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From: Butts, Sally
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Subject: WO410 comments on S. 22, S. 33, and H.R. 360
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[WO400 Legislative Report on S22 the Nevada Land Sovereignty Act.docx](#)
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Earl,

On behalf of WO410, we have the following comments on S. 22, S. 33, and H.R. 360. Please let me know if you have any questions.

Thanks for the opportunity to review and have a nice long weekend.

Sally

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**WO-400 Legislative Report on S. 33 -
Improved National Monument Designation Process Act**

From: National Conservation Lands and Community Directorate

Date: February 17, 2017

Position: (b) (5) DPP

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Background: The Improved National Monument Designation Process Act of 2017 (S. 33) was introduced by Senator Lisa Murkowski (R-Alaska) and 27 U.S. Senator co-sponsors on January 5, 2017. The bill would provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes. The BLM welcomes and appreciates Senator Murkowski's desire for the BLM and other agencies to work collaboratively with Congress, State and local governments.

Since it became law in 1906, this authority has been used by 16 of the last 19 Presidents to protect public lands for current and future generations. Many national monuments, which were designated by the President, have since been made national parks or world heritage sites. In the past, the Antiquities Act has allowed the President to protect an area in a relatively short time, and then Congress has acted to create Congressional designations including national parks. The Grand Canyon National Park, Zion National Park, Arches National Park, Bryce Canyon National Park, and Grand Teton National Park all had their start as national monuments. Seven of the 20 world heritage sites in the United States were first national monuments.

The 59th Congress gave the President the authority to act quickly to protect objects of scientific and historical significance. Timely actions have allowed the President to prevent further degradation of the remarkable historical resources found on public lands. Many of the objects of interest within national monuments include remarkable archeological sites, geologic features, and historic artifacts. Without protections, these fragile and significant resources may have been lost. The examples included below highlight the characteristics found in many national monuments:

- Canyons of the Ancients National Monument in Colorado was designated on June 9, 2000. As stated in the proclamation this monument includes, "the highest known density of archaeological sites in the Nation.... [including archaeological] and historic objects

such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges.”

- Fort Ord National Monument in California was designated on April 20, 2012. The purpose of the 14,651-acre Fort Ord National Monument is to maintain its historical and cultural significance, as well as attract tourists and recreationists.
- Río Grande del Norte National Monument in New Mexico was designated on March 25, 2013. In proclaiming the monument, the President stated that protecting the 242,555-acre monument “will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of national and scientific resources, ensuring that the historic and scientific values of this area remain for the benefit of all Americans.
- San Juan Islands National Monument in Washington was designated on March 25, 2013. The 970-acre monument contains an archipelago of over 450 islands, rocks, and pinnacles. The area contains an “unmatched landscape,” numerous wildlife species in diverse habitats, archaeological sites, and historic lighthouses and is a “refuge of scientific and historic treasures and a classroom for generations of Americans.

The Antiquities Act has been important tool for the President to respond to community-supported calls for protections to be placed on public lands. This bill could create many difficult-to-attain requirements, where in some situations, before each step has been completed, the resources may be damaged. Please see section specific comments.

Congress has also supported the President’s ability to protect objects of historic and scientific importance through other legislation. Within the Federal Land Policy and Management Act of 1976 (FLPMA), Congress ensured that land withdrawals proclaimed under the Antiquities Act could not be altered by the Secretary of the Interior. Section 204 (j) of FLMPA states, “The Secretary shall not make, modify, or revoke any withdrawal created by Act of Congress; make a withdrawal which can be made only by Act of Congress; modify or revoke any withdrawal creating national monuments under chapter 3203 of title 54, United State Code (Pub. L. No. 113-287 2014).” Within FLPMA, Congress provided further clarification on the importance and permanence of these Presidential designations.

Section-by-Section Analysis:

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**WO-410 Draft Legislative Report on S. 22 -
Nevada Land Sovereignty Act**

From: National Conservation Lands and Community Partnerships Directorate

Date: February 17, 2017

Position: (b) (5) DPP

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Background: With the passage of the Public Law 59-209 in 1906, the 59th United States Congress gave the President of the United States the authority to protect objects of historic or scientific interest. This includes historic and prehistoric structures, significant biologic and geologic resources, noteworthy landscapes, and other objects. This legislation would prevent further designations by the President on public lands in the State of Nevada, without express authorization of Congress.

Since it became law in 1906, this authority has been used by 16 of the last 19 Presidents to protect public lands for current and future generations. Many national monuments, which were designated by the President, have since been made national parks or world heritage sites. In the past, the Antiquities Act has allowed the President to preserve an area in a relatively short time, and then Congress has acted to create Congressional designations like national parks. The Grand Canyon National Park, Zion National Park, Arches National Park, Bryce Canyon National Park, and Grand Teton National Park all had their start as national monuments designated under the Antiquities Act. Seven of the 20 world heritage sites in the United States were first national monuments.

Further exceptions to the Antiquities Act, would take away from the President's ability to use the Antiquities Act to preserve objects with scientific and historic values. Wyoming is currently the only state where the President does not have the authority to enlarge or establish national monuments, except through express authorization of Congress, and extending this exception to the State of Nevada could create further inconsistencies on public lands.

The amendment to the Antiquities Act that prevents its use in Wyoming stems from the controversy surrounding the designation of Jackson Hole National Monument by President Franklin Roosevelt in 1943. The members of the surrounding community had mixed feelings regarding designation. The Wyoming Congressional delegation was opposed to the monument designation as were some members of the community. Other members of the community supported the designation. There were multiple attempts to eliminate the designation in Congress. These efforts ultimately culminated in the passage of an Act establishing a new Grand Teton National Park in the State of Wyoming, and for other purposes. Those other

purposes included language stating that there would be no further extension or establishment of national monuments in Wyoming, without the express authorization of Congress. The Park included lands that were a part of the former Grand Teton National Park (Congress established the original park in 1929) and much of the land included in Jackson Hole National Monument. The rest of Jackson Hole National Monument was made a part of the National Elk Refuge.

The 59th Congress gave the President the authority to act quickly to preserve objects of scientific and historical significance. Timely actions have allowed the President to prevent further degradation of the remarkable historical resources found on public lands. Many of the objects of interest within national monuments include remarkable archeological sites, geologic features, and historic artifacts. Without protections, these fragile and significant resources may have been lost.

Many of these objects exist in Nevada. Tule Springs Fossil Beds, Basin and Range, and Gold Butte, have been designated as national monuments because of their historic and scientific values. Timely action has helped ensure that these areas will retain their scientific and cultural objects. Without the express authorization for the President to designate these lands through the Antiquities Act, there could be one less mechanism to respond to the public's feedback on land management.

Section-by-Section Analysis: No comments or modification suggestions.

**WO-400 Comments on HR 360 -
Greater Grand Canyon Heritage National Monument in Arizona
Due to Legislative Affairs Friday, February 17, 2017, COB
(WO-410 is not the lead on this report)**

Comments:

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Section-by-Section Analysis:

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