

To: Jarnecke, Pamela[pjarnecke@blm.gov]
From: Mueller, Brian
Sent: 2017-12-05T13:13:07-05:00
Importance: Normal
Subject: Re: Presidential Proclamation Modifying the Bears Ears National Monument
Received: 2017-12-05T13:13:38-05:00

Hi Pam:

I'm still waiting from the official OK from the Department before we make this data available, both internally and externally.

On Tue, Dec 5, 2017 at 11:08 AM, Jarnecke, Pamela <pjarnecke@blm.gov> wrote:

----- Forwarded message -----

From: Steve Tryon <stryon@blm.gov>
Date: Tue, Dec 5, 2017 at 11:01 AM
Subject: Re: Presidential Proclamation Modifying the Bears Ears National Monument
To: Cally Younger <cyounger@blm.gov>
Cc: "nhaskett@blm.gov" <nhaskett@blm.gov>, pjarnecke@blm.gov

So what we need is the GIS files associated with the maps referenced in the proclamations. The acreage totals are explicit, suggesting the underlying GIS will calculate exactly the boundaries of the monuments. Do any of you have access to the GIS shape files? They can, essentially, reverse engineer legal descriptions for us.

St

Sent from my iPhone

On Dec 4, 2017, at 5:32 PM, Cally Younger <cyounger@blm.gov> wrote:

Cally Younger | Counsel
Office of the Director
Bureau of Land Management
U.S. Department of the Interior
Direct: 202-208-3027
Cell: 202-313-8394



Begin forwarded message:

From: Anita Bilbao <abilbao@blm.gov>
Date: December 4, 2017 at 4:16:01 PM EST
To: cyounger@blm.gov
Subject: Fwd: Presidential Proclamation Modifying the Bears Ears National Monument

Sent from my iPhone

Begin forwarded message:

From: Michael Richardson <mjrichardson@blm.gov>
Date: December 4, 2017 at 2:12:58 PM MST
To: Edwin Roberson <eroberso@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Megan Crandall <mcrandal@blm.gov>, Ryan Sutherland <rrsutherland@blm.gov>, Lola Bird <lbird@blm.gov>, aginn@blm.gov
Subject: Fwd: Presidential Proclamation Modifying the Bears Ears National Monument

Sent from my iPhone

Begin forwarded message:

From: Heather Swift <heather_swift@ios.doi.gov>
Date: December 4, 2017 at 2:09:56 PM MST
To: mjrichardson@blm.gov
Subject: Fwd: Presidential Proclamation Modifying the Bears Ears National Monument

Heather Swift
Press Secretary
Department of the Interior

Begin forwarded message:

From: White House Press
Office <whitehouse-noreply@messages.whitehouse.gov>
Date: December 4, 2017 at 2:06:41 PM MST
To: <interior_press@ios.doi.gov>
Subject: Presidential Proclamation Modifying the Bears Ears National Monument
Reply-To: <whitehouse-noreply@messages.whitehouse.gov>

THE WHITE HOUSE
Office of the Press Secretary
FOR IMMEDIATE RELEASE
December 4, 2017
MODIFYING THE BEARS EARS NATIONAL MONUMENT
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

In Proclamation 9558 of December 28, 2016, and exercising his authority under section 320301 of title 54, United States Code (the "Antiquities Act"), President Barack Obama established the Bears Ears National Monument in the State of Utah covering approximately 1.35 million acres of Federal lands for the preservation and management of objects of historic and scientific interest identified therein. The monument is managed jointly by the Department of the Interior's Bureau of Land Management and the Department of Agriculture's United States Forest Service (USFS). This proclamation makes certain modifications to the monument.

Proclamation 9558 identifies a long list of objects of historic or scientific interest. It describes cultural resources such as ancient cliff dwellings (including the Moon House and Doll House Ruins), Moki Steps, Native American ceremonial tools and projectile points, remains of single family dwellings, granaries, kivas, towers, large villages, rock shelters and a prehistoric road system, as well as petroglyphs

pictographs, and recent rock art left by the Ute, Nav, and Paiute peoples. It also identifies other types of historic objects, such as remnants of Native American sheep herding operations and early engineering by pioneer settlers, including smoothed sections of rock, dugway cabins, corrals, trails, and inscriptions carved into the Hole in the Rock and Outlaw Trails. It also describes landscape features such as the Bears Ears, Comb Ridge Mesa, the Valley of the Gods, the Abajo Mountains, the Juan River, and paleontological resources such as the remains of fishes, amphibians, reptiles, and mammals, dinosaur trackways and traces of other terrestrial animals. Finally, it identifies several species, including animals like the porcupine, badger, and coyote; birds like the red-tailed hawk, Mexican spotted owl, American kestrel, and turkey vulture; and plants such as the Fremont cottonwood, Abajo daisy, sandbar willow, and boxelder.

The Antiquities Act requires that any reservation part of a monument be confined to the smallest area consistent with the proper care and management of the objects of scientific interest to be protected. Determining the protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the needed protection, and the protection provided by

Some of the objects Proclamation 9558 identifies are unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest. Moreover, many of the objects identified in Proclamation 9558 were not under threat of destruction before designation such that they require reservation of land to protect them. In fact, many objects identified in Proclamation 9558 were then, and still are, subject to Federal protections under existing laws and agency management designations. For example, more than 500,000 acres were being managed to maintain, enhance, or protect their natural character before they were designated as part of a national monument. Specifically, the BLM manages approximately 1,000,000 acres of lands within the existing monument as Wild and Scenic Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres of the congressionally designated Dark Canyon Wilderness, which, under the 1964 Wilderness Act, 16 U.S.C. 1131 et seq., the Utah Wilderness Act of 1984, Public Law 98-428, the BLM manages so as to maintain or enhance its wilderness character.

Approximately 89,396 acres of the USFS lands are also 8 inventoried roadless areas, which are managed under 2001 Roadless Rule so as to protect their wilderness

A host of laws enacted after the Antiquities Act specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and gave authority to the BLM and USFS to condition permitted use on Federal lands, whether within or outside a monument. Laws include the Archaeological Resources Protection Act, 16 U.S.C. 470aa-470mm, National Historic Preservation Act, 16 U.S.C. 300101 *et seq.*, Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668d, Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.*, Federal Cave Resources Protection Act of 1981, 16 U.S.C. 4301 *et seq.*, Federal Land Policy and Management Act, 16 U.S.C. 1701 *et seq.*, Migratory Bird Treaty Act, 16 U.S.C. 712, National Forest Management Act, 16 U.S.C. 1600 *et seq.*, Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et seq.*, and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa-470aaa-11. Of particular note, the Archaeological Resources Protection Act specifically protects archaeological resources from looting or other desecration and imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Federal land management agencies may grant a permit authorizing excavation or removal, but only if undertaken for the purpose of furthering archaeological knowledge. The Paleontological Resources Preservation Act contains very similar provisions protecting paleontological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered threatened species and their habitats. Moreover, the USFS were already addressing many of the threats to cultural resources identified in Proclamation 9558 in their governing land management plans before designation of the monument.

Given the nature of the objects identified on the lands reserved by Proclamation 9558, the lack of a threat of destruction to many of those objects, and the protection of those objects already provided by existing law and general land use plans, I find that the area of Federal land reserved for Bears Ears National Monument established by Proclamation 9558 is not confined to the smallest area compatible with the protection and management of those objects. The important objects of scientific or historic interest can instead be protected by a smaller and more appropriate reservation of 2 areas: the Kaiparowits Plateau and Indian Creek. Revising the boundaries of the monument

cover these 2 areas will ensure that, in accordance with the Antiquities Act, it is no larger than necessary for the care and management of the objects to be protected within the monument.

The Shash Jaa area contains the heart of the national monument: the iconic twin buttes known as the Bears Ears tower 2,000 feet above the surrounding landscape and considered sacred to the Native American tribes that call this area their ancestral home. Many of the significant cultural resources described by Proclamation 9558 can be found throughout the Shash Jaa area. Ancestral Puebloan occupation of the area dates to the Basketmaker II period at least 2,500 years ago, and includes objects such as pit houses, storage pits, lithic tools, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. Occupation dates to the Basketmaker III period, from approximately 500 to 750 C.E., with additional evidence of maize and bean based agriculture, along with pottery, bows and arrows, pit houses, kivas, and dispersed villages.

New waves of human settlement occurred around 900 C.E. the Pueblo I period gave rise to large villages near the confluence of the San Juan and Colorado rivers and 1050 C.E., when inhabitants from the Pueblo II period built expansive and complex multi family dwellings. Around the dawn of the Pueblo III period, the area's inhabitants increasingly sought shelter in cliff dwellings and the evidence of an era of unrest. Several centuries later the Paiute, and Navajo came to occupy the area.

East of the Bears Ears is Arch Canyon, within which paleontologists have found numerous fossils from the Upper Permian eras. Cliff dwellings are hidden throughout the canyon, and the mouth of the canyon holds the fabled Canyon de Chelly ruin, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Archaic to the historic periods.

Just south of Arch Canyon are the north and south Mule Canyon. Five hundred feet deep, 5 miles long, and with alternating layers of red and white sandstone, the striking canyons contain shelter cliff dwellings and archaeological sites, including the scenic and accessible Fire Ruin, which includes differing masonry styles and indicate several episodes of construction and use.

Perched high on the open tablelands above the scenic

Mule Canyon are the Mule Canyon ruins, where visitors exposed masonry walls of ancient living quarters and restored kiva. The deep canyons and towering mesas of the Shash Jaa area are full of similar sites, including rock art of single family dwellings, granaries, kivas, towers (the Cave Towers), and large villages primarily from the II and III periods, along with sites from the Basketmaker Archaic periods.

The Shash Jaa area also includes Comb Ridge, a north trending monocline that originates near the boundary of the La Sal National Forest, ends near the San Juan River, contains remnants from the region's thousands of years of human habitation, including cliff dwellings, granaries, kivas, ceremonial sites, and the Butler Wash ruin, a world famous Ancestral Puebloan ruin with multiple rooms and kivas. Comb Ridge also includes world class examples of ancient rock art such as the Butler Wash Kachina Panel, a wall sized rock art of San Juan Anthropomorphic figures that dates to the Basketmaker period and is considered to be one of the Southwest's most important petroglyph panels for understanding the daily life of the Basketmaker people. Significant fossil sites have been discovered in Butler Wash.

Just north of upper Butler Wash, the aspen filled Comb Draw contains a series of alcoves that have sheltered human habitation for thousands of years, including Comb Draw site where Richard Wetherill, as part of the Hyde Expedition of 1893, first identified what we know today as the Basketmaker people. The nearby Milk Ranch Point is home to a rich concentration of kivas, granaries, dwellings, and other features that Pueblo I farmers used this area to cultivate corn and squash.

The Shash Jaa area also contains the Comb Ridge which includes a trackway created by a giant arthropod (*Diplichnites cuithensis*), the first recorded instance of a trackway in Utah. Also, the diverse landscape of the area provides habitat for the vast majority of plant species described by Proclamation 9558.

Finally, the Shash Jaa area as described on the map includes 2 non contiguous parcels of land that contain the Moon House Ruin, an example of iconic Pueblo-decorated architecture, which was likely the last occupied site on the mesa, as well as Doll House Ruin, a fully intact and preserved single room granary that is associated with

extensive agricultural area on the mesa top. These ruins are important examples of cultural resource objects that should remain within the monument's boundaries.

The Indian Creek area likewise contains objects of significance described in Proclamation 9558. At its head is the broad Indian Creek Canyon, which is characterized by red cliffs and spires of exposed and eroded layers of Kayenta, Wingate, and Cedar Mesa sandstone, including North and South Six Shooter Peaks.

Also located within the Indian Creek area is the Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the natural systems on the landscape, providing the cultural information they need to adapt to the challenges of a changing Colorado Plateau.

Newspaper Rock, a popular attraction in the Indian Creek area, is a roadside rock art panel that has been listed on the National Register of Historic Places since 1976. This site displays a significant concentration of rock art from several periods, etched into Wingate sandstone. The older art is attributed to the Ancestral Puebloan people who inhabited the region for 2,000 years, while the more recent rock art is attributed to the Ute people who still live in the Four Corners area.

In addition to Newspaper Rock, the Indian Creek area contains numerous other significant rock art sites, including distinctive and well preserved petroglyphs in Shay Canyon. The area also provides opportunities for cultural and scientific research and paleontological study. Dinosaur tracks on the bottom of the Shay Canyon stream bed are a unique view of the area's distant past. Additional paleontological sites can be found throughout the Indian Creek area, including vertebrate and invertebrate fossils, primarily in the Chinle Formation. The Indian Creek area also includes two prominent mesas, Bridger Jack Mesa and Lavender Mesa, which are relict plant communities, predominantly composed of pinyon-juniper woodland, with small, interspersed sagebrush communities that exist only on these isolated islands in the desert sea. These mesas provide an opportunity for comparative studies of pinyon-juniper and sagebrush communities in other parts of the Colorado Plateau. Additionally, the Indian Creek area includes exposed Chinle Formation, known for abundant fossilized

fauna, including pelecypods, gastropods, arthropods, amphibians, and reptiles (including dinosaurs). This area is well known for vertebrate trackways, including footprints.

Some of the existing monument's objects, or certain of those objects, are not within the monument's revised boundaries because they are adequately protected by existing designation, agency policy, or governing land use plans. For example, although the modified boundaries do not include the Juan River or the Valley of the Gods, both of those areas are protected by existing administratively designated Areas of Critical Environmental Concern. Plant and animal species such as the bighorn sheep, the Kachina daisy, the Utah night moth, the *Eucosma navajoensis* moth are protected by the Endangered Species Act and existing land use plans and policies for special-status species. Additionally, some of the rare species falls within existing Wilderness Areas and Wilderness Study Areas. Finally, although Hideout Canyon is likely included within the modified boundaries, it is generally threatened and is partially within a Wilderness Study

The areas described above are the smallest compatible with the protection of the important objects identified in Proclamation 9558. The modification of the Bears Ears National Monument will maintain and protect those objects and the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 9558 of December 28, 2016, established the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal land for the care and management of the Bears Ears buttes and objects of historic and scientific interest identified in the proclamation; and

WHEREAS, many of the objects identified by Proclamation 9558 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundaries of the monument to exclude from its design reservation approximately 1,150,860 acres of land that is unnecessary for the care and management of the objects protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of United States of America, by the authority vested in section 320301 of title 54, United States Code, hereby that the boundaries of the Bears Ears National Monument hereby modified and reduced to those lands and interests owned or controlled by the Federal Government within boundaries described on the accompanying map, which is to and forms a part of this proclamation. I hereby proclaim that the modified monument areas identified on the accompanying map shall be known as the Indian Creek units of the monument, the latter of which shall include House and Doll House Ruins. These reserved Federal interests in lands cumulatively encompass approximately 100,000 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper management of the objects to be protected. Any lands within the boundaries of Proclamation 9558 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date of this proclamation, subject to existing rights, the provisions of existing withdrawal requirements of applicable law, the public and National System lands excluded from the monument reservation are as follows:

- (1) entry, location, selection, sale, or other disposition under the public land laws and regulations applicable to the U.S. Forest Service;
- (2) disposition under all laws relating to geothermal leasing; and
- (3) location, entry, and patent under the

Appropriation of lands under the mining laws before and time of restoration is unauthorized. Any such appropriation, including attempted adverse possession under U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate adverse possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to exclude any lands from the Manti La Sal National Forest or to revoke, modify, or affect any withdrawal, reservation

appropriation, other than the one created by Proclama

Nothing in this proclamation shall change the ma the areas designated and reserved by Proclamation 955 remain part of the monument in accordance with the te proclamation, except as provided by the following 4 p

In recognition of the importance of tribal parti the care and management of the objects identified abc ensure that management decisions affecting the monume tribal expertise and traditional and historical knowl Proclamation 9558 established a Commission to provide and recommendations on the development and implementa management plans and on management of the monument, a partner with Federal agencies by making continuing cc to inform decisions regarding the management of the r order to ensure that the full range of tribal experti traditional historical knowledge is included in such recommendations, paragraph 29 of Proclamation 9558 is revised to provide that the Bears Ears Commission sha as the Shash Jáa Commission, shall apply only to the unit as described herein, and shall also include the officer of the San Juan County Commission representin acting in that officer's official capacity.

Proclamation 9558 is hereby revised to clarify t preparation of the transportation plan required by pa thereof, the Secretaries of the Interior and Agricult allow motorized and non mechanized vehicle use on roa trails designated for such use immediately before the Proclamation 9558 and maintain roads and trails for s

Paragraph 35 of Proclamation 9558 governing live grazing in the monument is hereby revised to read as "Nothing in this proclamation shall be deemed to affe authorizations for livestock grazing, or administrati on Federal lands within the monument. Livestock graz the monument shall continue to be governed by laws an regulations other than this proclamation."

Proclamation 9558 is amended to clarify that, cc with the care and management of the objects identifie Secretaries of the Interior and Agriculture may authc ecological restoration and active vegetation manageme activities in the monument.

If any provision of this proclamation, including

application to a particular parcel of land, is held t
invalid, the remainder of this proclamation and its a
to other parcels of land shall not be affected thereb

IN WITNESS WHEREOF, I have hereunto set my hand
fourth day of December, in the year of our Lord
two thousand seventeen, and of the Independence of th
United States of America the two hundred and forty se

DONALD J. TRUMP

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The White House · [1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111](#)

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Pam Jarnecke
Branch Chief - Planning and Environmental Coordination
Bureau of Land Management, Utah State Office
(801) 539-4066

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Brian Mueller
Geospatial Program Manager
Utah State Office/ Bureau of Land Management
801.539.4154

