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**From:** Appel, Elizabeth  
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[Handout for Tribal Listening Sessions\\_EKA.docx](#)

Hi Morgan-

I think this look s great! I have a few minor suggested edits in the attached.

Thanks for pulling this together!

Liz

On Wed, May 17, 2017 at 5:29 PM, Rodman, Anthony <[anthony.rodman@bia.gov](mailto:anthony.rodman@bia.gov)> wrote:

Hi all,

I'm passing along a draft of a handout that we could give out at the listening sessions for Bears Ears. I've made some internal marginalia comments too that I may ask at the planning session at 3pm tomorrow hosted by the review team leads. I'm also including the corresponding Federal Register Notice and the EO.

Would you mind letting me know your thoughts and if this is in line with previous listening sessions?

Thanks,  
Morgan

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Tribal Listening Session  
**E.O. 13792 Review of Designations Under the Antiquities Act**



Office of the Assistant Secretary Indian Affairs

**Why are these listening sessions being held?**

In order to implement Executive Order 13792 (April 26, 2017), the Department of Interior (DOI) seeks tribal input to inform DOI's review of 27 National Monuments designated or expanded since 1996 under the Antiquities Act of 1906. The Secretary of Interior will use the reviews to determine whether each designation or expansion conforms to the policy stated in the Executive Order and to formulate recommendations for Presidential actions, legislative proposals, or other appropriate actions to carry out that policy.

In addition to comments at the listening sessions, written comments are being accepted until May 26, 2016, for the Bears Ears Monument, and for all other monuments until July 10, 2017. Written comments may be submitted by email to [consultation@bia.gov](mailto:consultation@bia.gov). The Department is also accepting comments from the general public online at <http://www.regulations.gov> by entering "DOI 2017 0002" in the Search bar and clicking "Search," or by mail to Monument Review, MS 1530, U.S. Department of Interior, 1849 C Street NW, Washington, DC 20240.

Commented [RAM1]: Why is Bear Ears so soon?

**What is Executive Order 13792 *Review of Designations Under the Antiquities Act*?**

E.O. 13792 requires that the Secretary of the Interior review national monuments that have been designated or expanded since January 1, 1996, that covers more than 100,000 acres or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.

In making the determinations about the monuments, the Secretary is directed to consider:

- i. the requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected;"
- ii. whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest;"
- iii. the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
- iv. the effects of a designation on the use and enjoyment of non Federal lands within or beyond monument boundaries;

- v. concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;
- vi. the availability of Federal resources to properly manage designated areas; and
- vii. such other factors as the Secretary deems appropriate.

Within 45 days of the issuance of E.O. 13792 (June 10, 2017), the Secretary must provide an interim report to the President summarizing the findings of the review. Within 120 days of the date of the Executive Order (August 24, 2017), the Secretary shall provide a final report to the President summarizing the findings of the review and include recommendations for Presidential actions, legislative proposals, or other actions necessary to carry out the policy of the Executive Order.

Deleted: shall

Commented [RACA/EKA2]: Do we need this, if we're including it below?

#### How will the information from the listening sessions be gathered and utilized?

- ✓ Meetings will be recorded and transcribed.
- ✓ Comments will be collected in writing.
- ✓ Copies of the transcripts will be available at [www.bia.gov](http://www.bia.gov).
- ✓ Your comments, ideas, and suggestions will be used by DOI in its review of the 27 monument designations and the subsequent recommendations to the President.

Commented [RAM3]: True? EKA: Yes

Commented [RAM4]: How will the comments be used/considered? What is the process?

#### What will happen after these listening sessions?

- ✓ Transcripts and written comments will be analyzed and recommendations reported to the Assistant Secretary Indian Affairs and the Secretary of the Interior
- ✓ The Secretary will provide an interim report to the President summarizing the findings of the review and provide recommendations for such Presidential actions, legislative proposals, or other actions within 45 days of the date of the Executive Order (June 10, 2017).
- ✓ The Secretary will provide a final report to the President summarizing the findings of the review and provide recommendations for such Presidential actions, legislative proposals, or other actions within 120 days of the date of the Executive Order (August 24, 2017).

Commented [RAM5]: Saturday, June 10<sup>th</sup> is 45 days from April 26, 2017.

Commented [RAM6]: Thursday, August 24<sup>th</sup>, is 120 days from April 26, 2017.

#### Topics we would like to discuss:

1. Are there other monuments in addition to the 27 being currently reviewed that should also be reviewed because they were designated after January 1, 1996, without adequate public outreach and coordination with relevant stakeholders?
2. Comments on the application of the seven factors (i-vii) listed in the Executive Order 13792 that the Secretary of the Interior is to use in reviewing the 27 monument designations. Please share other factors that should be considered.

