

To: Pentecost, Brian M -FS[bpentecost@fs.fed.us]; Conner, Tami -FS[tamiconner@fs.fed.us]
From: Ashcroft, Tyler
Sent: 2017-05-22T18:12:41-04:00
Importance: Normal
Subject: nuts and bolts of data request
Received: 2017-05-22T18:12:48-04:00
[New information requested on EO 13792 Monuments Review BENM.docx](#)
[Additional Data Request 052217.docx](#)
[ExecutiveSummaryforBENM.pdf](#)
[InitialDataRequestRelatedtoReviewofNationalMonuments_BENM.pdf](#)

Mark,

In addition to the data request there has been a lot of follow-up questions. We have also sent probably 30-40 supporting files. I am going to send you the nuts and bolts of our responses, including follow-up questions.

Let me know if you need something else.

The executive summary and initial data request include our original answers. The additional two documents include responses to follow-up questions received on the 19th and 22nd.

Some of the answers that provided (oil and gas) include forest service lands. Others (e.g., grazing, recreation, timber) are BLM only.

--

Tyler Ashcroft
Project Manager
Bureau of Land Management
(801)-539-4068

Executive Summary of Review of National Monuments under EO 13792 (April 26, 2017)

Key Information about Bears Ears National Monument

Bears Ears National Monument (BENM) consists of 1,351,849 acres in San Juan County, Utah, jointly managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) (1.063 million acres managed by the BLM; 290,000 acres managed by the USFS). Located in southeast Utah's canyon country, BENM offers unparalleled recreation opportunities. The area is one of the most significant cultural landscapes in the United States, with thousands of archaeological sites and important areas of spiritual significance to American Indian tribes.

Summary of Public Engagement Prior to Designation

The idea of a national monument in this area is not a new one: calls for protection of the Bears Ears area began more than 80 years ago. Six years ago, several tribes began working on a specific proposal to protect this area under the Antiquities Act. Last year, at the invitation of the tribes, senior representatives from DOI and the USFS attended an Inter-Tribal Council meeting in the field at the Bears Ears buttes to engage in government-to-government dialogue. In July 2016, Secretary Jewell was joined at a public meeting in Bluff, Utah, by Department of Agriculture Under Secretary for Natural Resources and Environment Robert Bonnie, Principal Deputy Assistant Secretary for Indian Affairs Larry Roberts, BLM Director Neil Kornze, National Park Service Director Jon Jarvis, and staff from the offices of Governor Herbert, Congressman Chaffetz, Congressman Bishop, Senator Lee, and Senator Hatch. At the meeting, an overflow crowd of over 1,500 citizens attended. The majority of speakers encouraged permanent protection for this iconic landscape, as did the majority of almost 600 written comments. On that trip, senior officials also met with a number of local stakeholders to discuss protection of the area, including a meeting with the San Juan County Commission that was well-attended by local citizens. The Governor, members of Utah's congressional delegation, and the San Juan County Commission support protection for the area, but unanimously opposed monument designation.

The boundary of BENM is largely congruent with similar designations in the Utah Public Lands Initiative (UPLI) (H.R. 5780), which was introduced by Representatives Bishop and Chaffetz after extensive consultations with stakeholders. Their UPLI, which Governor Herbert also supported, proposed to conserve roughly the same area as the BENM by designating two National Conservation Areas (Indian Creek and Bears Ears) as well as the Mancos Mesa Wilderness. The UPLI also proposed to designate most of the current Wilderness Study Areas as wilderness.

There is overwhelming support from tribal governments for protecting this important cultural landscape. A coalition of five federally recognized tribes – Hopi, Navajo, Ute Mountain Ute,

Zuni, and Ute Indian Tribe of the Uinta Ouray – came together to develop a proposal for protecting 1.9 million acres of public land in the Bears Ears area, which is the ancestral grounds of numerous tribes in the region and remains an important area for traditional and ceremonial use. Over two dozen other tribes endorsed their proposal, as well as the National Congress of American Indians. All seven tribes located in Utah and the Utah Tribal Leaders Association endorsed the proposal. The Navajo Nation, which has seven chapter houses located in Utah, has supported the proposal at its highest levels, including support from its President and the Navajo Nation Council. Six of their seven chapter houses in Utah support the monument proposal, and the one that has rescinded its support has instead advocated for protecting the area through the Public Lands Initiative. To reflect tribal expertise and traditional and historical knowledge, the monument proclamation established a Bears Ears Commission, which enable tribes to share information and advice with federal land managers.

Summary of National Monument Activities since Designation

The BLM-Utah Monticello Field Office has identified a list of priority projects needed to improve visitor safety, protect resources, and enhance visitor experiences and have made significant progress in planning and implementation of these projects. The BLM-Utah has also developed informational materials including maps, brochures, and website materials. Design work for portal signs is also nearly complete. The Bears Ears Tribal Commission has been established, with representatives identified for each of the tribes noted in the proclamation. The BLM has participated in two in-person meetings with the Commission and have started to identify opportunities to work together. The BLM has coordinated with the USFS on day-to-day activities and initiated discussions regarding short- and long-term management needs. A coordination call is held between the agencies on a weekly basis to discuss ongoing action items, including responses to public inquiries. The BLM prepared a Monument Advisory Committee (MAC) Charter (signed by Secretary Jewell) and a Federal Register Notice calling for nominations to the MAC (not yet published).

Summary of Activities in Area for 5 years Preceding Pre-Designation

These lands have been managed according to the 2008 Monticello Resource Management Plan, which includes multiple-use management objectives. Approximately 727,000 acres (68 percent) of the BLM lands that are within the monument are afforded a level of protection under the existing land use plan under other designations such as Wilderness Study Areas, natural areas, Areas of Critical Environmental Concern, or Special Recreation Management Areas. There has been no change in day-to-day management since designation of BENM.

Summary of Available Economic Information since Designation

A cursory review of mineral potential is included in the Drive folder.

Summary of Any Boundary Adjustments since Designation

Not applicable. The proclamation establishing the BENM directed the Secretary to explore entering into a Memorandum of Understanding (MOU) with the State of Utah for the exchange of approximately 109,000 acres of state inholdings within BENM for BLM lands outside the monument. Further, the Secretary was ordered to report to the President by Jan. 19, 2017, regarding the potential for the exchange. In response, the BLM drafted an MOU for review by the Utah State Institutional Trust Lands Administration (SITLA). SITLA has temporarily declined to participate in review of the MOU pending the outcome of the monument review under the executive order. The BLM anticipates that at the conclusion of the review process, SITLA will be receptive to dialog regarding exchange opportunities.

Oil & Gas:

1. Is there any information about the area that the proposed San Juan Master Leasing Plan would have encompassed? It is our understanding that it would have overlapped with at least part of what is now Bears Ears National Monument (BENM).

Please see the attached Excel file (MLP_BENM_Acres.xls). We can get you a map tomorrow.

2. Is it possible to provide information on why acres nominated for leasing for O&G within what is now BENM were not included in quarterly lease sales? Is there any sense of levels of interest in lease nominations prior to 2014?

Information related to nominated acres prior to 2014 is only available in paper format. Collection of this information would require us to review extensive records. In an attempt to provide some additional information, we have gathered information from BLM oil and gas files for 2010 to 2014. The year 2010 was selected as the starting point because this is when the BLM started offering lease sales on a rotating schedule among field offices. Since 2010, lease sales have been held each February in the Canyon Country District (i.e., Moab and Monticello Field Offices). Between 2010 and 2013, up to 108,375 acres within the area that is now BENM may have been nominated. Because we do not have GIS data for this time period, generic legal descriptions (Township and Range) were used to identify nominated acreage *in and around* the BENM.

The BENM boundaries are not tied to legal descriptions or public lands survey system land lines. Only portions of some township/ranges fall with the BENM. Therefore, 108,375 nominated acres is likely an overestimation of the what was actually nominated within BENM. Existing data does not allow us to more accurately calculate nominated acreage.

3. Are all existing wells on BENM now abandoned? While the last producing well was drilled in 1984, when did production actually cease on what are now monument lands?

All 250 wells previously drilled in BENM are plugged and abandoned. The last producing well was plugged and abandoned in October 1992. The attached spreadsheet (BENM_OGWells.xls) shows total oil and gas production for all wells in BENM.

Minerals:

4. What material is being produced at the one commercial mineral materials site?

Sand and Gravel

5. What are the land use decisions that precluded processing of potash prospecting applications prior to designation?

Between 2008 and 2015, the BLM received 35 potassium (potash) prospecting permit applications (PPAs) in the area that is now BENM. In December of 2016, the BLM completed the Moab Master Leasing Plan (MLP). Within the MLP, the BLM made new decisions on mineral leasing and development for potash. Under the MLP, potash leasing is only allowable in identified Potash Leasing Areas (PLAs). There are no PLAs in the BENM. All PPAs submitted prior to completion of the Moab MLP (2016) have been rejected. The attached document (BENM Potash PPAs.docx) includes a list of the PPAs submitted in the BENM.

Recreation:

6. While generally visitation increased substantially between FY15 and FY16, a couple of activities in particular increased as a percentage of total visitation. Notably: “driving for pleasure” increased from 5,445 visitor days in FY15 (2% of total visitor days) to 33,496 visitor days in FY16 (6% of total visitor days) and “climbing - mountain/rock” increased from 4,132 visitor days in FY15 (1% of total visitor days) to 29,363 visitor days in FY16 (6% of total visitor days)

Is there any insight into what is driving these jumps? I am mostly curious because in FY12-FY15, the top 5 activities by visitor day were consistently camping, backpacking, hiking/walking/running, row/float/raft, and viewing-cultural sites; but in FY16, driving for pleasure and rock climbing unseated row/float/raft and viewing-cultural sites in the top 5 activities.

The Recreation Management Information System (RMIS) is BLM’s official repository for data relating to the recreational and social use on public lands and waters, including National Conservation Lands. It is an internal system accessible only by BLM personnel. Data within the system includes, but is not limited to, the number of recreation visits, recreation visitor days, type of activities, permits issued, recreation site details, Travel and Transportation Management Areas (which contain the off-highway-vehicle designation acreage), and partnership agreement details.

The RMIS Database uses formulas developed by field staff (usually Outdoor Recreation Planners) that are designed from observational data coupled with visitor use estimates to account for the time visitors spend participating in different activities. RMIS automatically converts this data into estimates of visitor hours and visitor days.

A full overview of BLM’s RMIS process is available here:

<https://www.ntc.blm.gov/krc/viewresource.php?courseID=313&programAreaId=180>

Annually, the mid-year RMIS data calls require BLM offices to review Visitor Use Formulas and make adjustments, as necessary. Additionally, the Monticello Field Office experienced turnover

in the key positions that input RMIS data between 2015 and 2017. Likely the variances noted above are the result of new recreation specialists adjusting the formulas based on their observational experiences in the field.

7. Is Kane Gulch the only ranger station in BENM? Can visitation to Kane Gulch ranger station be considered a fairly representative proxy for visitation to BENM?

Kane Gulch is the only ranger station in BENM. It is primarily used for pick-up of overnight backpacking permits for Grand Gulch and day-use Moonhouse permits, as well as for long-term parking. The Ranger Station is only open during high-use season (spring and fall) and is only guaranteed to be staffed from 8 am to noon during its operating season. Kane Gulch is located in the Cedar Mesa area, at the southern end of the monument. The majority of recreational use occurs in the Indian Creek area, at the northern end of BENM. Thus, visitation to Kane Gulch is not a representative proxy for visitation to BENM.

Timber:

8. We have not yet received information on timber production from the Forest Service regarding timber activities in Manti-La Sal National Forest. Do you know if commercial timber production is permitted in Manti-La Sal NF?

A cursory web review indicates that the Manti-La Sal National Forest does periodically analyze commercial timber sales. Please contact the Forest Service for verified information.

<https://www.fs.usda.gov/wps/portal/fsinternet/cs/projects/mantilasal/landmanagement/projects?archive=1&sortby=1>

Cultural Resources:

9. What surveys and catalogues have been developed for cultural resources? Maps that have been shared with us indicated that only 9.2% of BENM has been inventoried for archaeological resources. Are there plans to survey the remainder of the monument?

In 2016, the Monticello Field Office contracted with SWCA, Inc. to complete a Class I - Existing Information Inventory (Class I). The purpose of this Class I, scheduled to be completed in fall of 2017, is to gain a comprehensive view of all of the known archaeological, historic, cultural and traditional places within the field office. Part of this contract is also to gather public input from consulting parties.

Also in 2016, the Monticello Field Office started an ethnographic literature review of the field office. The field office selected Living Heritage Anthropology to compile and summarize all ethnographic studies and sources within one document. The estimated completion data for this document is early 2018.

Maps that have been shared with us indicated that only 9.2% of BENM has been inventoried for archaeological resources. Are there plans to survey the remainder of the monument?

Since the designation in December 2016, BLM has not completed a full strategic plan to survey the rest of the monument.

The Monticello Field Office Record of Decision - Resource Management Plan (2018) directs the field office to prioritize new cultural resource survey in areas where there is little previous survey. The overall majority of Class III survey conducted in the field office and new monument boundaries has occurred because of federal undertakings related to the development or permitted use of public lands and their related National Historic Preservation Act - Section 106 compliance.

Almost on a yearly basis, the field office conducts Class III-Intensive Pedestrian Surveys (Class III), to facilitate route designations or to permit special-recreation permits for motorized events such as the San Juan County ATV Safari or Easter Jeep Safari.

Because conducting Class III survey is very costly and time consuming (~\$50/acre or more than \$2,300/mile for linear surveys), the field office has focused their own Class III surveys to areas of high cultural resource visitation, where archaeological site stabilization will occur or where special recreation permits for motorized activities will be permitted. Based on current contractor prices, BLM-Utah estimates that it would cost approximately \$60 million to survey the remainder of BENM. Survey work would take more than a decade.

10. Did BLM buy out any grazing permits with the designation of the monument?

No.

11. We noticed a significant drop in mineral production from 44,444 cu yds in 2014 to 2,914 cu yds in 2015 - is it possible to provide any insight to this drop?

The current permit allows the permittee to extract 200K cubic yards over a 10 year period. The amount extracted on an annual basis is not dictated by the agency (generally subject to market forces and however much is remaining out of the 200K cu yds.)

BLM-Utah is very nearly finished with the last two responses from the questions we received this morning. If there are additional questions, it might be beneficial to schedule a quick call tomorrow morning so that we can provide immediate responses.

**New information requested on Executive Order on the Review
of Designations Under the Antiquities Act**

BLM-Utah Responses to Additional Questions

1) Designated wilderness areas (name, acreage), Wilderness Study Areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

- a) There is no BLM-administered designated wilderness within BENM. The US Forest Service manages the Dark Canyon Wilderness.
- b) BLM manages 11 WSAs totaling 380,759 acres within BENM.
 - Bridger Jack Mesa – 6,333 acres
 - Butler Wash – 24,277 acres
 - Cheesebox Canyon – 14,831 acres
 - Dark Canyon – 67,825 acres
 - Fish Creek Canyon – 46,102 acres
 - Grand Gulch – 105,213 acres
 - Indian Creek – 6,554 acres
 - Mancos Mesa – 50,889 acres
 - Mule Canyon – 6,171 acres
 - Road Canyon – 52,404 acres
 - South Needles – 160 acres
 - *WSA/ISA acres listed are the total BLM-administered surface acres from the Utah Statewide Wilderness Study Report, October 1991. GIS calculations would vary.*
- c) There are ~48,800 acres within 4 areas (Dark Canyon, Mancos Mesa, Nokai Dome East and Grand Gulch) that are carried forward in the 2008 Monticello Approved RMP for protection of their wilderness characteristics. Mancos Mesa, Nokai Dome East and Grand Gulch are unavailable for oil and gas leasing. Dark Canyon is available subject to a no surface occupancy stipulation that cannot be waived, excepted or modified. All 48,400 acres are managed as avoidance areas for rights-of-way (ROW).

*See: Bears Ears_Existing Special Areas Calculations.pdf and
MtFORMP_Existing_Special_Designations_BLM.pdf*

2) Outstanding R.S. 2477 claims within a monument – type of road claimed and history

- a) There are 1,703 roads claimed in San Juan county under R.S. 2477. This figure also includes lands outside of BENM managed by the Monticello Field Office. (See: *Statewide_RS2477_Claims_102313.pdf and Utah_RS2477Claims.pdf*).

Note: Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to over 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-administered lands, but claims are pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case, involving three roads, has been settled (Juab 1). Under a case management order, six cases involving 1,500 claims are currently being litigated Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2); these cases do not include lands within BENM. The remaining cases have been stayed, although preservation depositions have been allowed to continue. BLM-Utah maintains thousands of records related to R.S. 2477 claims and active or pending litigation, but some of the information is attorney-client privileged.

Please clarify if additional information is needed.

3) Maps –

- a) BENM provided several maps in the initial data response (*BENM WO 410 Checklist and Supporting Docs subfolder: BENM_GeoPDF_map.pdf and BENM_webmap.pdf*). There are also numerous maps contained within the Monticello Management Plan. We are attaching several maps of cultural and paleontological resources, which may also assist WO 410 in responding to other questions within this document. (1. *ArchaeologicalSurveysMap_UDSH.pdf*; 2. *ArchySiteDensityMap_UDSH.pdf*; 3. *DRAFT Monticello FO Cultural Predictive Model Map_BLM.pdf*; 4. *BearsEarsSites_Comparison_UDSH.pdf* and 5. *BearsEars_BriefingMap_031417_Paleo_BLM.pdf*)

Please advise if specific additional maps are needed.

4) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

- a) Please refer to the *2.g.Bears-Ears-Inter-Tribal-Coalition-Proposal.pdf* in Drive, which describes the Coalitions' proposed boundaries and significance of areas in San Juan county. The Executive Summary for the Bears Ears Inter-Tribal Coalition (*ExecutiveSummaryBearsEarsProposal(BEITwebsite).pdf*) is attached. The attached *BENM Boundary Comparison Map Web.pdf* shows the extent of the Inter-tribal Coalition proposal as well as the Proclamation boundary (and the Utah Public Land Initiative designations). See also *TribalLettersPostDesignation.pdf*.

5) Other – general questions or comments

- a) **Discuss the full range of Proclamation objects.** The initial DOI data call focuses almost exclusively on cultural objects, but the Proclamation identifies many objects of antiquity or historical or scientific interest to be protected, such as paleontological resources.

- b) **Minor boundary modifications:** There are a few locations where a very small boundary modification would improve manageability of resources without causing any impacts to the objects identified in the Proclamation. For example, a portion of the Bluff Airport is included within the BENM. Tyler Ashcroft and Don Hoffheins can provide additional information on request.
- c) **Protection under the Antiquities Act versus other statutory laws or an NCA designation:** BLM-Utah requests that WO 410 assist in crafting clear language that describes the various levels of protection afforded under the Archeological Resources Protection Act, Paleontological Resources Protection Act, Native American Graves Protection and Repatriation Act, etc. versus the Antiquities Act. For example, there are no statutory protections for cultural landscapes, but such resources could be protected under the Antiquities Act. See also the *Stegner Center_NM vs NCA.pdf*.

Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)

1. Documents Requested

a. Resource Management Plans/Land Use Plans

- i. Bears Ears National Monument (BENM) has not yet initiated a Monument Management Plan (MMP). The 2008 Monticello RMP will be followed in the interim. The entire Monticello RMP (DEIS/FEIS/ROD) can be accessed here: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?method=renderDefaultPlanOrProjectSite&projectId=68097&dctmId=0b0003e880befb7c>. A copy of the 5-year RMP Evaluation is also in this folder (1.a.Monticello_RMP_Evaluation_September_2015.pdf).

b. Record of Decision

- i. BENM has not yet initiated a Monument Management Plan. The 2008 Monticello RMP will be followed in the interim. The ROD is in this folder (1.b.Monticello_Final_Plan_ROD.pdf) and can be accessed here: https://eplanning.blm.gov/epl-front-office/projects/lup/68097/85493/102694/Monticello_Final_Plan.pdf. Approximately 1,000 acres of BENM is within the Moab Field Office. The Moab RMP is located here: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?method=renderDefaultPlanOrProjectSite&projectId=66098&dctmId=0b0003e880bf5947>

c. Public Scoping Documents

- i. Public scoping has not yet been initiated for a BENM MMP. The first public comment period post- designation associated with BENM is the DOI Notice of Opportunity for Public Comment.

d. Presidential Proclamation

- i. Proclamation 9558 of December 28, 2016 is in this folder (1.d.Bears Ears Presidential Proclamation.pdf).

2. Information on activities permitted at the Monument, including annual levels of activity from the **date of designation to the present (Designation date for BENM is December 28, 2016 - information is not yet available for most of FY17)**

a. Recreation - annual visits to site

- i. The BLM uses the Recreation Management Information System (RMIS) to report visitor use. Full reporting for annual visitation 2017 will not be available until the end of September.
- ii. Specific visitation information to the BENM is not available at this time. The Monticello Field Office confirms that:
 - Requests for overnight reservations in the Cedar Mesa area and day use permits for the Mcloyd Canyon/Moonhouse area, which are both popular

recreation spots within the BENM, have increased since monument designation.

- Campgrounds in the Moab and Monticello Field Offices have remained full through much of this spring season, even on non-weekend days, and the number of overnight visitors is higher compared to this same time last year.
- iv. The number of recorded visitors to the Kane Gulch ranger station during the months of March and April was higher than in previous years. Included below are visitor numbers from the Kane Gulch ranger station.
- 2013 - 3,484 visitors
 - 2014 - 3,730 visitors
 - 2015 - 4,344 visitors
 - 2016 - 4,848 visitors
 - 2017 - 6,535 visitors
- b. **Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)**
- i. There are no producing oil and gas wells and no coal developments in BENM. While public lands in the monument are now withdrawn from mineral leasing, valid existing rights were protected under the proclamation. Therefore, development on existing leases could occur.
 - ii. There are 25 authorized federal oil and gas leases (29,416 acres) that are partially or wholly contained within the area that is now the BENM. The effective date on these leases ranges from 1972-2012. There are no authorized or pending APDs associated with these leases.
 - iii. Since 1920, 250 wells have been drilled in the BENM. The last wells were drilled in 1993. Of the 250 wells drilled, three wells have produced economical quantities of oil and gas. The last producing well was drilled in 1984.
 - iv. Since designation of the BENM, there has been no new construction of energy transmission infrastructure.
- c. **Minerals - annual mineral production on site**
- i. There are no active mining operations in the BENM. There is one commercial mineral materials site. The permit for this site was renewed on March 13, 2016, for a 10-year period. Production over the next 10 years is limited to 200,000 cubic yards (cu yds) at a rate of \$1.08 per cu yd. Due to the short timeframe since designation (five months), it is not possible to calculate the annual mineral production since designation.
- d. **Timber - annual timber production on site (in board-feet, CCF, or similar measure)**
- Timber production in the BENM is limited to non-commercial Christmas tree cutting permits, and permits for the collection of wood products

(i.e., posts and firewood). Due to the short timeframe since designation (five months), it is not possible to calculate the annual timber production since designation. Collection of forest products, and firewood for personal noncommercial use is allowed under the monument proclamation.

- e. **Grazing - annual grazing on site (AUMs permitted and sold)**
 - i. There are 20 allotments wholly or partially contained within BENM. These allotments include 50,469 permitted Animal Unit Months (AUMs). Allotment boundaries do not coincide with the BENM boundary, and therefore it is not possible to calculate the number of AUMs currently permitted within the monument. Due to the short timeframe since designation (five months), it is not possible to calculate the annual AUMs sold.
- f. **Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available**
 - i. Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. BENM does provide for the collection of certain natural materials, including firewood by Native American Indians, under BLM permit. Information regarding firewood collection is included under the discussion of timber production.
 - ii. RMIS data provides the number of permitted/guided and recreational hunting activities and fishing activities (BENM_5YearRecreationData). These numbers do not reflect the actual number of licensed hunters/fishermen. That data is available from Utah Division of Wildlife Resources. The entire BENM is open for hunting and fishing, which is regulated by Utah Division of Wildlife Resources.
- g. **Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available**
 - i. The BENM was designated at the request of the Bears Ears Inter-Tribal Coalition. The Inter-Tribal Coalition, which includes the Hopi, Zuni Tribe, Navajo Nation, Ute Mountain Ute, and Northern Ute, have stated that the entire 1.35 million-acre BENM includes important cultural values. The importance of these values, which was recognized in the monument proclamation, are discussed in the Inter-Tribal Coalitions monument proposal (2.g.Bears-Ears-Inter-Tribal-Coalition-Proposal.pdf), which was submitted to the department on Oct. 15, 2015. The cultural values of the area are also explained in the proclamation.
 - ii. Tribes use the BENM for ceremonies and to visit sacred sites. 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 BLM issues free use permits for collection of materials for ceremonial purposes.

- iii. According to the Utah State Historic Preservation Office (SHPO), as of Feb. 6, 2017, there are 8,480 recorded archaeological sites and four archaeological districts within BENM. According to the National Register Bulletin 36: Guidelines for Evaluating and Registering Archeological Properties, a “district” is a grouping of sites, buildings, structures, or objects that are linked historically by function, theme, or physical development or aesthetically by plan. The following archaeological districts are either completely within or partially within the BENM: Butler Wash, Grand Gulch, Natural Bridges, and the Salt Creek Archaeological District.
- iv. More than 70 percent of these sites are prehistoric (pre-dating the 1800s). These prehistoric sites include pottery and stone tool (lithic) scatters, the remains of cooking features (hearths), storage features such as adobe granaries and subsurface stone lined granaries, prehistoric roads, petroglyphs, pictographs and cliff dwellings. Historic sites include historic debris scatters, roads, fences, uranium and vanadium mines from World War II and the Cold War.
- v. The BLM has not completely surveyed the monument. The total percentage of the BENM that has been surveyed for cultural resources is 9.2 percent.

3. Information on activities occurring during the **5 years prior to designation**

- a. Recreation - annual visits to site
 - i. The BLM uses the RMIS to report visitor use. BENM is a subset of the Monticello Field Office. RMIS data for the Monticello Field Office is included in the folder (2.a.RMISData_SelectInfo_2012_2016.pdf).
- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)
 - i. There was no energy production from coal, oil, gas, or renewables during the five years prior to designation (2012-2016). The last producing oil and gas well was drilled in 1984. The last well was drilled in 1993.
 - ii. No energy transmission infrastructure was constructed within the BENM during the five years prior to designation. There are 13 existing power transmission lines that intersect the BENM. These lines were constructed from 1969-1984. There are four oil and gas pipelines or related facilities that were constructed in 1963. Additional information on energy transmission infrastructure and other lands and realty actions is attached (3.b.Lands_and_Realty.pdf).
- c. Minerals - annual mineral production on site

- i. During the five years prior to designation, mineral production was limited to one mineral material site. The permit for this site was renewed on March 13, 2016, for 10 years. Production over the next 10 years is limited to 200,000 cubic yards (cu yds) at a rate of \$1.08 per cu yd. Production numbers for the past five years are included below. This production occurred at a rate of .90 cents per cu yd.
 - 2011- 16,000 cu yds
 - 2012- 12,000 cu yds
 - 2013- 31,622 cu yds
 - 2014- 44,444 cu yds
 - 2015- 2,914 cu yds
- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)
 - i. During the five years prior to designation, timber production in the BENM was limited to non-commercial Christmas tree permits, and permits for the collection of wood products (i.e., posts and firewood). Production information for the site can be found the folder (3.d.Timber_Production_2012_2016). Information provided is for the entire field office and is not limited to the area that now part of the BENM. The BLM does collect location information.
- e. Grazing - annual grazing on site (AUMs permitted and sold)
 - i. There are 20 allotments wholly or partially contained within BENM. These allotments include 50,469 permitted AUMs. Allotment boundaries do not coincide with the BENM boundary, and therefore it is not possible to calculate the number of AUMs currently permitted within the monument boundary. AUMs sold during the past five years are included below.
 - 2012- 27,836 AUMs
 - 2013- 29,175 AUMs
 - 2014- 32,193 AUMs
 - 2015- 32,129 AUMs
 - 2016- 36,402 AUMs
- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
 - i. As previously mentioned, subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. BENM does provide for the collection of certain natural materials, including firewood by Native American Indians, under BLM permit. Permits issued to American Indians for collection are accounted for in the annual timber production numbers.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

i. See response to 2.g.

4. Information on activities that likely would have occurred annually from the date of designation to the present **if the Monument had not been designated**

(b) (5) DPP [Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]

(b) (5) DPP [Redacted]
[Redacted]
[Redacted]
[Redacted]

- [Redacted]
 - [Redacted]
[Redacted]
[Redacted]
 - [Redacted]
[Redacted]
[Redacted]
 - [Redacted]
[Redacted]
[Redacted]
[Redacted]

- [Redacted]
 - [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

- [Redacted]
 - [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

- [Redacted]
[Redacted]
[Redacted]

- [Redacted]
[Redacted]

- [Redacted]
[Redacted]

- [Redacted]
[Redacted]
[Redacted]
[Redacted]

(b) (5) DPP

5. Changes to boundaries - dates and changes in size

- i. There have been no changes to boundaries.

6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment

- i. The public process preceding BENM designation is outlined in the document 6.Bears Ears Fact Facts QA.pdf (released with the DOI/USDA joint press release on 12/28/16) in this folder. Secretary Jewell held a public meeting in Bluff, Utah in July 2016. See also:
<https://www.doi.gov/pressreleases/secretary-jewell-under-secretary-bonnie-john-utah-local-leaders-public-meeting-hear>.

7. Terms of Designation

- i. Refer to Proclamation for the terms of designation. No additional background (e.g., legislated land exchanges or Congressional budget provisions, etc.).

To: chris_powell@nps.gov[chris_powell@nps.gov]
From: POLITICO, LLC
Sent: 2017-05-19T10:33:03-04:00
Importance: Normal
Subject: POLITICO's Morning Energy: Trump jets off to Saudi Arabia — Reg reform fans in search of more Democrats — ARPA-E money begins to flow
Received: 2017-05-19T10:33:26-04:00

By Anthony Adragna | 05/19/2017 10:00 AM EDT

With help from Darius Dixon, Ben Lefebvre and Alex Guillén

TRUMP KICKS OFF INTERNATIONAL TRIP: Amid ongoing White House crises, President Donald Trump departs today on his first international trip, a nine-day, five-country trek. Expect the U.S. to tout its energy ties with Saudi Arabia during the first stop on his trip. Trump departs this afternoon for the overnight flight to Riyadh, where on Saturday he will sign agreements to enhance economic and security relationships between the two countries and hold a series of meetings with Saudi officials. On Sunday, Trump will meet with the Gulf Cooperation Council, a group of oil-rich nations in the region. Trump has previously threatened to cut off oil purchases from Saudi Arabia if the country does not step up its assistance in the fight against ISIS. U.N. Ambassador Nikki Haley last Sunday did not rule out the possibility that threat reemerges during the trip, although she stressed that was not the point.

The president is scheduled to travel to Israel next, followed by a stop at the Vatican. Trump is scheduled to meet next week with Pope Francis, who has called on world leaders to do more about climate change. But the pope has said he will not try to sway Trump to his views.

Trump will end his tour with the G-7 summit in Sicily next week, following a stop in Belgium. Expect other G-7 leaders at the summit to press him on climate change and urge him not to abandon the 2015 Paris accord. Some members, such as French President Emmanuel Macron, have already briefly broached the topic of the Paris climate deal with Trump.

WE NEED MORE DEMOCRATS! Proponents of overhauling the regulatory system will need to make additional concessions to secure the required Democratic support to get anything through the Senate, based on committee votes earlier this week, but Sen. Claire McCaskill may be up for the challenge, Pro's Eric Wolff reports. "We're hoping to get something out before the [Memorial Day] break," McCaskill said Thursday, while declining to provide additional details of the compromise regulatory reform bill she plans to introduce.

McCaskill voted against legislation in committee from Rob Portman and Heidi Heitkamp that is seen as the most ambitious proposal likely to gain traction this year. That bill, the Regulatory Accountability Act (S. 951), would require a cost-benefit analysis for most major rules and direct agencies to review significant regulations at least every 10 years, among other provisions. Portman vowed to keep working with McCaskill on crafting a compromise bill that can pass. "We addressed most of her concerns - I know that - but apparently not all of them," he said. In the meantime, activists worried that regulatory reform would weaken their ability to demand tough rules are staunchly fighting the legislation. "We're cautiously optimistic we have 41 votes,

but we're taking nothing for granted," Paul Billings, senior vice president for advocacy for the American Lung Association, said. Meanwhile, reg reform supporter Tim Doyle, vice president for policy and general counsel for the Americans Council for Capital Formation, says a piecemeal approach may work better than one large package. "There's support for some of the pieces, so smaller bills have a better chance," he said.

PRESSING MATTERS: Get ready for Democrats on the Senate Energy Committee to press David Bernhardt, the nominee for the number two slot at Interior, on the administration's approach to science and climate change in follow up questions to his nomination hearing, Pro's Esther Whieldon and Ben Lefebvre [report](#). Bernhardt faced intense questioning on whether he would respect the findings of the agency's scientists from Sen. [Debbie Stabenow](#), ranking member [Maria Cantwell](#) told ME after the hearing she remained "very" concerned about Bernhardt's answers on scientific integrity. "We clearly have an administration who thinks that they can just decide everything in the executive branch, and obviously that's not true," Cantwell said, promising to follow up in questions for the record.

MARK YOUR CALENDARS: The Senate Energy and Natural Resources Committee has scheduled a May 25 hearing to consider the nomination of Dan Brouillette for deputy energy secretary and [FERC picks](#) Neil Chatterjee and Rob Powelson, Pro's Darius Dixon [reports](#).

ANOTHER WEEK BITES THE DUST! I'm your host Anthony Adragna, and Hunton & Williams' Joe Stanko was first to identify Sedona, Ariz. as the only city with turquoise McDonald's arches. For today: Who is the current governor with nine children? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

SHOW ME SOME NRC NOMS: Three well-connected sources tell ME that President Trump is just about ready to make his picks for the Nuclear Regulatory Commission official. The White House announcement could come as soon as today or over the weekend, ME hears. Earlier this month, Darius Dixon told you who the [picks are](#), but there's starting to be a real time crunch for NRC Chairwoman Kristine Svinicki. The agency veteran's term expires June 30 - six weeks from today! And, as our regular readers know, the NRC doesn't mess around: If she's not reconfirmed by July 1, she's out, at least temporarily. Her ouster can be reversed pretty quickly, and she has some well-placed friends in the Senate, but the White House needs to release the goods.

ARPA-E FROZEN NO MORE: The Energy Department has [unfrozen](#) ARPA-E funding, announcing Thursday afternoon it's "honoring commitments to several previously selected" grants and three grants secured up to \$11.1 million in funding, Pro's Darius Dixon [reports](#). All three awards - one under the program's so-called [NEXTCAR](#) initiative and two under " [REFUEL](#) " - were initially announced last fall but needed to finalize their contracts with DOE after the Trump administration took power.

EPA FUNDING DISSECTED: A [memo](#) covering the remainder of the fiscal year shows EPA received an extra \$12 million in the appropriations omnibus to begin funding early staff retirements and buyouts, Pro's Alex Guillén [reports](#). The memo also says an extra \$800,000 has been allotted to pay for the travel costs of Administrator Scott Pruitt's security detail.

HITTING PAUSE: Provisions of a Federal Highway Administration rulemaking on national performance management measures related to measuring carbon dioxide emissions from on-road mobile sources "would benefit from further notice and comment procedures," according to a Federal Register notice scheduled to be published today. As Pro's Darius Dixon reports, the broader rule will move forward but new performance metrics related to greenhouse gas emissions will be "indefinitely" delayed.

ANOTHER CBD LAWSUIT FILED: The Center for Biological Diversity filed a lawsuit Thursday seeking information on the Keystone XL pipeline's route after the State Department didn't respond to its FOIA request in time. "With the State Department illegally refusing to provide information about a leak-prone pipeline that could pollute hundreds of waterways, we're left with no option but to sue," Amy Atwood, the group's endangered species legal director, said in a statement. The lawsuit also sought contracts and correspondence with private contractors.

CLIMATE RULE LIKE A DINOSAUR: Vice President Mike Pence touted congressional and executive actions to rescind Obama-era regulations during a Thursday speech at the U.S. Chamber of Commerce's Invest in America summit. Praising Trump, Pence said: "He's been rolling back the ban on offshore drilling. He's put the Clean Power Plan on a path to extinction."

NOT THROWING IN THE TOWEL YET: Rep. Ken Calvert, who leads the Appropriations subcommittee on Interior and Environment, isn't ready to join Mike Simpson in calling a yearlong stopgap spending bill the most likely outcome for fiscal 2018. But Calvert warns it will be "very difficult" for Congress to swallow funding levels anywhere near those in Trump's "skinny" budget. "We'll see if there's any significant changes from the skinny budget to this budget," he told ME.

TALKING RFS REVAMP: Rep. John Shimkus, chairman of the Energy and Commerce Subcommittee on the Environment, said he expected to begin a series of meetings on how to potentially revamp the Renewable Fuel Standard in the coming weeks. "We'll probably start meeting with a small group of members on the RFS and start kind of figuring out if there's a pathway," he said. "We're asking the members to come with no agenda, a clean slate."

UTAH GOVERNOR PRAISES ZINKE: It's not yet clear what his final decision will be, but Interior Secretary Ryan Zinke has been a "voice of moderation" in the Bears Ears National Monument debate, Utah Gov. Gary Herbert told reporters Thursday. "We all agreed that there should be protection. What we disagree on and what we need to decide is what is the method of protection: monument, legislation, enhanced protections from the BLM ... and the scope," Herbert said. "I think he's being very deliberate about this thing and I think at the end of the day we're going to have protections for that area." Herbert added that he didn't think the ongoing White House turmoil would affect the monument designation review.

NEW AD TARGETS TRUMP ON PARIS: 314 Action, which seeks to get scientists elected to public office, announced a three-week ad buy Thursday urging the Trump administration to keep the U.S. in the Paris agreement on climate change. The ad will run in Washington, as well as in the districts of Reps. Lamar Smith and Dana Rohrabacher. The ad will air on MSNBC and during Fox & Friends, which Trump is known to watch, but it does not seem likely to appeal to him. Over clips archival clips of Trump a narrator says "our president denies facts and reality,"

and the ad closes by urging viewers, "Don't just stop Donald Trump, save our planet."

THIS ONE TAKES THE CAKE: EPA investigators recently found themselves called to the scene of an unusual environmental crime: Weird-tasting baked goods. A new [report](#) from inspector general to Congress included a summary of what might be the agency's most delicious whodunit. At a bake sale at the agency earlier this year, an employee became ill after eating a treat that "smelled odd." Investigators eventually sniffed out the culprit: The employee who made the goodies "had inadvertently melted the bags containing the baked goods while affixing decorations with a hot glue gun." Maybe this is why Gina McCarthy always stuck to Dunkin's.

CASE DROPPED: Two tribes dropped their court case against the Dakota Access Pipeline, court records show. A U.S. Court of Appeals judge for the D.C. Circuit granted [a dismissal](#) of the appeal the Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe filed in April, according to a May 15 filing. The dismissal came two months after the tribes lost their case in a lower court seeking to halt construction of DAPL, which connects North Dakota oil fields to refineries along the Gulf Coast. Oil is already in the pipeline, and operator Energy Transfer Partners said the DAPL would reach commercial operations this month.

OIRA PICK FORMALLY SENT TO SENATE: After [more than a month](#), Trump formally sent the nomination of law professor Neomi Rao to run the OMB's Office of Information and Regulatory Affairs onward to the Senate Thursday. She's currently a law professor at George Mason University's Antonin Scalia Law School.

MOVER, SHAKER: Geoff Morrell, senior vice president of U.S. communications and external affairs at BP, has been promoted to group head of communications and external affairs. Morrell will be based in London and will report to BP Group chief executive Bob Dudley. [Read a Playbook Interview with Morrell.](#)

MAIL CALL! COME TO THE EVERGLADES! Florida Sens. [Bill Nelson](#) and [Marco Rubio](#), along with 23 members of the state's congressional delegation, sent Zinke [a letter](#) Thursday inviting him to visit the Everglades and check out restoration efforts first-hand. "The Everglades faces numerous challenges, but with a successful state and federal partnership, we are committed to ensuring future generations are able to enjoy this treasured ecosystem," they wrote.

NOT AN EFFICIENCY ARGUMENT: EU member state representatives remain deeply divided on how ambitious the bloc should be on energy efficiency over the next decade, POLITICO Europe's Anca Gurzu [reports](#) from Malta.

ICYMI: Be sure to check out the [stunning series](#) from The New York Times on Antarctic ice and the effects of climate change. It includes four videos examining what's above, below and on the ever-declining ice.

QUICK HITS

- U.S. Examines Russia's Grip on Citgo Assets. [Wall Street Journal](#).
- TCEQ Chairman Questions Science Behind Climate Issues. [KBTX](#).

- 2nd Lake Erie impairment suit in district court. [Toledo Blade](#).
- Fiji says U.S. faces climate risks, urges Trump to 'stay in canoe'. [Reuters](#).
- Wyoming coal miners have high hopes for Trump amid national turbulence. [ABC News](#).
- Gillibrand, Higgins petition Energy Department to rethink N-waste transport. [Buffalo News](#).

THAT'S ALL FOR ME!

To view online:

<http://www.politico.com/tipsheets/morning-energy/2017/05/19/trump-jets-off-to-saudi-arabia-220403>

To change your alert settings, please go to <https://secure.politico.com/settings/settings>

This email was sent to chris powell@nps.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

Please click [here](#) and follow the steps to unsubscribe.
