bylaws for the operation of the Commission. We have already met a number of times, began to develop management priorities and began to discuss management with your Regional and Field Offices.

We look forward to discussing this further with you. Please contact my attorney, Matthew Campbell, at 303-447-8760 or [mcampbell@narf.org](mailto:mcampbell@narf.org) to schedule further management discussions.

Sincerely,

A handwritten signature in blue ink, reading "Carleton Bowekaty". The signature is fluid and cursive, with the first name "Carleton" written in a larger, more prominent script than the last name "Bowekaty".

Carleton Bowekaty, Chairman  
Bears Ears Commission

Enclosures

cc w/enclosures:

The Honorable Sonny Perdue, Secretary  
U.S. Department of Agriculture

# **Bears Ears Tribal Commission Bylaws**

## **Preamble**

In the proclamation of December 28, 2016 establishing the Bears Ears National Monument, President Barack Obama established this Commission in recognition of the leadership of the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and the Pueblo of Zuni (the Tribes) in bringing the Monument proposal forward. The purpose of establishing the Commission is to allow for collaborative management between the Commission and the Federal agencies, “to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge;” and “to provide guidance and recommendations on the development and implementation of management plans and on management of the monument.” The proclamation provides for the Commission to have broad discretion in carrying out its initiatives: “The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.”

## **Mission**

We have been called to protect and enhance this sacred cultural landscape that is the Bears Ears National Monument, homeland to each of our Tribes. It has been, is, and will always remain a place to heal, to pray, to sing and dance, to gather herbs and medicines, to hold gatherings, and to pay high honor to our ancestors and descendants. We pledge to preserve and improve the land conditions of the Monument and to provide robust protection of, and access to, the innumerable cultural resources of the area. To achieve these objectives, we are committed to working collaboratively with the federal agencies.

This will enrich the practice of land management by demonstrating how using our traditional knowledge—combined with Western science and notions of land management—can lead to a deeper and more profound understanding of the relationship between human beings and the natural world.

We irrevocably commit ourselves, our successors, and our honor to improving conditions day by day, month by month, year by year, forevermore.

### **Article 1 – Name**

The name of this organization shall be the Bears Ears Tribal Commission (the Commission).

### **Article 2 – Membership**

**Section A. Member Tribes.** The Commission is made up of the following five Tribes: the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni.

**Section B. Additional Member Tribes.** Tribes may join the Commission with approval of three of the five member Tribes. If the number of Commission Tribes grows, approval of additional Tribes shall require a majority plus one vote of the existing member Tribes.

### **Article 3 – Leadership**

**Section A. Commissioners.** Each Tribe shall have the right to appoint one voting Commissioner. Each Commissioner shall be either a legislative officeholder elected by popular tribal vote or a person elected by the tribal government. The terms and the tenure for commissioners will be decided by the individual tribes.

**Section B. Board of Commissioners (Board).** The Board shall be comprised of the Commissioners. The Board shall be the governing body of the Commission and shall manage, control, and direct the affairs, policies, and property of the Commission. The Board may create committees and subcommittees as appropriate.

**Section C. Co-Chairpersons.** The Board shall have two Co-Chairpersons elected by the Commissioners at the first meeting of each calendar year. The Co-Chairpersons shall be responsible for calling and overseeing meetings, conducting relationships with federal agencies concerning collaborative management, working with advisors, guiding the Commission, organizing media outreach, and conducting other appropriate duties.

**Section D. Commission Treasurer.** The Commission shall elect a Treasurer at the first meeting of each calendar year. Unless and until delegated to staff, the Treasurer shall handle the Commission's finances and conduct other appropriate duties.

**Section E. Commission Secretary.** The Commission shall elect the Secretary at the first meeting of each calendar year. Unless and until delegated to staff, the Secretary shall take notes at meetings, distribute notes if necessary, make arrangements for keeping of records, and conduct other appropriate duties.

**Section F. Support Staff and Advisors to the Commission.** The Commission may retain, on a paid or volunteer basis, staff, subject matter experts, attorneys, and other personnel, as appropriate. Indian preference and shall be applied where appropriate.

#### **Article 4 – Meetings**

**Section A. Scheduling of Meetings.** Dates and locations of meetings of the Board will be held at the call of the Co-Chairpersons.

**Section B. Quorum.** All scheduled meetings of the Board will require a quorum of three Commissioners. While personal attendance is preferred, commissioners may participate by conference call.

**Section C. Decision Making.** Decisions of the Board Commission will be made at scheduled meetings except that, upon agreement of the presiding Co-chairperson, votes may be taken by electronic communication. Decisions will be made, when possible, by consensus. If consensus cannot be reached, then a majority vote of Commissioners constituting the quorum of Commission Tribes will determine Commission decisions.

**Section D. Procedure.** When possible, meetings of the Board will be conducted informally and by consensus. When the presiding Co-chairperson determines it to be appropriate, Robert's Rules of Order may be employed.

## **Article 5 – Financial documents**

**Section A. Contracts and other Writings.** Except as otherwise provided by Commission policy, all contracts, deeds, leases, mortgages, grants, and other agreements of the Commission shall be executed by the Treasurer or other person to whom the Board has delegated authority to execute such documents in accordance with policies approved by the Board.

**Section B. Checks and drafts.** All checks, drafts, or other orders for the payment of money, shall be signed by any two agents of the Commission as determined from time to time by Board resolution.

**Section C. Deposits.** All funds of the Commission not otherwise employed shall be deposited from time to time to the credit of the Commission in such banks, trust companies or other depository as selected by the Board.

## **Article 6 – Amendments**

Amendments to the Bylaws may be adopted by approval of two-thirds of the members of the Board.

## **Article 7 – Effective date of bylaws**

The bylaws shall be in full force and effect when ratified by all member Tribes.

Date: 5/19/2017

Agreed:



---

Co-Commissioner



---

Co-Commissioner





## Monument review, MS-1530

Mililani Trask <mililani.trask@icllchawaii.com>  
To: consultation@bia.gov

Mon, Jun 5, 2017 at 7:51 PM

Aloha USDOl,

I am sending in this comment to request that the US DOI support repeal of the Northwest Hawaiian Island Papahānaumoku Monument. My reasons are the following:

- 1) The Monument & its expansion diminished the boundaries of the State of Hawaii by hundreds of thousands of nautical miles.
- 2) This executive action of President Obama eradicated 2/3ds of our State EEZ and significantly imputed out States economic income. See attachments.
- 3) 80% of the fish caught in these State waterside consumed in our State and over 20% are taken by subsistence fishermen feeding their families. See attachments.
- 4) Our State Constitution provides that native Hawaiians have a right (Article XII Sec 7) to access our State lands for cultural purposes, but the Monument regulations fail to provide a process for the exercise of this right and in fact monument rules have not facilitated cultural subsistence fishing or voyaging.

Please repeal this monument and all other Monuments imposed by Obama.

Mililani B. Trask

--

\*\*\*This message, and any attachments, is non-public information for the intended recipient's use only. It may contain proprietary, confidential and/or legally privileged information. No privilege and/or confidentiality is meant to be waived, released and/or relinquished by any mistransmission of this email. If you have received this email in error, please inform the sender immediately and delete the email, and any attachments, from your system. The use, dissemination, transmission and/or distribution of this email, and any attachments, without the express consent of the sender is prohibited. Please be aware Indigenous Consultants, LLC reserves the right to monitor all email communication through its network. \*\*\*

### 3 attachments

Marine National Monument (Proclamation No.)	Area in Acres	Area in Square Miles
Papahānaumokuākea MNM Total	312,842,360 acres	582,574 square miles
Papahānaumokuākea Original (Proclamation 8031)	80,463,526 acres	149,760 square miles
Papahānaumokuākea Expansion (Proclamation 8338)	232,378,834 acres	432,761 square miles
Pacific Remote Islands RIBM Total	376,920,929 acres	695,389 square miles
Pacific Remote Islands Original (Proclamation 8030)	19,608,320 acres	36,000 square miles
Pacific Remote Islands Expansion (Proclamation 8373)	357,312,609 acres	659,389 square miles
Marianas Trench MNM (Proclamation 8335)	60,936,240 acres	112,160 square miles
Stewarts Arch MNM (Proclamation 8337)	8,688,640 acres	13,491 square miles
All Marine Monuments in US Pacific Islands in Acres	759,235,569 acres	

FF-monument area chart.jpg  
144K










FF-WhereSeafoodinHawaiiOriginates\_crop.jpg  
464K



FF- Pacific Monument Map.pdf  
341K

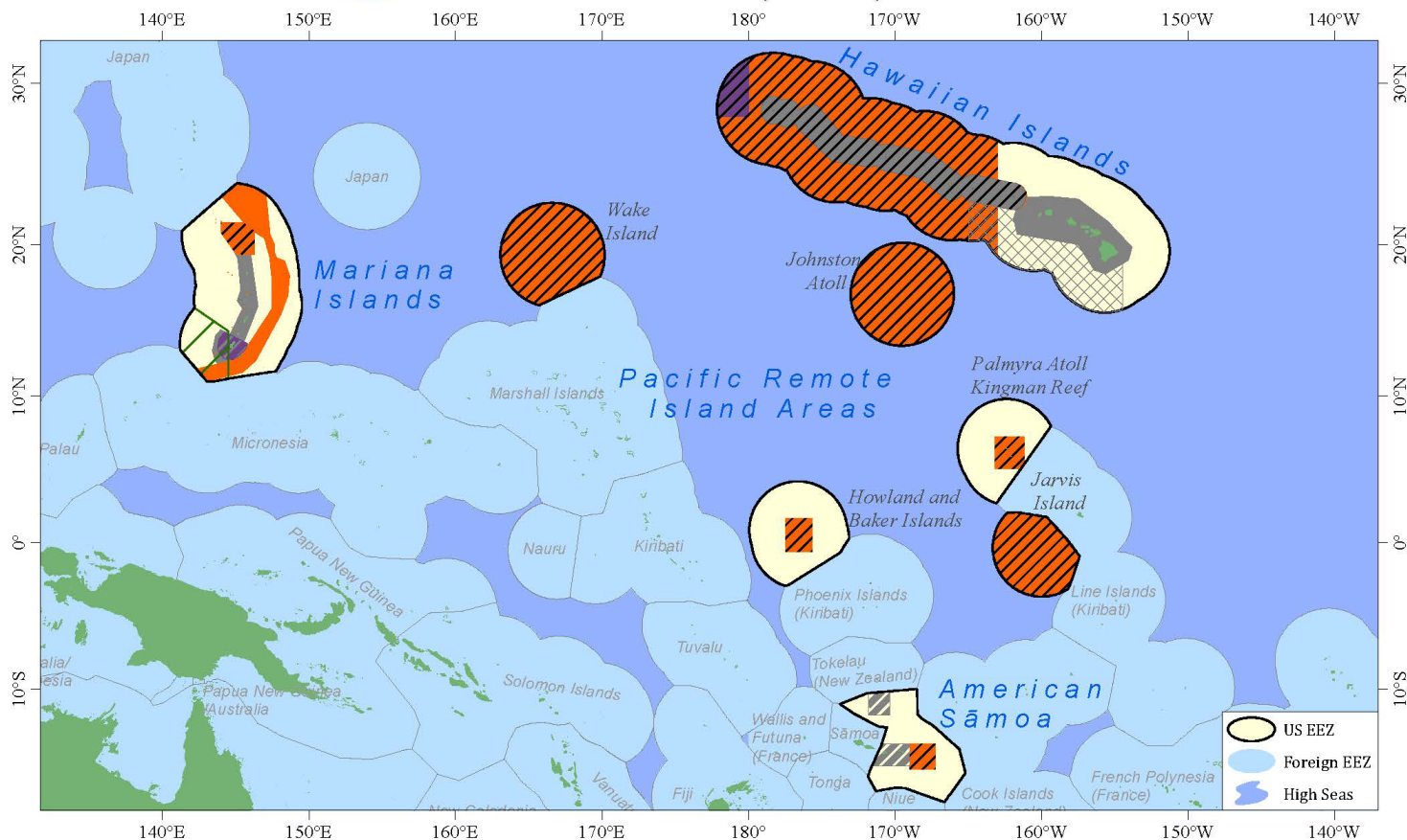
# US EEZ Regulated Fishing Areas, Western Pacific Region

## Magnuson-Stevens Act

-  Longline fishing prohibited (1991 - 92, 2011)
-  Large Vessel Prohibited Area (2002)
-  False Killer Whale Southern Exclusion Zone (2012)
-  Guam No Anchor Zone (2004)
-  Bottomfish/Groundfish fishing prohibited (1986)
-  Bottomfish Vessels  $\geq$  50 ft prohibited (2006)
-  US EEZ: trawling, drift gillnets, poisons and explosives prohibited (1986 - 2004)

## Antiquities Act

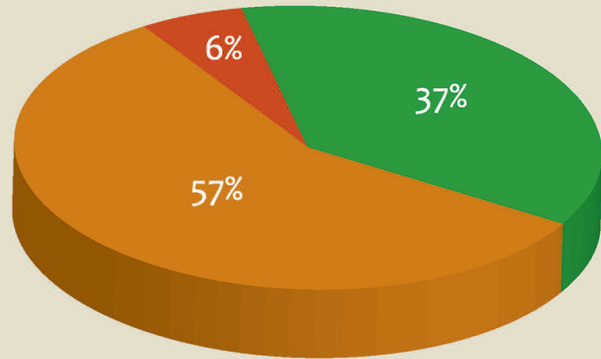
-  Marine National Monument (2006 - 2016)
-  Closed to all commercial fishing



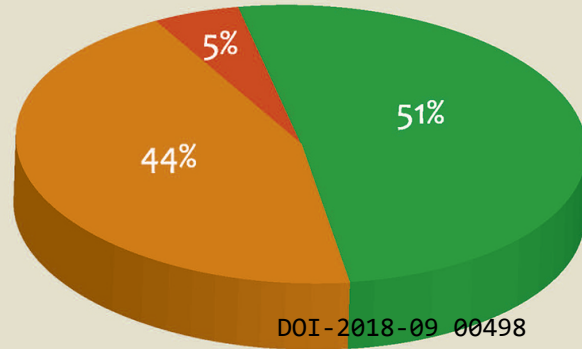
# Size of the Marine National Monuments in the U.S. Pacific Islands

Marine National Monument (Proclamation No.)	Size in Acres	Size in Square Miles
<b>Papahānaumokuākea MNM Total</b>	<b>372,847,360 acres</b>	<b>582,574 square miles</b>
Papahanaumokuakea Original (Proclamation 8031)	89,467,520 acres	139,793 square miles
Papahanaumokuakea Expansion (Proclamation 9478)	283,379,840 acres	442,781 square miles
<b>Pacific Remote Islands MNM Total</b>	<b>316,920,929 acres</b>	<b>495,189 square miles</b>
Pacific Remote Islands Original (Proclamation 8336)	55,608,320 acres	86,888 square miles
Pacific Remote Islands Expansion (Proclamation 9173)	261,312,609 acres	408,301 square miles
<b>Marianas Trench MNM (Proclamation 8335)</b>	<b>60,938,240 acres</b>	<b>95,216 square miles</b>
<b>Rose Atoll MNM (Proclamation 8337)</b>	<b>8,608,640 acres</b>	<b>13,451 square miles</b>
<b>All Marine Monuments in US Pacific Islands in Acres</b>	<b>759,315,169 acres</b>	DOI-2018-09 00497

**FIGURE 1: HAWAII AVAILABLE SEAFOOD - COMMERCIAL**



**FIGURE 2: HAWAII AVAILABLE SEAFOOD - COMMERCIAL + NONCOMMERCIAL**



DOI-2018-09 00498





*Nez Perce*

## TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

June 9, 2017

Honorable Ryan Zinke, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Zinke,

On April 26, 2017, President Trump signed an executive order directing the Secretary of the Interior to conduct a review of certain “[p]residential designations or expansions under the Antiquities Act made since January 1, 1996.” One of the designations you, as Secretary of Interior, are reviewing pursuant to President Trump’s executive order is the Hanford Reach National Monument (“Monument”) in the state of Washington. The Nez Perce Tribe (“Tribe”) firmly believes—based on the Tribe’s involvement with the Monument’s designation, and its subsequent involvement in the Monument’s management—that the Monument was properly and prudently designated the Monument for its nationally significant natural, cultural, and scientific resources, in accordance with the Antiquities Act of 1906.

In 1988, Congress directed the National Park Service to study the Hanford Reach of the Columbia River and recommend protection measures. In 1994, after years of study, the National Park Service recommended designating the land north and east of the Columbia River—the land that became part of the Monument—a National Wildlife Refuge. In 1999, the Department of Energy after, extensive analysis and discussions with the State of Washington, tribes, local governments, other federal agencies, environmental groups, and the public, designated this land for preservation.

The Nez Perce Tribe is a federal recognized tribe that maintains strong cultural and ancestral ties to the land within and surrounding the Monument. The Tribe therefore participated in the lengthy discussions and analysis that preceded the designation of the Monument in 2000. Since then, the Tribe, in coordination with the Department of Energy and U.S. Fish and Wildlife Service, has been actively involved in the co-management and protection of the Monument’s extensive collection of natural, biological, and cultural resources.

Hanford Reach lands were originally set aside by the federal government as a protective buffer zone for the Manhattan Project at the Hanford Nuclear Reservation during World War II. This created a refuge for significant native plants, animals, and cultural resources. Development



Honorable Ryan Zinke, Secretary of the Interior  
June 9, 2017  
Page 2

throughout much of the Columbia Basin has replaced and even destroyed similar resources, which are largely untouched within the Hanford Reach National Monument. Consequently, the Monument contains unique habitat features including one of the few large, continuous blocks of undisturbed shrub-steppe habitat in the Northwest still retaining a dominant pre-European settlement ecology and physical character. Needless to say, this habitat supports numerous species of native wildlife, and a wealth of archaeological and sacred cultural sites.

For instance, the Monument is home to a large, resident elk herd and borders the last free-flowing stretch of the Columbia River in the United States and the only remaining portion of the Columbia River where fall Chinook salmon still spawn naturally. The Monument is also comprised of land once extensively occupied and used by American Indian people, including the Nez Perce. As a result, the Monument contains and protects a rich cultural landscape with numerous sacred sites, which are associated with ongoing Tribal use, beliefs, and ceremonial activities. In addition, the Monument includes 127 sites that have been evaluated for inclusion in the National Register of Historic Places, with forty-nine actually listed. Six National Register Historic Districts are also located within the Monument. It is important that these sites and areas be preserved for future generations of American Indians to exercise traditional religious and cultural activities. The Tribe believes the Monument provides this needed protection.

Rescinding or reducing the size of the Hanford Reach National Monument would negatively jeopardize the integrity of the Monument's unique and irreplaceable features and Tribal cultural resources. The Tribe thus strongly opposes the reversal or any proposed changes to the Hanford Reach National Monument and urges you to recommend preserving the monument in your interim report. The Tribe further expects that were the federal government to propose any changes that the Department of Interior would immediately consult the Tribe on a government-to-government basis.

Sincerely,



Mary Jane Miles  
Chairman

cc: Rick Perry, DOE  
Doug Shoop, DOE  
Robyn Thorson, USFWS  
Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Wanapum





---

## 1996 monument status of northwest Hawaiian island hoomalu zone

---

John Gillespie (b) (6) >  
To: consultation@bia.gov

Mon, Jun 5, 2017 at 10:29 PM

I am a life long artisanal commercial fisherman, invested by years of acquired knowledge, experience, and investment in veddel and gear. My operations suffered the institution of monument status of NWHI Hoomalu zone. I, one of 5 limited entry permit holders were displaced from valuable bottomfish in this region without compensation. This has had devastating effects on the fishing community and individuals relying to their detriment on access to these grounds managed by western pacific fisheries management council and national marine fisheries service. The arrogance of power exhibited in these actions are unfair and discriminate, taking without compensation or regard of effects on people. I urge this body to ameliorate the effected from these unconcionable actions.



June 14, 2017

Ryan Zinke  
Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
Email: [miles.janssen@bia.gov](mailto:miles.janssen@bia.gov), [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov), [exsec\\_exsec@ios.doi.gov](mailto:exsec_exsec@ios.doi.gov),

Re: Docket No. DOI-2017-0002, Review of Certain National Monuments Established Since 1996

Dear Secretary Zinke,

Thank you for re-opening the comment period on Bears Ears National Monument until July 10<sup>th</sup>, 2017. As stated in the many letters Navajo Nation Chapter House governments have sent you since March, we invite you to attend a community listening session in Monument Valley, Utah to discuss the Bears Ears National Monument prior to the close of this comment period. Our communities were ready to meet with you during your visit in May, but you neither shared your schedule nor left the northern half of San Juan County. We want to meet with you in southern San Juan County and explain why we have worked so hard over the past seven years to protect this sacred landscape.

During your confirmation hearing, you stated that your first official order of business was to talk to local community members in Utah before making a recommendation to the President of the United States about the Bears Ears National Monument. Despite your brief time in Utah, you have yet to engage the local community in a meaningful manner. The majority of San Juan County residents are Native Americans who support the monument, and 60% of residents live south of Blanding, Utah. We wrote the original proposal that formed the basis of the National Monument, and we continue to support the National Monument today, despite the struggle to be heard by the Utah delegation.

The Bears Ears National Monument continues to be a place of healing for our people, a place where we gather firewood, plants and medicinal herbs. Bears Ears is also a place that is in need of protection. You mentioned in the interim report that "BENM contain(s) some objects that are appropriate for protection under the Act. This includes rock art, dwellings, ceremonial sites, granaries, and other cultural resources." Yet you fail to recognize that **the landscape itself** is inseparable from the values it holds in the areas of plants, animals, geologic features, spring, and its natural beauty. In fact, it is the entirety of the landscape that saved Navajo people and our cultural traditions. In 1862, hundreds of our ancestors found refuge from the trauma of "The Long Walk," when Navajos were rounded up by the U.S. Cavalry under the command of Kit Carson and forced to walk 300 miles to New Mexico. We hid out for years in canyons on the west side of the present-day National Monument, including White, Red, Nokai, Lake, and similar vast expanses that remain hard to traverse. The very nature of this landscape—rough, inhospitable, and unforgiving—is what saved us, and the protective status now governing it memorializes the hardships of the Navajo people. We find your oversight especially puzzling because the Supreme Court has long acknowledged that the Antiquities Act is meant to protect the landscape, and past presidents have used the Act for that purpose for an even longer period. We are confident that you will recognize

Navajo Utah Commission • P.O. Box 570 • Montezuma Creek, Utah 84534  
Phone: 435-651-3508 • Fax: 435-651-3511



the overly narrow view of the interim report once you hear of the landscape's relationship to our community from the community itself—and from the whole community.

We therefore ask that you come meet with our tribal officials and our local tribal members in the southern half of the county. Please meet with spiritual leaders and tribal members who offer unique perspectives on what these ancestral lands mean to our Tribes and listen to our views about the origins of this historic monument. We urge you to respect the historic significance of this monument for Indian Country and honor Tribes by reconsidering your recommendation to shrink our sacred landscape that is now protected as Bears Ears National Monument. We urge you to read the passage in the proclamation that acknowledges our traditional knowledge itself as a resource to be protected.

We appreciate your consideration of our request and hope you will come to Monument Valley, Utah prior to July 10th.

Respectfully,

A handwritten signature in black ink, appearing to read "Alfred Jim", with a stylized flourish at the end.

Alfred Jim, Chairperson  
**NAVAJO UTAH COMMISSION**