

**To:** Butts, Sally[sbutts@blm.gov]; Fisher, Timothy[tjfisher@blm.gov]; Nikki Moore[nmoore@blm.gov]  
**Cc:** Tyler Ashcroft[tashcrof@blm.gov]; Donald Hoffheins[dhoffhei@blm.gov]; Cynthia Staszak[cstaszak@blm.gov]  
**From:** Ginn, Allison  
**Sent:** 2017-05-19T14:47:16-04:00  
**Importance:** Normal  
**Subject:** Re: Additional questions on monuments review  
**Received:** 2017-05-19T14:47:57-04:00  
[New information requested on EO 13792 Monuments Review BENM.docx](#)  
[BENM Boundary Comparison Map Web.pdf](#)  
[Bears Ears Existing Special Areas Calculations.pdf](#)  
[MtFORMP Existing Special Designations BLM.pdf](#)  
[Utah RS2477Claims.pdf](#)  
[Statewide RS2477 Claims 102313.pdf](#)  
[4. BearsEarsSites Comparison UDSH.pdf](#)  
[5. BearsEars BriefingMap 031417 Paleo BLM.pdf](#)  
[1. ArchaeologicalSurveysMap UDSH.pdf](#)  
[2. ArchySiteDensityMap UDSH.pdf](#)  
[3. DRAFT Monticello FO Cultural Predictive Model Map BLM.pdf](#)

WO 410-

Please find attached BLM-Utah's responses and supporting documentation for Bears Ears National Monument. (Due to file size, I will have to send over multiple emails.)

We will be sending GSENM's response shortly. Thanks!

Regards,

Allison Ginn  
National Conservation Lands Program Lead  
BLM Utah State Office  
801-539-4053

On Thu, May 18, 2017 at 5:41 PM, Butts, Sally <sbutts@blm.gov> wrote:

Hi All:

We received a few additional questions from DOI that we need some assistance from Utah. Please see the attached list of questions and provide responses to the questions I've noted for Utah. There are a few that we (WO410) will take the lead on addressing. Please don't upload this document to the google drive folder. Just insert your responses in the attachment, one for Bears Ears and one for GSENM, and email back to me to coordinate in the WO and transmit to DOI. If at all possible, please provide the responses to these questions tomorrow (5/19).

Please let me know if you have any questions.

Thanks so much, Sally

--

Sally R. Butts, J.D., Acting Division Chief  
National Conservation Lands  
Bureau of Land Management  
20 M St. SE, Washington, DC 20003  
Office 202-912-7170; Cell 202-695-5889; Fax 202-245-0050; [sbutts@blm.gov](mailto:sbutts@blm.gov)

## Bears Ears National Monument Special Management Area Calculations

Agency	Acres	Wilderness/ WSA <sup>1</sup>	%	Natural Areas <sup>2</sup>	%	ACEC/ RNA <sup>3</sup>	%	SRMA <sup>4</sup>	%	SRMA <sup>5</sup>	%	Total	%
BLM	1,062,900	381,000	36%	48,800	5%	28,885	3%	562,000	53%	268,400	25%	727,085	68%
Forest Service	289,000	46,000	16%	0		270	0%	0	0%	0	0%	46,000	16%
Total Federal	1,351,900	427,000	32%	48,800	4%	29,155	2%	562,000	42%	268,400	20%	773,085	57%

**Summary-** Approximately 727,000 acres, or 68% of the BLM lands that are within the monument, are afforded a level of protection under the existing land use plan (2008 Monticello Resource Management Plan).

<sup>1</sup> The USFS manages the 46,353 acre Dark Canyon Wilderness pursuant to the enabling legislation – the Utah Wilderness Act of 1984 and the 1964 Wilderness Act, as amended. BLM manages 11 WSAs totaling 380,759 acres in a manner so as not to impair the suitability of such areas for preservation as wilderness, pursuant to FLPMA Sections 202 and 603.

<sup>2</sup> 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 acres will be managed as avoidance areas for rights of way (ROW).

<sup>3</sup> All of Indian Creek, Lavendar Mesa, Shay Canyon and Valley of the Gods Areas of Critical Environmental Concern (ACEC) and a portion of the San Juan River ACEC totaling ~28,885 acres were designated in the 2008 RMP and are within the Bears Ears National Monument. Valley of the Gods ACEC is a ROW exclusion area and closed to mineral leasing; Indian Creek, Shay Canyon, Lavender Mesa and San Juan River ACEC are ROW avoidance and subject to No Surface Occupancy. USFS manages the 266 acre Cliff Dwellers Pasture Research Natural Area (RNA).

<sup>4</sup> Special Recreation Management Area (SRMAs) are areas that require explicit recreation management to achieve recreation objectives and provide specific recreation opportunities. All Beef Basin, Cedar Mesa, Dark Canyon, Tank Bench and White Canyon, the majority of Indian Creek, and portions of the San Juan River SRMAs were designated in the 2008 RMP and are within the Bears Ears National Monument. Management decisions in the 2008 RMP are predominately related to management of visitor use within SRMAs, but also include limitations on certain forms of development to achieve recreation program objectives, which vary by SRMA. This column (<sup>4</sup>) includes acres of Special Recreation Management Areas (SRMAs) in Bears Ears National Monument. The majority of the SRMAs overlap other special areas.

<sup>5</sup> This column includes acres of SRMAs that do not overlap other special areas noted within this table.

**Quiet Title Act Lawsuits – Utah State and County R.S. 2477 Claims**  
**12,240 Roads as Identified in Amended Complaints Filed/Served**

March 2014

Beaver	2:12-cv-00423-CW	May 2012	454 roads	
Box Elder	2:12-cv-00105-DB	May 2012	191 roads	
Carbon 1	2:11-cv-01043-PMW	November 2011	33 roads	
Carbon 2	2:12-cv-00427-DB	May 2012	71 roads	[duplicates above 33 roads]
Daggett	2:12-cv-00447-DN	May 2012	56 roads	
Duchesne	2:12-cv-00425-CW	May 2012	70 roads	
Emery 1	2:05-cv-00540-DB	June 2005	7 roads	
Emery 2	2:12-cv-00429-CW	May 2012	299 roads	
Garfield 1	2:11-cv-01045-DN	November 2011	95 roads	
Garfield 2	2:12-cv-00478-TC	May 2012	640 roads	[consolidated with Garfield 1]
Grand	2:12-cv-00466-DN	May 2012	754 roads	
Iron	2:12-cv-00472-BSJ	May 2012	1421 roads	
Juab 1	2:05-cv-00714-TC	December 2005	3 roads	[settlement, Consent Decree]
Juab 2	2:12-cv-00462-DS	May 2012	661 roads	
Juab 3	2:12-cv-00584-TC	June 2012	11 roads	
Kane 1	2:08-cv-00315-CW	April 2008	15 roads	[appeals to 10 <sup>th</sup> Circuit]
Kane 2	2:10-cv-01073-RJS	February 2011	64 roads	
Kane 3	2:11-cv-01031-DB	November 2011	710 roads	[consolidated with Kane 2]
Kane 4	2:12-cv-00476-DB	May 2012	1 road	[consolidated with Kane 3]
Millard	2:12-cv-00451-DB	May 2012	709 roads	
Piute	2:12-cv-00428-CW	May 2012	99 roads	
Rich	2:12-cv-00424-DN	May 2012	219 roads	
San Juan	2:12-cv-00467-DAK	May 2012	1703 roads	
Sanpete	2:12-cv-00430-DB	May 2012	261 roads	
Sevier	2:12-cv-00452-DN	May 2012	657 roads	

43

487  
303

Tooele	2:12-cv-00477-CW	May 2012	692 roads
Uintah	2:12-cv-00461-DAK	May 2012	1615 roads
Utah	2:12-cv-00426-CW	May 2012	39 roads
Washington	2:12-cv-00471-TC	May 2012	426 roads
Wayne	2:12-cv-00434-DN	May 2012	297 roads

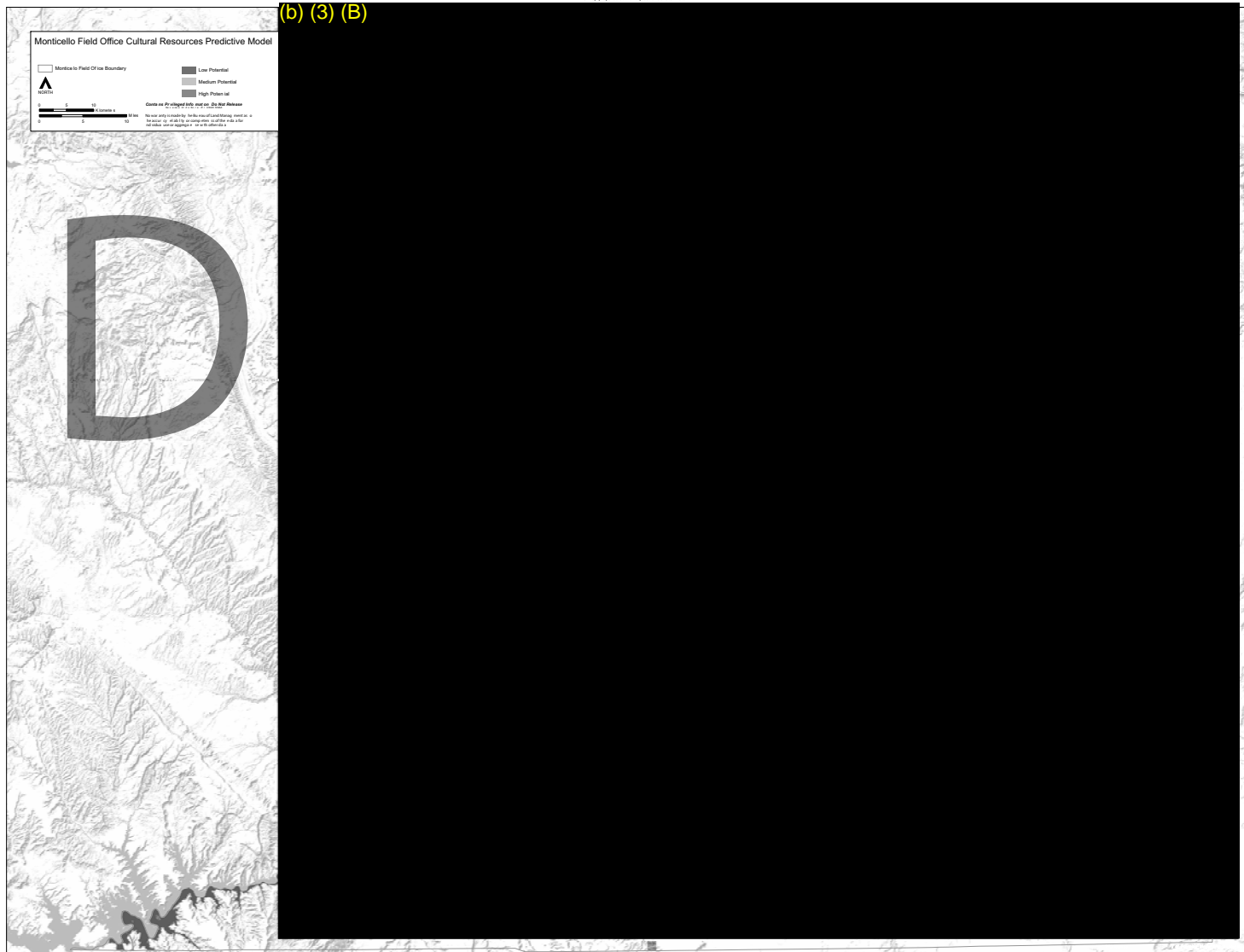
The active cases going forward at this time are Kane 2/3/4 and Garfield 1/2.

There are no R.S. 2477 road claims in the following Utah counties:

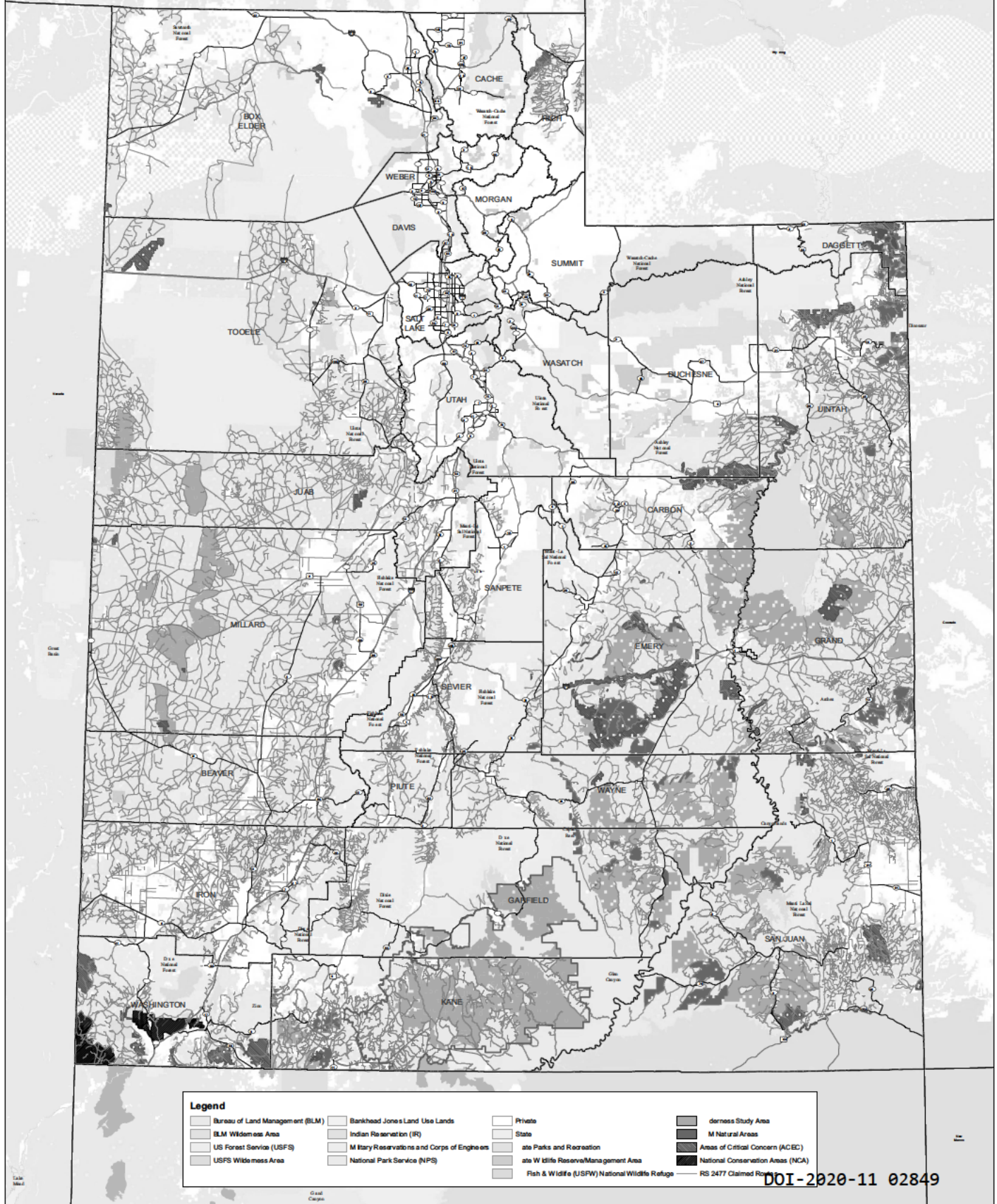
Cache  
Davis  
Morgan  
Salt Lake  
Summit  
Weber  
Wasatch

This map prepared at the request of Senator Hatch.

(b) (3) (B)



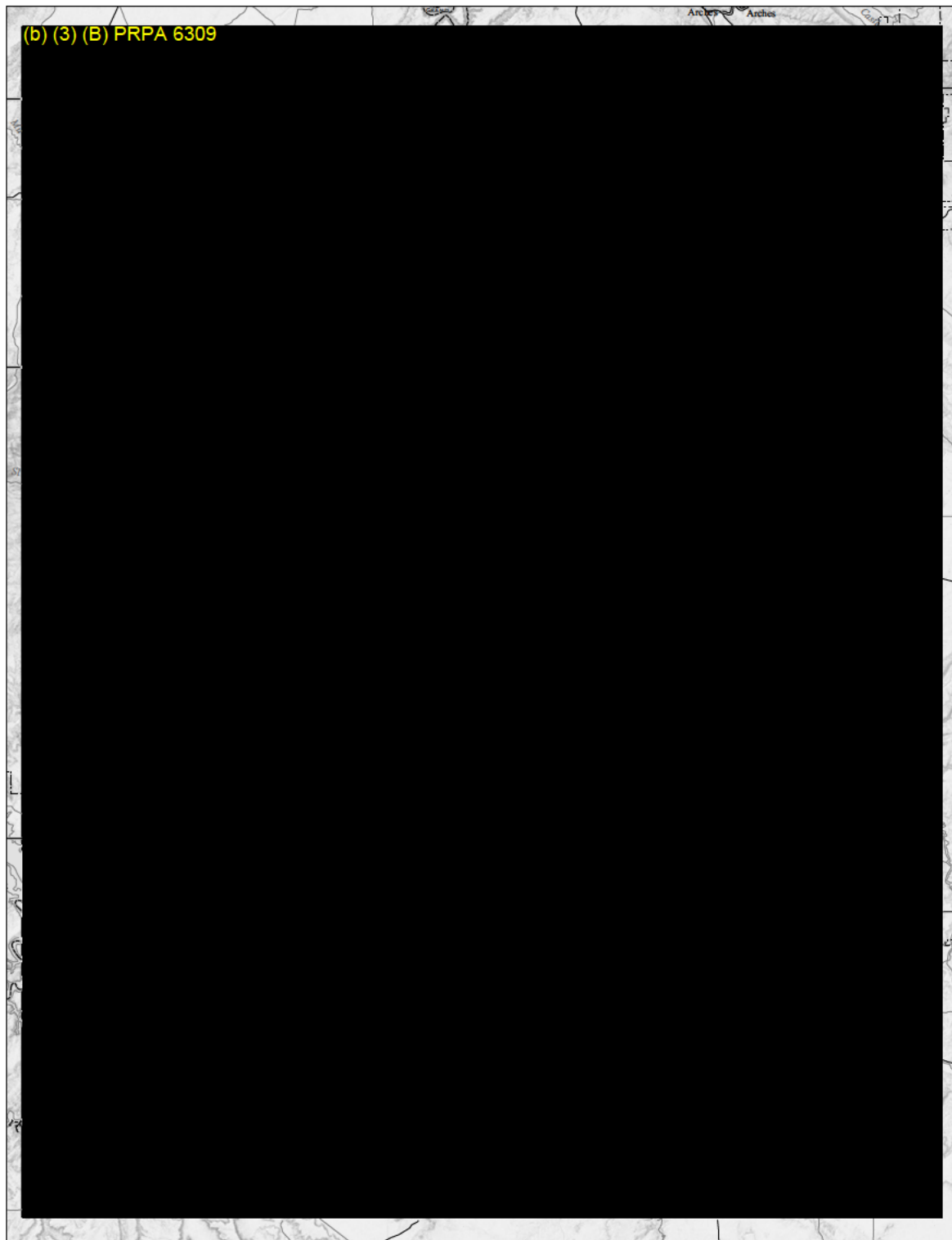
# RS 2477 Claims





# Bears Ears National Monument Paleontological Resources

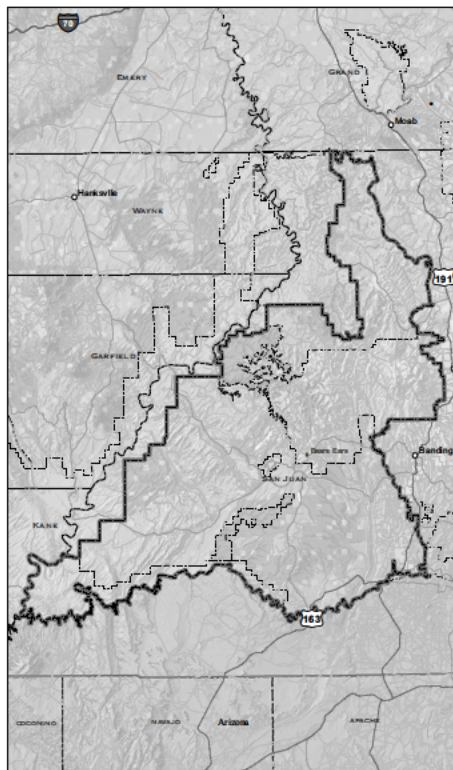
March 14, 2017



DOI-2020-11 02850

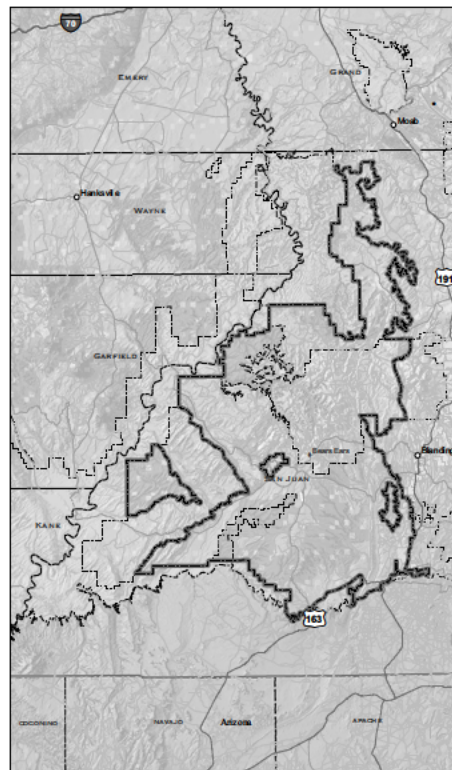
## Bears Ears National Monument Boundary Comparison Map

Bears Ears National Monument  
Inter-Tribal Coalition Proposed Boundary



Bears Ears National Monument Boundary  
 Proposed PLINCA Boundary  
 BLM Wilderness Study Area  
 Proposed Wilderness  
 Bureau of Land Management  
 Indian Reservation  
 National Park Service

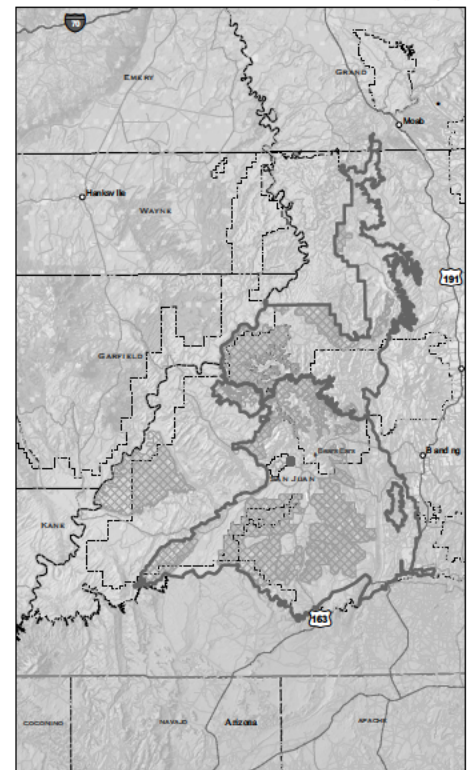
Bears Ears National Monument  
Proclamation Boundary



Private Land  
 State Land  
 State Parks and Recreation  
 US Forest Service  
 US Forest Service Wilderness Area

Bears Ears / Indian Creek  
Proposed Utah Public Land Initiative (H.R. 5780)  
National Conservation Areas

March 28, 2017



0 5 10 20 Miles  
 For Electronic Use Only  
 Utah

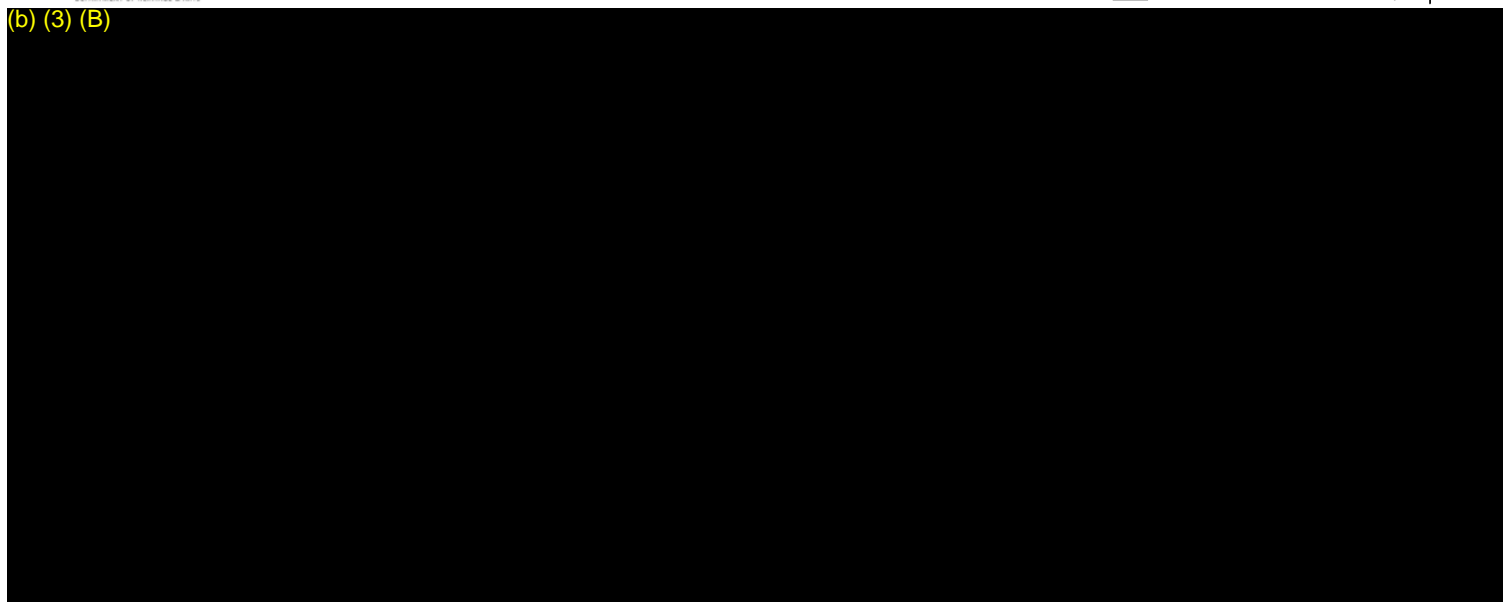


## Comparison of Recorded Archaeological Sites

Recorded Archaeological Sites  
Bears Ears Conservation Boundary



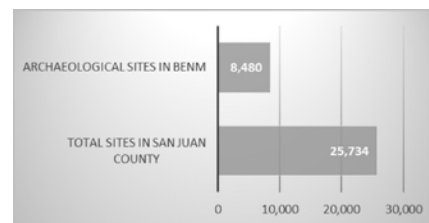
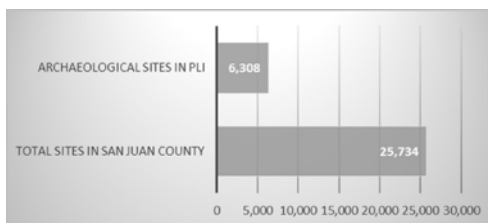
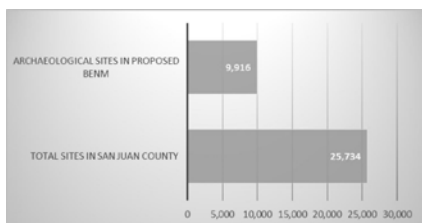
(b) (3) (B)



Inter Tribal Coalition Proposal

Utah Public Lands Initiative

Bears Ears National Monument



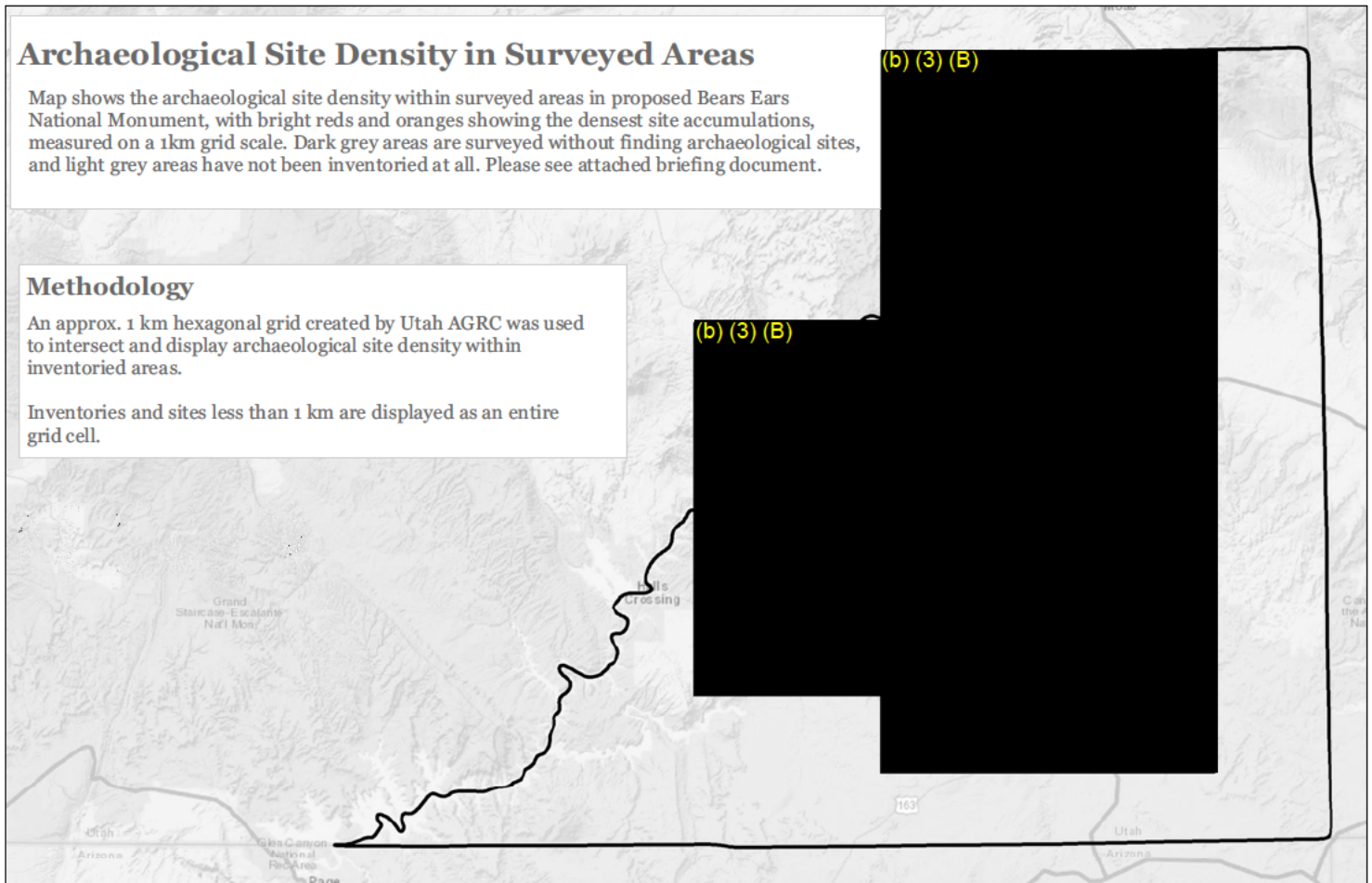
## Archaeological Site Density in Surveyed Areas

Map shows the archaeological site density within surveyed areas in proposed Bears Ears National Monument, with bright reds and oranges showing the densest site accumulations, measured on a 1km grid scale. Dark grey areas are surveyed without finding archaeological sites, and light grey areas have not been inventoried at all. Please see attached briefing document.

### Methodology

An approx. 1 km hexagonal grid created by Utah AGRC was used to intersect and display archaeological site density within inventoried areas.

Inventories and sites less than 1 km are displayed as an entire grid cell.



### Archaeological Site Density per Survey Area

Area Inventoried no sites documented	11 20	Bears Ears National Monument
Area Not Inventoried	21 36	San Juan County
1 4	37 71	
5 10		

Please note: Boundary depiction and calculations are approximate. Total acreage encompasses everything within boundary including state, federal and private lands.

0 10  
Miles  
N  
Map produced by Deb Miller,  
GIS Specialist - Antiquities Section

Utah Division of  
**State History**  
A DIVISION OF THE UTAH  
DEPARTMENT OF HERITAGE & ARTS

**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.

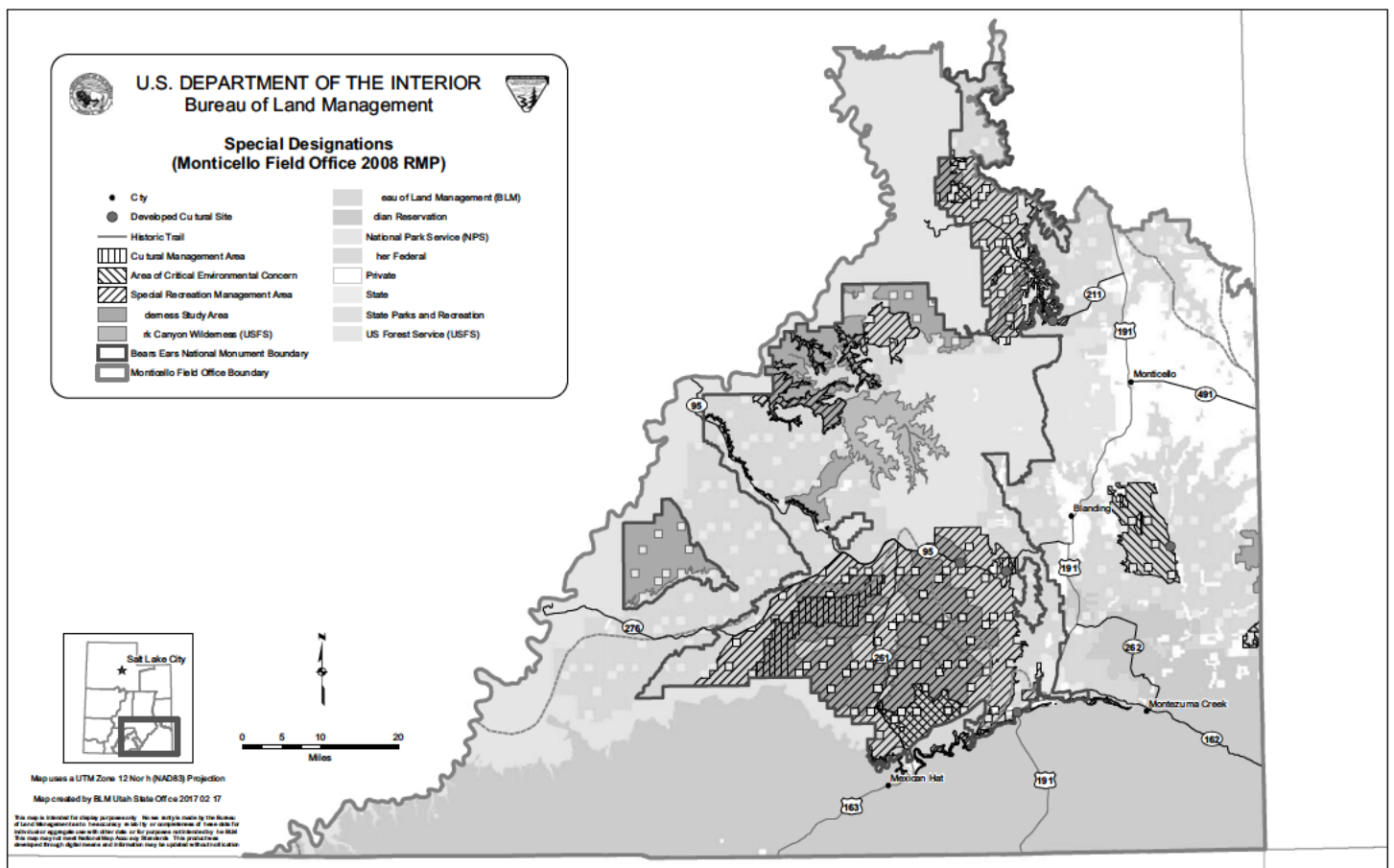
### 4) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

- 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*.

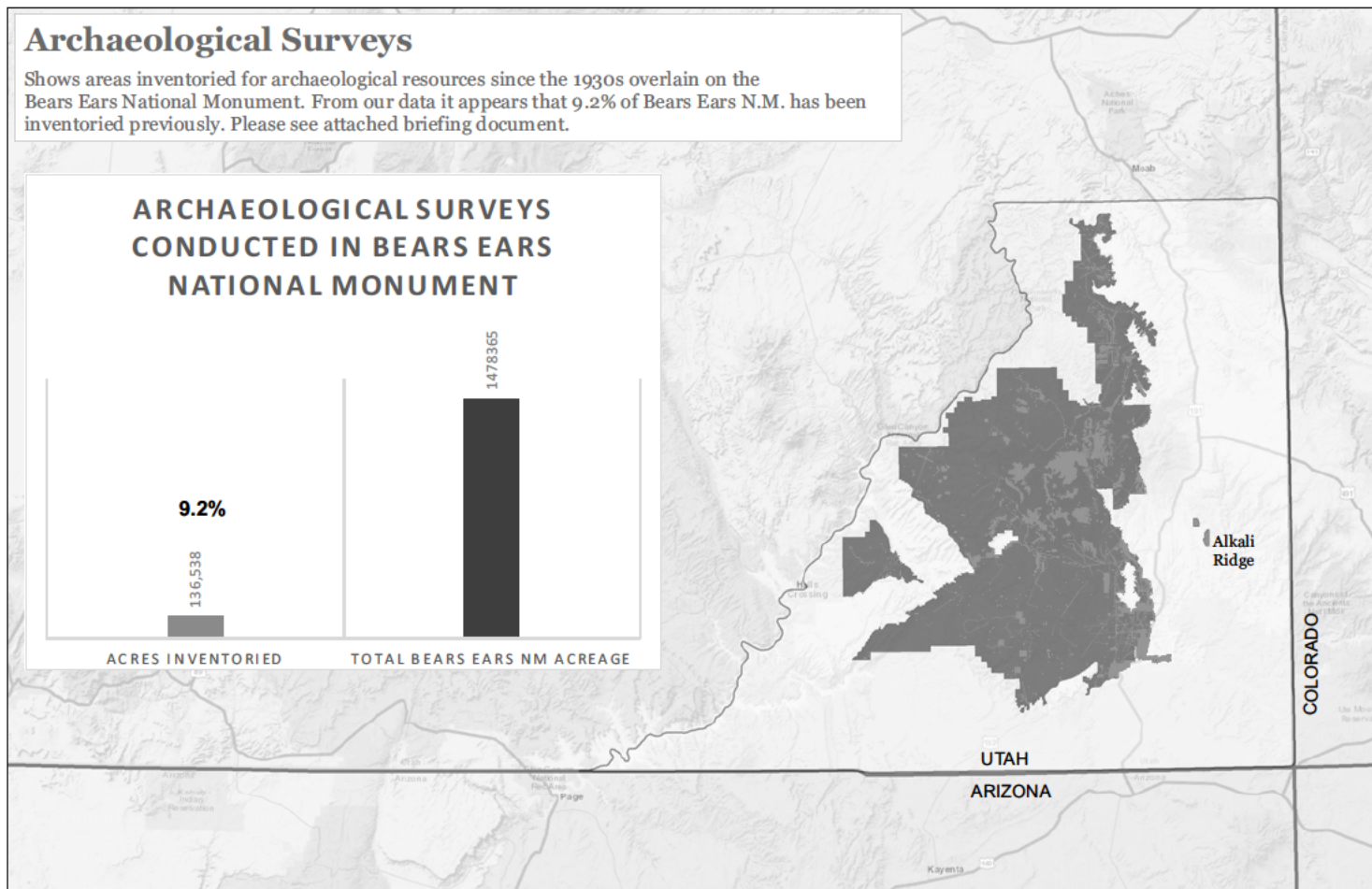
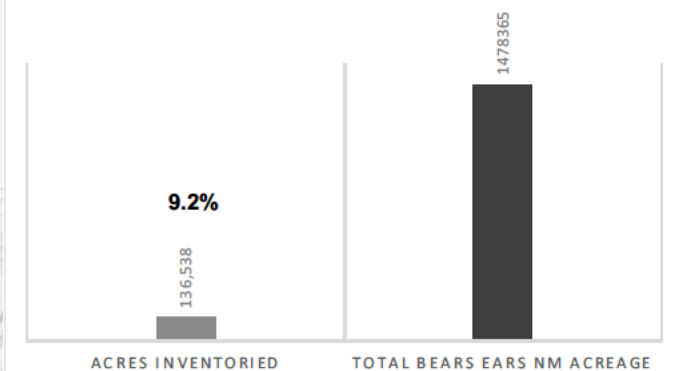




## Archaeological Surveys

Shows areas inventoried for archaeological resources since the 1930s overlain on the Bears Ears National Monument. From our data it appears that 9.2% of Bears Ears N.M. has been inventoried previously. Please see attached briefing document.

### ARCHAEOLOGICAL SURVEYS CONDUCTED IN BEARS EARS NATIONAL MONUMENT



- Archaeological Surveyed Sites
- National Historic Landmarks
- BearsEarsNationalMonument2
- San Juan County

0 10  
Miles



Map produced by Christina Epperson,  
GIS Analyst - Antiquities Section  
Revised February 6, 2017



*Please note: Boundary depiction and calculations are approximate. Total acreage encompasses everything within boundary including state, federal and private lands.*