

**To:** Shannon Simpson[Shannon.Simpson@bia.gov]  
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**Subject:** Comment Matrix for Monuments  
**Received:** 2017-06-19T18:29:43-04:00  
[01 - Kaibab Band of Paiute Indians.pdf](#)  
[02 - Navajo Nation Council.pdf](#)  
[03 - Navajo Nation.pdf](#)  
[04 - Naabik'iyati' Committe of the Navajo Nation Council.pdf](#)  
[05 - Navajo Nation-Ute Mountain Ute Tribe-Ute Indian Tribe-Zuni Pueblo.pdf](#)  
[06 - Pueblo of Laguna.pdf](#)  
[07 - Bears Ears Commisison.pdf](#)  
[08 - Trask, Mililani.pdf](#)  
[09- Nez Perce Tribe.pdf](#)  
[10 - Gillespie, John.pdf](#)  
[COMMENT MATRIX Monuments.xlsx](#)  
[Billings, MT 05-30-2017.pdf](#)  
[Phoenix, AZ 06-01-17.pdf](#)  
[Portland 05-25-2017.pdf](#)

Hi Shannon-

Thank you so much for offering to help with the comment inputting! Here's the empty comment matrix for the comments on the Monuments Review. We've only gotten 10 written comments, and there are 4 transcripts (3 are attached, still waiting on the last one).

If you zoom through this one, please let me know because we also have the Reorganization comments we could start on. (There are only 2 written comments so far, but we've gotten about half the transcripts in).

Thank you again!!!

Liz

--

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Tribal Listening Session re E.O. 13792  
vs.

June 1, 2017

OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS  
TRIBAL LISTENING SESSION  
Executive Order 13792  
Review of Designations Under the Antiquities Act

June 1, 2017  
Phoenix, Arizona  
1:07 p.m.

Prepared for:  
Department of the Interior

Prepared By:  
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(Original)

1 MR. JANSSEN: I think we'll wait another  
2 couple minutes to see if people will trickle in.

3 Also, there are additional handouts at the  
4 door. There were handouts in the morning session, but  
5 they are different, in case people didn't pick them up.  
6 Thanks.

7 All right. So I think we're going to start  
8 this listening session. So I'm going to call this  
9 listening session to order. This listening session is on  
10 Executive Order 13792, Review of Designations Under the  
11 Antiquities Act.

12 Executive Order 13792 was issued by  
13 President Trump on April 26th, 2017, and requires the  
14 Secretary of Interior to review national monuments that  
15 have been designated or expanded since January 1st, 1996,  
16 where the designation covers more than 100,000 acres or  
17 where the Secretary determines that the designation or  
18 expansion was made without adequate public outreach and  
19 coordination with relevant stakeholders. Twenty-seven  
20 monuments have been identified by the Department of  
21 Interior for review, and they are listed in the handouts  
22 provided at the door.

23 The Secretary must use several factors in  
24 evaluating the national monuments to determine whether  
25 each designation or expansion conforms to the policy of

1 Executive Order 13792. The policy is described in  
2 Section 1 of the executive order, and the factors for  
3 review are listed in the handout that we provided at the  
4 door in this handout sheet.

5 Some key deadlines. The Secretary must make  
6 recommendations to the President on any Presidential  
7 actions, legislative proposals, or appropriate actions to  
8 carry out the policy of the executive order. The  
9 Secretary's interim report to the President is due by  
10 June 10th and must make recommendations on Bears Ears.  
11 The final report is due to the President on August 24th,  
12 2017, summarizing the findings of the review and providing  
13 recommendations.

14 Written comments are also being accepted for  
15 the national monument discussion. The deadline for Bears  
16 Ears comments was -- it has passed now, it's May 26th, and  
17 for all other monuments it's until July 10th. However,  
18 tribal leaders -- even though the deadline has passed,  
19 tribal leaders can still submit comments, and the  
20 Department is accepting written comments from tribal  
21 leaders still at this time.

22 A couple questions regarding -- or questions  
23 to think about today to help guide the conversation, are  
24 there any monuments, in addition to the 27 currently being  
25 reviewed, that should also be reviewed because they were

1 designated after July 1st, 1996, without adequate public  
2 outreach and coordination with relevant stakeholders?

3 And additionally, what are your comments or  
4 views on the application of the seven factors listed in  
5 the executive order that the Secretary of Interior is to  
6 use in reviewing the 27 monument designations, or should  
7 there be other factors that should be considered?

8 So that's what we're receiving comments on  
9 today, and so at this point in time I will turn to the two  
10 people also on this panel.

11 Thank you.

12 MS. ORTIZ: Good afternoon, everyone, and  
13 welcome to this listening session. My name is Hankie  
14 Ortiz. I'm a member of the Kiowa Tribe from Oklahoma, and  
15 I am currently acting as the deputy bureau director for  
16 field operations. So I work with all 12 regions across  
17 the country, and I work directly with the Director of  
18 Bureau of Indian Affairs, Bruce Loudermilk.

19 MR. MAHONEY: Good afternoon. My name is  
20 Ken Mahoney. I'm with the Bureau of Land Management here  
21 in Phoenix, Arizona. I work at the Arizona state office,  
22 which is here in downtown Phoenix. I'm the program lead  
23 for the national monuments, national conservation areas,  
24 wilderness areas, and wild and scenic rivers in Arizona on  
25 BLM lands under BLM management.

1                   We have four of the national monuments that  
2                   are under review here in Arizona. They are Grand  
3                   Canyon-Parashant National Monument and Vermilion Cliffs  
4                   National Monument in the northern part of the state in the  
5                   Arizona Strip district. We have Sonoran Desert National  
6                   Monument to the southwest of Phoenix, in the Phoenix  
7                   district. And we also have Ironwood Forest National  
8                   Monument between Phoenix and Tucson, to the west of I-10,  
9                   Silver Bell Mountains that is under the management of the  
10                  Tucson field office, so the Gila district.

11                  So with that, I'll turn it back.

12                  MR. JANSSEN: Thank you.

13                  And before I forget, my name is Miles  
14                  Janssen. I'm a counselor to the Assistant Secretary of  
15                  Indian Affairs. I'm an enrolled member of the Tlingit and  
16                  Haida Indian Tribes of Alaska. I've been in this position  
17                  since May of 2015.

18                  So with that, I'd like to open it up for any  
19                  comments from any tribal leaders. And when you speak, if  
20                  you could just state your name and your tribal affiliation  
21                  and also if you could spell your name for the court  
22                  reporter, that will be helpful as well. So thank you.

23                  MR. BEGAYE: Russell Begaye, Navajo Nation.  
24                  R-u-s-s-e-l-l, B-e-g-a-y-e. And also President of the  
25                  Navajo Nation.

1                   So I want to make a statement. First of  
2 all, I just want to say that the Navajo Nation with the  
3 Navajo Nation Council both approve -- it was off.

4                   Russell Begaye, Navajo Nation President.  
5 And I want to say that the Navajo Nation, in concert with  
6 the Navajo Nation Council, have been supporting Bears Ears  
7 through different legal documents that's been passed by  
8 the executive branch and also by the legislative branch of  
9 the Navajo Nation.

10                   And I want to provide three documentation.  
11 One is what we submitted from the Office of the President,  
12 Vice President, supporting the designation of Bears Ears  
13 as a national monument. And then secondly, which I want  
14 to read, is the resolution that was passed by the Navajo  
15 Nation Council, where it states, relating to  
16 Naabik'i'ya'ti', supporting the proclamation establishing  
17 the Bears Ears National Monument by the President of the  
18 United States and oppose congressional action to reverse  
19 the Presidential proclamation. A statement of policy,  
20 enactment of policy of law and intergovernmental  
21 agreements, budget resolution, and reallocation must be  
22 reviewed and approved by resolution by the appropriate  
23 senate committee and the Navajo Nation Council except as  
24 otherwise provided.

25                   Talks about the Navajo Nation has a

1 government-to-government relationship with the United  
2 States of America based on treaty of 1868. The Navajo  
3 Nation hereby supports the proclamation establishing the  
4 Bears Ears National Monument by the President of the  
5 United States, attached hereto as exhibit.

6 Abundant rock art, ancient cliff dwellings,  
7 ceremonial sites, and countless other artifacts provide an  
8 extraordinary archaeological and cultural record that is  
9 important to us all. But most notably, the land is  
10 profoundly sacred to many Native American tribes,  
11 including the Ute Mountain Ute Tribe, Navajo Nation, Ute  
12 Indian Tribe of the Uintah and Ouray, Hopi Nation, and  
13 Zuni Tribe. The protection of Bears Ears area will  
14 preserve its cultural, prehistoric, and historic legacy  
15 and maintain its diverse array of natural and scientific  
16 resources, ensure that the prehistoric, historic, and  
17 scientific values of this area remain for the benefit of  
18 all Americans.

19 The Bears Ears area has been proposed for  
20 protection by members of congress, Secretaries of the  
21 Interior, state and tribal leaders and local  
22 conservationists for at least 80 years. The Antiquities  
23 Act authorizes the President, in his discretion, to  
24 declare by public proclamation historic landmarks,  
25 historic and prehistoric structures, and other objects of

1 historic or scientific interest that are situated upon  
2 lands owned or controlled by the federal government to be  
3 national monuments.

4           The Navajo Nation opposes any further  
5 congressional action to reverse the Presidential  
6 proclamation in establishing the Bears Ears National  
7 Monument. The people of Utah include many Native American  
8 tribes, and to undo the designation would not honor the  
9 will of the people of Utah. The Navajo Nation finds it in  
10 the best interest of the Navajo people to support the  
11 proclamation establishing the Bears Ears National Monument  
12 by the President of the United States and oppose further  
13 congressional action to reverse the Presidential  
14 proclamation.

15           Now, therefore, be it resolved the Navajo  
16 Nation hereby authorizes the Navajo Nation President, the  
17 Navajo Nation Speaker, the Navajo Nation Chief Justice and  
18 their designee to support the proclamation establishing  
19 the Bears Ears National Monument by the President of the  
20 United States and to advocate support from the 115th  
21 Congress and the Trump Administration to oppose further  
22 congressional action to reverse the Presidential  
23 proclamation.

24           And by the Speaker of the Navajo Nation  
25 Council, he writes: I hereby certify that the foregoing

1 resolution was duly considered by the Naabik'i'ya'ti'  
2 committee at the 23rd Navajo Nation Council at the duly  
3 called meeting in Window Rock, Arizona.

4 So we want to provide this as exhibit to  
5 the -- and also we have also for submission comments that  
6 were made by Navajo Nation, the Hopi Nation, by the Ute  
7 Mountain Ute Tribe, the Ute Indian Tribe, and the Zuni  
8 Pueblo. We will submit these three documents.

9 And I also want to say that as President of  
10 the Navajo Nation we offer thanks and sincere appreciation  
11 to the designation of Bears Ears as a national monument,  
12 which we believe was in response to Navajo and other  
13 tribes' request to protect and secure the Bears Ears area  
14 for future generations.

15 The Bears Ears region is a special,  
16 distinctive, and significant place to surrounding Tribes  
17 as well as our Navajo Nation. The Bears Ears region is  
18 important to our Diné culture and traditions that stem  
19 from creation of stories since time immemorial. These  
20 places, the rocks, the wind, the land, they are living,  
21 breathing things that deserve timely and lasting  
22 protection.

23 Our great leader, Manuelito, was born there.  
24 My own family lived there. The Bears Ears is a place of  
25 safety and fortitude. It is a place where many Navajo

1 people, including some of my direct ancestors, hid from  
2 and survived persecution by the U.S. cavalry during the  
3 Long Walk Period.

4           It brings me great pleasure to know, to say  
5 that now I stand here as President of the Navajo Nation  
6 and we have worked with the U.S. President, our  
7 neighboring tribal nations, and many local individuals who  
8 want to see this land protected and saved. It brings me  
9 great pleasure -- Navajo Nation is greatly pleased to see  
10 that the Bears Ears has become a federally protected  
11 national monument. We are happy that we now have this  
12 land protected for all future generations, regardless of  
13 if they were Navajo, Ute, European-American, American,  
14 African-American, or any other group as long as they are  
15 Americans and live on this land.

16           These were some of the concerns that I  
17 expressed. My first concern was the land status of the  
18 traditional Navajo land was to protect and preserve sacred  
19 places for future generations of Navajo people. My second  
20 concern was to ensure Navajo people have access to our  
21 sacred land to gather ceremonial herbs as well as our --  
22 as for some central foods such as piñons and other -- and  
23 other food products. My third concern was to ensure any  
24 new designation creates a new paradigm for tribal nation  
25 collaborative management to the fullest extent possible

1 under the law.

2 Happy to say that this national monument  
3 designation addresses each of these three concerns. The  
4 land will be protected for generations to come, our Navajo  
5 people will have access to the land for traditional  
6 purposes, and our Native nations have helped set a new  
7 standard for collaborative management at a national  
8 monument. We look forward to the day when all future  
9 national monuments on Native lands are collaboratively  
10 managed with tribes who have historical and current  
11 connection to the land.

12 And I want to acknowledge the Bears Ears  
13 Inter-Tribal Coalition for their work. Without this  
14 unprecedented coalition of five tribes, who came together  
15 to lead this effort, we would not be -- we would not have  
16 the designation today. Also want to acknowledge our  
17 Navajo Utah Diné Bikéyah, a group of local leaders on the  
18 ground in Utah who worked hard to push for conservation  
19 and tribal inclusion. And I want to also acknowledge the  
20 Utah congressional delegation. We had a few meetings with  
21 the representatives who, like us, saw the need to protect  
22 and conserve Bears Ears.

23 And I just want to say that my personal  
24 interests began after numerous public hearings were held  
25 in Utah. One was at Monticello, where our people

1 expressed that they believe that it was set aside for  
2 tribal leaders or tribal -- Navajo Nation people and other  
3 members of different tribes in the area. In that meeting,  
4 a lot of prejudices were expressed, discrimination,  
5 discriminatory remarks were made towards my people, the  
6 Navajo, meaning that they were told if they want to gather  
7 firewood, go hunting, they need to -- they have their own  
8 land on which to do so and not Bears Ears. And so with  
9 those remarks being made, I knew that we needed to stand  
10 together as tribes and be able to defend this land that  
11 historically has been used by my people, by my family, and  
12 also the need to preserve the whole area.

13 I did -- I had a conversation with the  
14 governor of Utah, with congressional leaders about  
15 co-managing the area that was designated, and I told them,  
16 I said I am willing to support the PLI, public land  
17 initiative, sponsored by Utah and their congressional  
18 leaders, state leaders, as long as we were talking about  
19 co-managing the area.

20 And when that did not come forward, in fact  
21 an advisory council has been set up with ten people with  
22 the PLI initiative that provided ten representatives, only  
23 one position being Native American. On the designation  
24 side, five commissioners, all members of the five tribes  
25 that have significant ties to the region, were selected.

1 We have one representative and an alternate position that  
2 now serve as commissioners on the current designation of  
3 Bears Ears. And so we feel that we have now direct  
4 cooperation with the United States government in  
5 co-managing the Bears Ears area.

6 The amount of land designated by the PLI was  
7 as a conservation -- as a conservatory area was  
8 1.2 million. The Presidential designation is at  
9 1.3 million; 100,000 acres separate the two. And so in  
10 talking with our congressional leaders on the Utah side, I  
11 said you were willing to do 1.2 million with ten advisors,  
12 only one Native American. This side is 1.3 million with  
13 five commissioners, all of whom are Native Americans.

14 It's unprecedented to have that kind of an  
15 arrangement over a monument that's been designated.  
16 That's why we fully support and stand with the  
17 designation, because it's for the first time bringing  
18 Native Americans to the table to make sure that all  
19 cultural artifacts, sacred sites are protected and that we  
20 will take steps necessary to make sure that those -- that  
21 those sites are protected and preserved for future  
22 generations. We have now that opportunity, we now have  
23 that authority to do so.

24 So with that, we, Navajo Nation, with the  
25 Navajo Nation Council, stand in support of the

1 designation. And any designation moving forward should  
2 also consider such an arrangement, especially if it  
3 impacts Native American historic land areas. When it is  
4 designated as such, should be where -- it should be --  
5 should provide an opportunity for local Native American  
6 tribes to serve as commissioners, co-managing the area  
7 with the federal government.

8 Thank you.

9 MR. JANSSEN: Thank you.

10 MR. MALDONADO: Hello. Chairman Maldonado,  
11 Kaibab Band of Paiute Indians.

12 I had written a letter to Secretary Zinke  
13 expressing my concerns regarding his most recent visit to  
14 Grand Staircase-Escalante National Monument, Bears Ears  
15 National Monument, and their lack of consultation with  
16 tribal entities. The following concerns directly address  
17 the issues of consultation in accordance with executive  
18 orders.

19 Executive Order 13175 recognizing Tribal  
20 sovereignty and meaningful consultation did not happen.  
21 So Executive Order 13007, sacred sites, didn't happen.  
22 Executive Order 12898, environmental justice for low  
23 income and minority communities, didn't happen. Executive  
24 Order 12875, federal government to pay for implementation  
25 of federal regulations, that's ongoing. Executive

1 Order 11593, federal entities are to be leaders in the  
2 preservation, restoring, and maintaining of federally  
3 owned historical, archaeological, and anthropological  
4 sites. And then last, Executive Memorandum 4-29-94,  
5 ensure that all federal entities recognize and work with  
6 tribal entities in a government-to-government relationship  
7 and that federal entities work in unison and cooperatively  
8 with tribes. His visit to the area didn't include any of  
9 those things.

10 The fact that you want to open the lands to  
11 mining, gas exploration, whatever else, that's why the --  
12 you know, the environmental justice, that's where that  
13 comes into play. As the President brought out, working  
14 with Grand Staircase-Escalante, the Kaibab Band of Paiute  
15 Indians have been working cooperatively in a management --  
16 cooperative management situation since '94, '96, somewhere  
17 in there. We were one of the original cooperators trying  
18 to establish the Grand Staircase-Escalante. We worked  
19 cooperatively with the Grand Canyon-Parashants in the  
20 management and use of those things.

21 As the President brought out, not only  
22 plants, medicines, minerals, you know, all these things  
23 that we have to collect, we have ongoing uranium on the  
24 north side. Uranium mining contaminates a lot of things.  
25 It is not contained within their boundaries. Because of

1 the prevailing winds during the different parts of the  
2 year, they blow in different directions. It contaminates  
3 everything, affects the water table. You know, these are  
4 the kinds of things that we need to take into effect.  
5 Animals don't understand our artificial barriers.

6 And Department of Energy, national nuclear  
7 security site, says that the meat is okay, but it's just  
8 in the bones and the marrow that they have a problem with.  
9 We use all of that so it is a problem. Every piece of it  
10 we make use of. Those are things -- excuse me. I'm new  
11 to this whole government thing. Sometimes my emotions get  
12 away.

13 But as the President brought out, these  
14 things are not about us or our family. We have a long  
15 history in this area. This is all of our traditional land  
16 mass. As Paiutes, we predate the Hopis in this area.  
17 They came through our area. That's how far back as  
18 Paiutes we go in this area. We have a long history. We  
19 were put here from the very beginning. We've always been  
20 here. None of our stories tell of us moving other people  
21 out. All of our surrounding tribes, they do not have  
22 stories of us displacing them in order to gain land, land  
23 base. We've always been here.

24 The fact that you are continuing, Department  
25 of the Interior, United States government, the President,

1 POTUS himself, in doing these things without talking to  
2 us, in violation of your trust responsibilities, in  
3 violation of all these executive orders and more -- those  
4 are just a few main important ones. We can continue to go  
5 through the list of them, from waters of the United States  
6 to, you know, every single one of your departments has  
7 different statutes and secretarial letters, memorandum in  
8 your -- in their individual handbooks that deal with  
9 consultation, that deal with how you are supposed to talk  
10 to us, how you are supposed to treat us, how you are  
11 supposed to respect us. The Constitution of the United  
12 States says that treaties are the highest law of the land.  
13 How can you ignore these things when they are spelled out  
14 so plainly, so bluntly for you to look at and to  
15 understand?

16 As always, we don't want to be  
17 confrontational because it doesn't do any good, because  
18 then we put up walls in between us. What we want is for  
19 you to understand and to take a personal responsibility  
20 for all of these things because it affects you. As the  
21 President brought out, it doesn't make any difference to  
22 us what color you are because in reality there's only one  
23 race, that's the human race. We are all a part of this  
24 creation.

25 The water affects all of us. What you do up

1 here in our land is going to go to the Colorado River.  
2 How are Vegas, Phoenix, Tucson, California going to exist  
3 if all of this is ruined? Those are the things that you  
4 need to understand. That's what you are affecting when  
5 you're doing these things.

6 Secretary Zinke said that he would work  
7 tirelessly to ensure our public lands are managed and  
8 preserved in a way that benefits everyone for generations  
9 to come. We want to know is this still true? Does this  
10 still hold water? Is this the way he feels? Is he going  
11 to live up to his words? Does the President understand  
12 what he is asking, what he is trying to do?

13 The gravity of it all, how can you put money  
14 or any type of a value on these things when you are  
15 dealing with millions upon millions upon millions of  
16 people's lives? The 5, 6 million people in Phoenix,  
17 11 million in Los Angeles. How many more million in  
18 Vegas? And those are just the big cities.

19 We're from a rural community. We understand  
20 the value of what community really means. It's not just  
21 us. It's all of our neighbors. It's all the towns around  
22 us. We can't have economic development without including  
23 everybody. We can't have economic security without  
24 including everybody, to -- again, how can you put a  
25 monetary value on these things? That's what we want you

1 to think of.

2                   And look at all of your executive orders.  
3 Those are your laws that you need to abide by. Look at  
4 the Constitution. That is supposed to be the highest  
5 legal instrument that the United States revolves around.  
6 Pay attention to it, look at it, refer to it, and then  
7 come back and speak to us in a way that is meaningful  
8 consultation.

9                   In the letter that I had drafted to the  
10 Secretary, I asked him specifically to come and speak to  
11 us on a government-to-government basis, respecting that  
12 trust responsibility and his obligation as a federal  
13 representative, speaking for the government. That is his  
14 responsibility. He needs to respond to that. You can't  
15 do that because you don't have that authority. You're  
16 just here taking comments.

17                   But those are the things that we need to get  
18 across to you so you can take it back to him. We want you  
19 to understand this and take responsibility, personal  
20 responsibility for it, because then you can speak with  
21 emphasis and passion to let him know how this affects you  
22 and your families. If you live here in Phoenix, your  
23 families, your children, your grandchildren, that's the  
24 way we look at it. Seven generations out, what are we  
25 leaving them? That's what we need to think about.

1                   That's why this is so important to us.  
2                   That's why we struggle with all these things. That's why  
3                   in Kaibab we work with the federal entities around us,  
4                   BLM, National Forest Service, National Park Service, all  
5                   of those entities that are around, even Department of  
6                   Interior, Department of Defense, we have that relationship  
7                   with all of those federal entities because we stress that  
8                   government to government. We stress those executive  
9                   orders so they understand how we want to be treated with  
10                  respect.

11                  That's what this is all about, to be  
12                  approached and spoken to before the decisions are made,  
13                  not to come and have you dictate to us and then check off  
14                  the little box that says consultation. That's not the way  
15                  it works. You speak to us from the beginning, before you  
16                  make the decisions, and let us have input to help you make  
17                  the decisions. That's consultation.

18                  Thank you.

19                  MR. JANSSEN: Thank you.

20                  MR. BURSON: Good afternoon. My name is  
21                  James Burson, B-u-r-s-o-n. I'm with the Pueblo of Laguna,  
22                  in-house attorney.

23                  I'm here to read to you the comments that we  
24                  submitted to the Secretary of Interior for the Bears Ears  
25                  National Monument review. These are from our governor of

1 the Pueblo of Laguna, Virgil Siow, as follows: Pueblo of  
2 Laguna supports President Obama's designation of Bears  
3 Ears National Monument and strongly opposes review of the  
4 designation as irresponsible and illegitimate for three  
5 reasons:

6           Designation was lawful and correct on the  
7 facts in the first place. Neither the President nor the  
8 Secretary have a legal basis to make any modifications to  
9 the present designation, and the factual basis for this  
10 review has been contrived. The Secretary should either  
11 withdraw the review or justly conclude that the  
12 designation was appropriate.

13           The Secretary has not implemented  
14 President's Executive Order 13972 consistent with  
15 applicable law. The order retroactively imposes  
16 constraints on prior national monument designations not  
17 authorized by the Antiquities Act of 1906 or any other  
18 federal law. The order sets forth a policy for future  
19 designations or expansions of national monuments under the  
20 Antiquities Act. The order aspires that the  
21 designations -- the future designations should  
22 appropriately balance protection of landmarks, structures,  
23 and objects against appropriate use of federal lands and  
24 the effects on surrounding lands and communities.

25           Arguably, the current President has

1 authority to set policy for how he will treat future  
2 national monument designations; however, the President  
3 lacks authority to second-guess and modify past  
4 designations. Absent any authority, his order directs  
5 that the Secretary should conduct a review of national  
6 monuments designated after 1995 where the Secretary  
7 determines that the designation was made without adequate  
8 public outreach and coordination with relevant  
9 stakeholders. The Antiquities Act compels no such  
10 criterion on national monument designations made by  
11 previous presidents, and the current President lacks  
12 authority to require the consideration of superimposed  
13 standards on previously designated national monuments.

14 The Antiquities Act does not authorize the  
15 President to abolish national monuments after they have  
16 been established. Moreover, the Federal Land Policy and  
17 Management Act of 1976 restricts the President's and the  
18 Secretary's authority over federal lands in this regard by  
19 directing that the Secretary shall not modify or revoke  
20 any withdrawal creating national monuments under the  
21 Antiquities Act. Accordingly, the Secretary's review  
22 cannot, consistent with applicable law, proceed as  
23 directed by the order, or as interpreted by the docket  
24 DOI-2017-002, and should be withdrawn.

25 Notwithstanding the illegitimacy of the

1 current review, Bears Ears National Monument designation  
2 received an enormous amount of careful consideration,  
3 including years of listening to stakeholders. Dozens of  
4 community meetings and public discussions were held  
5 throughout 2016, including a well attended public meeting  
6 with then-Secretary of the Interior Sally Jewell in Bluff,  
7 Utah. The final monument designation boundaries are very  
8 close to what was proposed in the Utah delegation's public  
9 lands initiative and much smaller than the tribally led  
10 proposal.

11 The record of public outreach in  
12 coordination with relevant stakeholders amply supports  
13 Bears Ears National Monument were it left to this  
14 Administration to designate. Bears Ears is a sacred  
15 landscape with more than 100,000 Native American cultural  
16 sites, dozens of which were looted and desecrated between  
17 2014 and 2015 alone.

18 The proposal to establish it was developed  
19 by a coalition of five sovereign tribal governments, Hopi,  
20 Navajo, Ute Mountain, Ute, and Zuni. Perhaps it is  
21 because of this unique circumstance that Bears Ears has  
22 been singled out for fast-track illegal reconsideration  
23 under this Administration; however, that alone was not the  
24 sole impetus for the designation.

25 Bears Ears is also home to scientific

1 wonders, irreplaceable wildlife and biodiversity, and  
2 recreational opportunities that form a vital base to the  
3 local economy. That is why Utah citizens, Americans  
4 across the country, and many other Indian tribes, like the  
5 Pueblo of Laguna, have all agreed it should be protected  
6 for future generations.

7 Most Americans support the protection of  
8 public lands. According to a 2016 study from Harvard's  
9 Kennedy School of Government, more than 93 percent of the  
10 respondents said that historical sites, public lands, and  
11 national parks should be protected for current and future  
12 generations.

13 Reducing the size of Bears Ears will  
14 primarily benefit the profiteering extractive industries  
15 to the detriment of the important qualities intended for  
16 protection by the designation. Any change in the monument  
17 will benefit abusers who act as though federal public land  
18 is their private domain and those who neither respect nor  
19 appreciate Bears Ears' irreplaceable aspects. Any  
20 reduction in protection will cause irreparable harm and  
21 not adhere to the will of the majority, but benefit only  
22 an insignificant minority. The Pueblo of Laguna joins  
23 with the majority of Americans in western states that  
24 support the protection that national monument status  
25 affords to Bears Ears.

1                   While the Pueblo of Laguna is not opposed to  
2 sensible energy development, we believe Bears Ears  
3 National Monument has greater value as protected wildlife,  
4 cultural, recreational, and historical resources than any  
5 temporary economic gain from mineral resource extraction.  
6 Rather than sacrificing this incomparable place for the  
7 removal of low quality energy and mineral resources, which  
8 exist in abundance elsewhere, the national park quality  
9 landscape deserves permanent protection. Thus, the  
10 unauthorized review should be withdrawn or, at a minimum,  
11 should recommend national park designation by congress.

12                   Respectfully, Virgil Siow, Governor, Pueblo  
13 of Laguna.

14                   Thank you.

15                   MR. JANSSEN: Thank you.

16                   MR. FROST: Good afternoon. My name is  
17 Kevin R. Frost, F-r-o-s-t, Southern Ute Indian Tribe of  
18 Colorado councilmember.

19                   Today I'm going to be speaking again, as  
20 well as with everyone here, on the issue of barriers. The  
21 Southern Ute Tribal Council are evoking the divine  
22 blessing of the Creator upon our efforts and purposes in  
23 order to preserve for ourselves and our descendants the  
24 inherent sovereign rights of our Indian Nation, rights  
25 reserved and secured under Indian treaties and agreements

1 with the United States, and all other rights and benefits  
2 to which we are entitled under the laws and  
3 constitution -- law and Constitution of the United States  
4 to enlighten the public toward a better understanding of  
5 the Southern Ute people to preserve Southern Ute cultural  
6 values and otherwise promote health, safety, and welfare  
7 of our Southern Ute people. We submit the following:

8           The Southern Ute Indian Tribe supports  
9 keeping Bears Ears a national monument. The Southern Ute  
10 supported designating Bears Ears as a national monument  
11 because of the three Ute Tribes' historic and current ties  
12 to the land, animals, plants, and resources of San Juan  
13 County, Utah. The other two Tribes are the Ute Mountain  
14 Ute Tribe and the Ute Indian Tribe.

15           For more than 12,000 years, Bears Ears was  
16 the ancestral home to many tribes, including the Utes,  
17 Hopi, Acoma, Zia, Jemez Pueblo, and the White Mountain and  
18 Jicarilla Apache Tribes, and they continue to assert their  
19 enduring use of these lands. Evidence of many Ute teepee  
20 rings exist in the area. The Southern Ute connections to  
21 the land support Native life and culture in important  
22 life-sustaining ways, including subsistence hunting,  
23 fishing, and gathering of nature's materials for  
24 medicinal, spiritual, and other uses, preservation of  
25 Tribal sacred places and as sources of economic

1 development.

2           The Presidential proclamation establishing  
3 the national monument acknowledges the strong affiliations  
4 that various tribes have to this area. Bears Ears is  
5 unsurpassed for its integrity and abundance of  
6 archaeological resources. Ute oral histories describe the  
7 historic presence of bison, antelope, and abundant bighorn  
8 sheep which are depicted in the ancient rock art.

9           Bears Ears has been under threat of cultural  
10 vandalism, looting of cultural sites, and indiscriminate  
11 off-road vehicle use that damages these sacred sites. To  
12 prevent this rapid destruction of lands in southeastern  
13 Utah, its importance to Native peoples, formal protection  
14 as a national monument is required. Formal protection  
15 will provide important consistency and quality to  
16 management of these lands and define principles of  
17 management that will positively affect Native values on  
18 these lands. Designation as a national monument provides  
19 the best formal legal protection to manage these lands and  
20 to implement management principles in cooperation with  
21 tribes that share ancestral and ongoing ties to the  
22 region.

23           An important factor here as well is that no  
24 monument designation has ever been rescinded by a  
25 president, and there is no reason to start now; therefore,

1 the Southern Ute Indian Tribe extends its support for the  
2 Bears Ears National Monument designation by  
3 President Obama that reflects the will and the values of  
4 Native peoples whose identities, histories, cultures, and  
5 futures are inextricably tied to these lands.

6 Thank you.

7 MR. JANSSEN: Thank you.

8 And if you have any written submissions, you  
9 can submit them to us and they will become part of the  
10 record as well, just for your information.

11 MR. MALDONADO: Can I amend my comment also,  
12 or add to it, however you want to put it?

13 MR. JANSSEN: Absolutely.

14 MR. MALDONADO: Chairman Maldonado again.  
15 First name is Roland, R-o-l-a-n-d, last name Maldonado,  
16 M-a-l-d, as in David, o-n-a-d-o, Kaibab Band of Paiute  
17 Indians.

18 In listening to this, a lot of them are  
19 talking about Bears Ears specifically or Grand  
20 Staircase-Escalante. And in the review, understanding is  
21 returning control back to or -- control back to local  
22 entities, something that needs to be brought out, Utah's  
23 charter, when they gained statehood, was that they  
24 relinquish any claim to federal lands in perpetuity. They  
25 have no right to those lands at all whatsoever. Their

1 congressional members that brought out the Secretary, it's  
2 illegal. They have no right to those lands. That's part  
3 of their charter, their state charter. They gave up those  
4 rights permanently.

5           The fact that they would suggest in the  
6 media that we are pawns of environmentalists and other  
7 specific or specialty groups is an insult to tribal  
8 sovereignty. As I brought out, working with Grand  
9 Staircase-Escalante before there were any of those issues,  
10 that's the reason that we went to fight for a national  
11 monument. That goes back to '96, '94. We're still  
12 working with these entities.

13           But I just wanted to bring out Utah has no  
14 right to those lands. Even if you rescind the national  
15 monument, they still have no right to those lands. They  
16 can't go in there and mine and do whatever they want to  
17 do. They still have no right to those lands; in  
18 perpetuity they gave up any and all claims to those lands.

19           Thank you.

20           MR. JANSSEN: Thank you.

21           Is there anyone else who would like to  
22 provide any public comments regarding Executive  
23 Order 13792, Review of Designations Under the Antiquities  
24 Act?

25           MR. LOMAYESVA: I'll say something. Hi. My

1 name is Fred Lomayesva, and I wanted to make a couple  
2 comments regarding Bears Ears.

3 I think that Chairman Honanie and Vice  
4 Chairman Lomahquahu would probably agree with me that they  
5 supported the designation of Bears Ears and they support  
6 the continued designation, that it has dedicated historic  
7 and prehistoric sites there. But aside from that, the  
8 Hopi also believe that they have a unique or a special  
9 relationship with the area as part of our ancestral areas  
10 that we migrated through and that evidence of those  
11 migrations continue to exist there today.

12 I think that we join with other tribes in  
13 supporting the designation. We believe it has all the  
14 factors that would merit it being a national monument, and  
15 we believe that it still merits that designation. We  
16 would oppose a revision of that designation, and we  
17 support its continued designation as a national monument  
18 today.

19 So thank you.

20 MR. JANSSEN: And what tribe are you with?

21 MR. LOMAYESVA: Hopi.

22 MR. JANSSEN: Thank you.

23 MR. BEGAYE: Again, Navajo Nation President  
24 Russell Begaye.

25 I'd like to say that our team met with

1 Secretary Zinke in Salt Lake when he came to visit and to  
2 specifically discuss Bears Ears, our concerns that he had  
3 heard that the supporters of Bears Ears were all from  
4 outside the region, that they were non-Indians that were  
5 pushing this designation, and we wanted to make sure that  
6 we set history straight that it's not outsiders that  
7 pushed this.

8 For 80 years -- I've stated earlier for  
9 80 years the Tribal leaders, working, talking with  
10 president after president, congressional leaders after  
11 congressional leaders, finally that designation came, and  
12 this is why our people are so passionate about keeping the  
13 designation as is. And that was with our vice president,  
14 Jonathan Nez, our attorney general, and others met with  
15 the Secretary.

16 And then last week once again meeting with  
17 the -- with Deputy Secretary Cason I heard again with a  
18 delegation from Navajo Nation, again reiterating our  
19 position, strong position, to keep the designation. And  
20 we also would like to again make a request that a meeting  
21 again be held with Secretary Zinke to make sure any  
22 statements are being made out there that are untrue be set  
23 straight, and let these statements come directly from our  
24 tribal leaders. And we would be willing to go to  
25 Washington, D.C., or anywhere in the country to meet with

1 the Secretary to express once again that it is -- that  
2 this designation and that this effort is being driven by  
3 tribal leaders but not -- and not by outside interests or  
4 by non-tribal leaders, but this is -- this goes to the  
5 heart of who we are as Indian Nation.

6 So we appreciate also the multiple public  
7 hearings that were held before the designation came about.  
8 And so, again, we just make that request that the  
9 Secretary opens his door for us to meet with him as tribal  
10 leaders once again.

11 Thank you.

12 MR. JANSSEN: Thank you.

13 So there's going to be one additional  
14 listening session for this executive order, but it will  
15 occur on Monday, June 12th, at 3:00 p.m. to 5:00 p.m. at  
16 Mohegan Sun in Connecticut. That will be in conjunction  
17 with NCAI's mid-year conference. So there will be one  
18 additional listening session on this issue.

19 If there are -- oh.

20 MR. WHITE: Hi. Again, respectfully,  
21 welcome everybody in the room, and thank you guys for  
22 giving us the opportunity to speak with regards to  
23 concerns that I have and my people from the Fort Yuma  
24 Quechan Indian Tribe have with regards to this executive  
25 order.

1 My name is Willie White. I'm a councilman.  
2 I haven't been at this for very long as far as trying to,  
3 you know, be in place in leadership with my community.  
4 And, you know, I have to ask how long have -- as  
5 individuals have you guys been in your capacities as far  
6 as the Department and things like that?

7 MR. JANSSEN: I've been with the Department  
8 for the last two years, but have worked in Indian Country  
9 for my entire career.

10 MR. WHITE: Okay.

11 MS. ORTIZ: I've been with the Bureau of  
12 Indian Affairs since 2012 and also have worked in Indian  
13 Country for over 20 years. Prior to that I worked in the  
14 Indian Health Service and worked directly with law firms  
15 and tribes.

16 MR. MAHONEY: And I've been with the Bureau  
17 of Land Management 36 years and have been in the current  
18 position as program leader for monuments, conservation  
19 areas, wilderness and wild and scenic rivers for about  
20 15 years.

21 MR. WHITE: Got it. I ask because, you  
22 know, it has to bring you guys as much, you know, pain and  
23 concern to learn of, you know, these types of attempts or  
24 actions with regards to, you know, some of the battles  
25 that have been, you know, going on for as long as, you

1 know, all of us have been -- myself alive and you guys  
2 have been, you know, dedicated in your capacities and your  
3 positions.

4 And, you know, I just -- it just makes me  
5 concerned, you know, whether -- for the well-being and the  
6 future of, you know, all these protected lands that, you  
7 know, many of us hold very, you know, dear and close for  
8 reasons that need not even be entered into this -- you  
9 know, this testimony. But, you know, what does it  
10 indicate for the future of, you know, our ability to  
11 protect, you know, what is sacred? And, you know, I think  
12 that's part of the intention of, you know, this directive,  
13 is to, you know, fend off future efforts.

14 You know, I also find it very concerning and  
15 saddening in the fact that, you know, this is a topic that  
16 we are discussing at the same time as we are learning of  
17 the news of, you know, the climate -- Paris climate  
18 agreements and things like that. It just seems like it's  
19 just very sad, and I'd like to put that on the testimony,  
20 you know, that it's just -- we can't give up.

21 Thank you.

22 MR. JANSSEN: Thank you.

23 So as I mentioned -- oh.

24 UNIDENTIFIED SPEAKER: I apologize for  
25 getting here late. I am guessing that you are taking some

1 testimony with respect to --

2 MR. JANSSEN: We're receiving public -- or  
3 comments from tribal leaders on Executive Order 13792.  
4 This is a listening session on the Interior's review of  
5 national monuments under the Antiquities Act.

6 UNIDENTIFIED SPEAKER: Tribal leaders only?

7 UNIDENTIFIED SPEAKER: No.

8 MR. JANSSEN: Yeah, you can come up and make  
9 a comment if you would like.

10 UNIDENTIFIED SPEAKER: Citizen, that's all I  
11 am.

12 MR. JANSSEN: Okay. One moment. Let me  
13 check.

14 So I guess I'll leave this choice up to the  
15 tribal leaders in the room if you would like to open this  
16 up for other individuals. But if not, you know, this can  
17 remain just tribal leaders, I guess.

18 So this is actually a listening session for  
19 tribal leaders. There is an opportunity for the public to  
20 submit comments, and we are receiving written comments  
21 until July 10th, 2017, on this executive order. This  
22 listening session is part of the government-to-government  
23 relationship with tribes, and so we, you know,  
24 respectfully keep this to just tribal leaders.

25 So as I mentioned before, there's going to

1 be one additional listening session on this executive  
2 order on June 12th, at the NCAI mid-year convention at  
3 Mohegan Sun in Connecticut.

4 I'd like to thank everyone today. If there  
5 are no more tribal leaders who would like to submit  
6 comments, I would like to thank everyone today for their  
7 participation in this listening session.

8 This is part of a continuing dialogue  
9 between tribes and the federal government, and so, you  
10 know, this is a consultation that's on the record. Any  
11 statements or documents that were provided are going to  
12 become part of the official record and will be reviewed by  
13 the Department before any report or recommendation is made  
14 to the President.

15 So with that, I will call this listening  
16 session to a close. Thank you very much.

17 \* \* \* \* \*

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1 BE IT KNOWN that the foregoing proceedings were  
 2 taken before me; that the foregoing pages are a full, true  
 3 and accurate record of the proceedings, all done to the  
 4 best of my skill and ability; that the proceedings were  
 5 taken down by me in shorthand and thereafter reduced to  
 6 print under my direction.

7  
 8 I CERTIFY that I have complied with the ethical  
 9 obligations set forth in ACJA 7-206(F) (3) and ACJA 7-206  
 10 J(1) (g) (1) and (2). Dated at Glendale, Arizona, this 12th  
 11 day of June, 2017.

12  
 13  
 14 \_\_\_\_\_  
 15 KIMBERLY PORTIK, RPR, CRR  
 16 Certified Reporter  
 17 Arizona CR No. 50149

18 \* \* \* \* \*

19 I CERTIFY that Canyon State Reporting Services, LLC,  
 20 has complied with the ethical obligations set forth in  
 21 ACJA 7-206 (J) (1) (g) (1) through (6).

22 \_\_\_\_\_  
 23 Canyon State Reporting Services, LLC  
 24 Registered Reporting Firm  
 25 Arizona RRF No. R1031



## THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

May 24, 2017

Monument Review, MS-1530  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

### Re: Review of Certain National Monuments Established Since 1996

#### I. The History and significance of the Bears Ears National Monument to the Navajo Nation

The Bears Ears National Monument lies immediately adjacent to the Navajo Nation's northern boundary in San Juan County, Utah. The lands protected by the Monument hold special cultural and historical significance for the Navajo people, who believe that the towering spires in the Valley of the Gods are ancient Navajo warriors frozen in stone, and that the Bears Ears peaks are the top of the dismembered head of a bear that stands guard to culturally important Changing Bear Woman.

Additionally, the origin narratives of certain Navajo healing ceremonies make special mention of geographic sites located in present-day Bear's Ears National Monument, including the Bears Ears buttes themselves, Elk Ridge, Comb Ridge, the Abajo Mountains, and zones around crossings of the San Juan River at Cottonwood Wash, Comb Wash, and Mexican Hat. At least five types of Navajo ceremonies are associated with these places. The prominence of these sites in our ceremonies' origin narratives underscores those sites' cultural, spiritual, and historical significance to the Navajo people. Some of these sites were created when our deities first put the earth's surface in order, including what was to become a homeland for the Navajo people and our ancestors. Other sites in the Monument were where our deities and our people stopped amid travels and gained bits of knowledge that became incorporated into some of our most significant ceremonies. The influence of that knowledge continues to ordain the manner by which those ceremonies are practiced even today.

The lands that fall within the Bears Ears National Monument also have great significance to the human history of the Navajo people. By no later than 1800, specific, genealogically-identified Navajo forebears dwelt, herded, farmed, hunted, gathered, and performed ceremonial activities in the present-day Bears Ears National Monument. In 1864, U.S. troops marched several groups of Navajos—totaling over 9,000 individuals—in succession and at gunpoint 350 miles to Fort Sumner in east central New Mexico as the finale to Colonel Kit Carson's scorched earth campaign against the Navajo. Many Navajos escaped this removal by remaining in or fleeing to the stronghold of what is now the Bears Ears National Monument. The Monument is also the home of important figures in Navajo history, including Headman *K'aayèlii*, and Navajo Chief Manuelito (one of the negotiators of and signatories to the Navajo Treaty of 1868 with the United States).

The ties of the Navajo to the region extend from "pre-historic" times to the present. Ethnographic studies and oral traditions describe the Navajo ethno-genesis as an assimilation of various ethnic groups, including the Anasazi and Puebloan peoples from Canyon de Chelly and elsewhere, who the Navajo acknowledge as their relatives by referring to them as *Nihinaazázi* (the ancestors who lived around us). Today the Navajo people continue to make offerings and prayers to these relatives in the Bears Ears region. Until recently, the Navajo people resided in areas now within the Monument's boundaries. They

lived there in hogans and wikiups, herded sheep, and hunted on the land. They also foraged, created rock art, and buried ancestors there. Many hogans remain in the region today, standing as a tribute to the deep cultural and historical ties the Navajo people retain to the Monument lands.

Indeed, Navajo people continue to make extensive use of the Monument lands. Traditional Navajo ceremonies, practiced since time immemorial, continue to take place in the Monument, and draw on plants, soils, and other items that can only be harvested from the Monument. The Navajo people have a demonstrated, enduring, and strong interest in the preservation of the Monument as designated by President Obama because this specific designation provides significant protection for the preservation of Navajo culture and traditions into the future.

## **II. The Establishment of Bears Ears National Monument Was Proper**

The lands now protected within the Bears Ears National Monument are archaeologically rich, in part because of the strong human presence of the Navajo people and our forebears on that land. This richness did not go unnoticed. Vandalism and looting of those lands has long been an issue of concern for the region, and for the Navajo people and the Navajo Nation. In 2009 a federal raid resulted in the arrest and sentencing of 19 San Juan County residents for violations of the Archaeological Resources Protection Act. It was perhaps this recent and egregious incident that prompted a more than six years long robust public process that engaged the citizens of San Juan County and elsewhere in Utah in a discussion on how Bears Ears and other public lands in Utah might be better protected. This process was initiated by former Utah Senator Ben Bennett, and included specific outreach to the Utah Navajo Chapters.

As a people whose culture is derived from a deep connection to the Monument lands, and to the animals that share that land, the Navajo people have remained dedicated participants in this public process and ultimately in the protection of those land through designation of the Monument. As part of the larger public process underway, Utah Diné Bikéyah, a Navajo citizens group, was directed to undertake an ethnographic study. They spent two and a half years researching and analyzing the specific lands in the Bears Ears region to identify those lands with the strongest cultural ties to the Navajo and other tribes. Then-Navajo Nation President Ben Shelly officially called on the U.S. Department of Interior to designate the Bears Ears region as a National Monument in 2011. That same year, the Navajo Nation and Utah Diné Bikéyah signed an MOU with San Juan County to engage in a joint public lands planning process. Between 2011 and 2015, Navajo Nation and Utah Diné Bikéyah continued to engage in outreach to local and federal representatives and officials, publish information about the proposed monument, and host public meetings. In 2014, six out of seven Utah Navajo Chapters passed resolutions in support of the Monument, and four other tribes joined the Navajo Nation in forming the Bears Ears Inter-Tribal Coalition (“Coalition”) to advocate for the protection of the Monument lands. The other member tribes to the Coalition include the Hopi Tribe, the Zuni Tribe, the Ute Indian Tribe, and the Ute Mountain Ute Tribe.

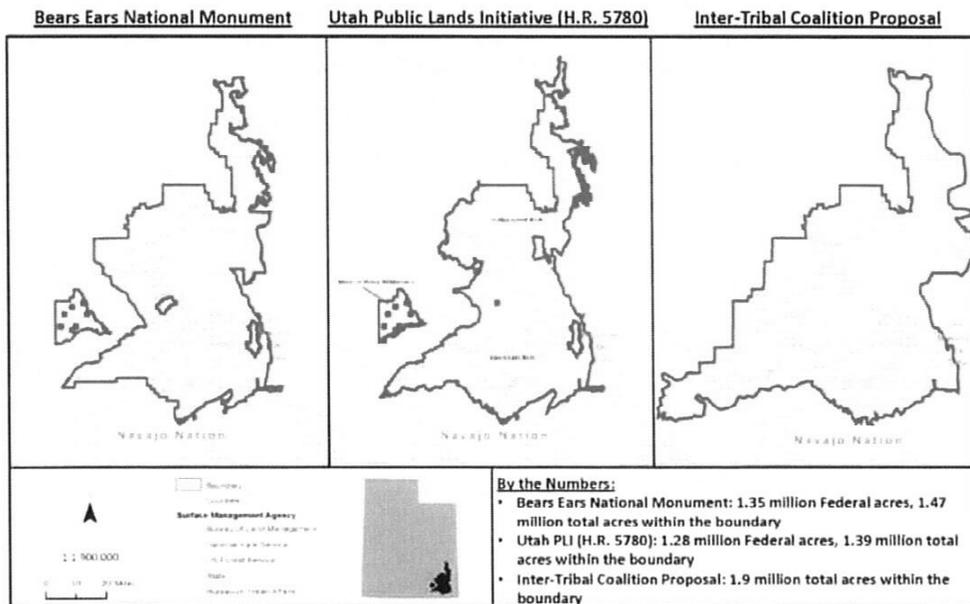
The ethnographic research and data analysis conducted by Utah Diné Bikéyah was used by the Coalition in making its recommendation for first a National Conservation Area and—when it became clear Congress would not act to adequately protect the Monument lands—then a monument designation. Utah Diné Bikéyah identified hundreds of thousands of historic landmarks, structures, and historic and scientific objects located within the boundaries of Bears Ears National Monument. These included migration routes, ancient roads, great houses, villages, granaries, hogans, wikiups, sweat lodges, corrals, tipi rings, shade houses, pueblos, kivas, rock paintings, petroglyphs, pictographs, and cliff dwellings in addition to the rich paleontological and ecological resources the Monument protects. This research demonstrates that all lands within the Monument boundary (and many thousand acres more) are necessary for the proper care and management of important cultural and historic resources. The original map the Coalition presented to the Obama administration for protection included 1.9 million acres of land defined

by the ethnographic research conducted by Utah Diné Bikéyah. This same map was presented to the people of San Juan County in December of 2014 and received the approval of 64 percent of respondents.

When the MOU between the Navajo Nation, Utah Diné Bikéyah, and San Juan County expired in 2013, the County chose not to renew it. Instead, the County collaborated with the Utah Congressional delegation to develop an alternative proposal they called the Public Lands Initiative. The Public Lands Initiative proposed protections in the form of two National Conservation Areas (NCAs): the Bears Ears NCA and the Indian Creek NCA. The Public Lands Initiative bill would have provided for management advice through two bodies: one composed of tribal members, and a second composed of citizens of San Juan County. The Bears Ears NCA section of the bill did not address mineral or land disposal withdrawals, livestock grazing, wildlife management, vehicle use, or water rights. The Indian Creek NCA section of the bill would not have provided for management advisors, but would have withdrawn the area from mineral development and disposal under applicable public lands laws, and limited vehicle use to designated routes. This proposal was also presented to the people of San Juan County in December 2014, but received the support of less than 1 percent of respondents.

The Navajo Nation and other Coalition tribes spent extensive time and resources on developing the evidence and working with the federal government on the creation of Bears Ears National Monument in order to protect ongoing use of the region by Native and non-Native people. When the Monument was designated, the Obama administration created the boundary based on a compromise between the tribes' proposed boundary (which was based on cultural resource protection), and the Utah Delegation's Public Lands Initiative bill (which was based on facilitating natural resource extraction). The map below comparing both proposals with the current Monument forcefully makes this point. While this compromise did not afford the extent of protection that the Coalition tribes sought, the Navajo Nation believes that the compromise was well-reasoned, and allows for an appropriate balance between protection of cultural and historic sites within the Monument and extraction in the most appropriate locations along the boundaries of the Monument.

**Bears Ears National Monument and other proposals for protecting the Bears Ears area**



Source: <https://www.blm.gov/programs/national-conservation-lands/national-monuments/utah/bears-ears/map-comparison>

### **III. Threats to Monument Lands Remain Imminent and Warrant Protection**

Throughout the public engagement process, vandalism and looting of the archaeologically rich Bears Ears region continued to threaten even the most remote areas of Bears Ears. The BLM Field Office in Monticello, Utah reports that it investigated 25 instances of looting, vandalism, and disturbance of grave sites in San Juan County between 2011 and 2016, and has continued to receive increasing numbers of similar reports in 2017. Other threats to the Bears Ears region and its fragile archaeological and paleontological resources prior to Monument designation included irresponsible off-road vehicle use, visitors who caused damage due to lack of knowledge about the nature and fragility of archaeological and paleontological resources, and mining and energy development. Oil, gas, and uranium can be found in and around the Monument, and in March 2015 the Utah legislature passed HB 0393, which designated the majority of the Monument lands as an “Energy Zone.” The bill aimed to streamline development and declared grazing, energy and mineral development to be the “highest and best use” of public lands. All of these uses threaten the integrity of the archaeological and cultural resources now protected by Monument status.

### **IV. Continued Use and Enjoyment of Bears Ears National Monument**

The collaborative role the Coalition tribes will play in providing guidance and recommendations on the development and implementation of management plans and on management of the Monument, will ensure that Monument management will acknowledge and protect the living and dynamic nature of Navajo culture, as well as the resources of the Monument. Our tribal members will thus be able to continue age-old cultural practices on Monument lands—such as the harvesting of plants, firewood, and minerals, hunting, and ceremonial practices—even while we preserve invaluable cultural and historic structures that provide unparalleled scientific and recreational opportunities to the general public.

The Coalition tribes worked hard to ensure the designation of Bears Ears National Monument in a manner that would both protect the lands and their historical, archaeological, cultural, and spiritual resources and also ensure ongoing traditional use of those lands by the membership of all five tribes. The Monument has the broad and enthusiastic support of tribal members, including the majority of Navajos living in San Juan County. The Nation stands ready to support and defend the Monument alongside the other Coalition tribes for as long as necessary to ensure that the Monument remains protected for tribal people and all people who wish to visit its lands. One of the key drivers in the Coalition seeking to protect these lands was to protect their healing powers, which extend beyond Indian country and offer a benefit to all humanity. The region has already seen a marked increase in use of these lands, as visitors from around the world learn about the wonders of the Bears Ears region. This increased visitation has begun, and will continue to benefit the local economy in San Juan County, Utah.

### **V. Management of the Monument**

The Coalition tribes have all appointed representatives to the Bears Ears Commission, which was established by the Bears Ears Monument declaration. Although a Monument Manager has not yet been appointed by the Bureau of Land Management, the Commission is currently developing governing documents and management recommendations. The Coalition tribes are deeply committed to supporting the successful management of Bears Ears National Monument, and with the help of a group of non-profits, have begun work even without federal funding. The Commission’s work is vital at this time, in light of the increased visitation to the Monument. The majority of visitors are new to the region, and many do not have the knowledge about how to responsibly visit fragile archaeological sites without causing damage to manmade objects and fragile desert ecosystems. The Navajo Nation and other Coalition tribes will continue to support and work for the successful management of the Monument, and

stand ready to assist the federal land management agencies with visitation and management planning by bringing additional personnel, knowledge, and some grant funding resources to the process.

**VI. Bears Ears Was Properly Designated and Should Remain a Monument**

The area protected by Bears Ears National Monument is deeply significant to the Navajo people and other Coalition tribes, and is replete with paleontological, archaeological, historic, and scientific resources. These resources extend outside of the Monument boundaries, but the dimension of Bears Ears National Monument were carefully crafted to protect the most important objects while allowing for continued natural resource extraction in other parts of San Juan County. The area protected is the "smallest area compatible with the proper care and management" of the area's most important objects and ecosystems, while allowing for appropriate multiple uses both within and outside the Monument's boundaries. The Navajo Nation, including a majority of its members in San Juan County, supports the Monument designation. The Nation looks forward to the economic growth through tourism that the Monument will bring to the region, as well as the protections to significant cultural and historic landmarks that it affords. The Navajo Nation stands ready to continue to provide expertise and resources in the management and protection of the Monument.

Sincerely,

**THE NAVAJO NATION**

A handwritten signature in black ink, appearing to read "Russell Begaye". The signature is fluid and cursive, with the first name "Russell" being larger and more prominent than the last name "Begaye".

Russell Begaye, *President*



## 23<sup>RD</sup> NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

HONORABLE LORENZO C. BATES  
SPEAKER, 23<sup>RD</sup> NAVAJO NATION COUNCIL

May 22, 2017

Michael S. Black, Acting Assistant Secretary  
United States Department of Interior  
Office of Secretary  
Washington, DC 20240

**Re: Review of National Monuments – Bears Ears**

Dear Mr. Michael Black,

First and foremost, on behalf of the 23<sup>rd</sup> Navajo Nation Council, I would like to extend my sincere appreciation of your invitation to meet with U.S. Department of Interior (DOI) for an opportunity to provide additional comments related to the Bears Ears National Monument. I believe this is another great opportunity for Tribal Leaders to express additional concerns to ensure the Navajo Nation's future prosperity is protected.

Unfortunately, I regret to inform you that I am unable to meet with Mr. James Cason, Acting Deputy Secretary this week. However, Honorable Davis Filfred, Council Delegate (*Aneth, Teecnospos, Tolikan, Red Mesa*) of the 23<sup>rd</sup> Navajo Nation Council will be attending on my behalf. Mr. Filfred has confirmed a meeting is scheduled to meet with DOI on Thursday, May 25, 2017.

Furthermore, I want to reemphasize the Navajo Nation maintains its interest to support the Bears Ears National Monument and oppose any further congressional action to reverse President Barack Obama's proclamation. A position statement will be provided by the end of the week. I look forward to working with DOI as we move forward in addressing these concerns.

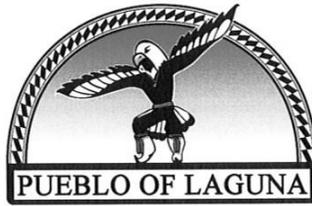
Your attention and cooperation is greatly appreciated. If you have any questions, please contact Chief of Staff, Pete Ken Atcitty with the Office of the Speaker at (928) 871-7160.

Sincerely,

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates".

LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council

cc: Davis Filfred, Council Delegate, 23<sup>rd</sup> Navajo Nation Council



May 25, 2017

Secretary of the Department of the Interior  
<http://www.regulations.gov>  
 DOI-2017-0002

Re: Comments to Bears Ears National Monument Review

The Pueblo of Laguna supports President Obama's designation of Bears Ears National Monument, and strongly opposes review of the designation as irresponsible and illegitimate for three reasons – (1) the designation was lawful and correct on the facts; (2) neither the President nor the Secretary have a legal basis to make any modifications, and (3) the factual basis for this review has been contrived. The Secretary should either withdraw the review, or justly conclude that the designation was appropriate.

The Secretary cannot implement the President's Executive Order 13972 (Order) "consistent with applicable law" as directed. Order at Sec. 3(b). The Order retroactively imposes constraints on prior national monument designations not authorized by the Antiquities Act of 1906 (Antiquities Act), or any other federal law. The Order sets forth a policy for future designations or expansions of national monuments under the Antiquities Act. Order at Sec. 1. The Order aspires that "[d]esignations should . . . appropriately balance the protection of landmarks, structures, and objects against appropriate use of Federal lands and the effects on surrounding lands and communities." Arguably, the President has authority to set policy for how he will treat future national monument designations. However, the President lacks authority to second-guess and modify past designations.

Absent any authority, the Order directs that "[t]he Secretary shall conduct a review" of national monuments designated after 1995 "where the Secretary determines that the designation . . . was made without adequate public outreach and coordination with relevant stakeholders." Order at Sec. 2. The Antiquities Act compelled no such criteria on national monument designations made by previous Presidents. And, the current President lacks authority to require the consideration of superimposed standards on previously-designated national monuments. The Antiquities Act "does not authorize [the President] to abolish [national monuments] after they have been established." 39 Op. Att'y Gen. 185, 185 (1938). Moreover, the Federal Land Policy and Management Act of 1976 (FLPMA) restricts the President's and the Secretary's authority over federal lands in this regard by directing that "[t]he Secretary shall not . . . modify or revoke any withdrawal creating national monuments under [the Antiquities Act]. 43 U.S.C. § 1714(j). Accordingly, the Secretary's review cannot, "consistent with applicable law," proceed as directed by the Order or as interpreted in Docket No. DOI-2017-0002, and should be withdrawn.

Notwithstanding the illegitimacy of the current review, Bears Ears National Monument designation received an enormous amount of careful consideration, including years of listening

Page 2

to stakeholders. Dozens of community meetings and public discussions were held throughout 2016, including a well-attended public meeting with then-Secretary of the Interior Sally Jewell in Bluff, Utah. The final monument designation boundaries are very close to what was proposed in the Utah delegation's Public Lands Initiative (PLI), and much smaller (550,000 acres) than the Tribally-led proposal. The record of "public outreach and coordination with relevant stakeholders" amply support Bears Ears National Monument were it left to this administration to designate.

Bears Ears is a sacred landscape with more than 100,000 Native American cultural sites, dozens of which were looted and desecrated between 2014 and 2015 alone. The proposal to establish it was developed by a coalition of five sovereign Tribal Governments (Hopi, Navajo, Ute Mountain Ute, Ute, and Zuni). Perhaps it is because of this unique circumstance that Bears Ears has been singled-out for fast-tracked illegal reconsideration under this administration. However, that alone was not the sole impetus for the designation. Bears Ears is also home to scientific wonders, irreplaceable wildlife and biodiversity, and recreational opportunities that form a vital base to the local economy. That is why Utah citizens, Americans across the country, and many other Indian tribes (like the Pueblo of Laguna) have all agreed it should be protected for future generations.

Most Americans support protection of public lands. According to a 2016 study from Harvard's Kennedy School of Government, more than 93 percent of respondents said that historical sites, public lands, and national parks should be protected for current and future generations. Reducing the size of Bears Ears will primarily benefit the profiteering extractive industries to the detriment of the important qualities intended for protection by the designation. Any change in the monument will benefit abusers who act as though Federal public land is their private domain, or those who neither respect nor appreciate Bears Ears' irreplaceable aspects. Any reduction in protection will cause irreparable harm and not adhere to the will of the majority, but benefit only an insignificant minority. The Pueblo of Laguna joins with a majority of Americans in Western states that support the protection that national monument status affords Bears Ears.

While Pueblo of Laguna is not opposed to sensible energy development, we believe the Bears Ears National Monument area has greater value as protected wildlife, cultural, recreational, and historical resources than any temporary economic gain from mineral resource extraction. Rather than sacrificing this incomparable place for the removal of low-quality energy and mineral resources, which exist in abundance elsewhere, the National Park-quality landscape deserves permanent protection. Thus, the unauthorized review should be withdrawn, or at a minimum should recommend National Park designation by Congress.

Respectfully,

  
Virgil Siow, Governor



**Monument review, MS-1530**

Mililani Trask <mililani.trask@icllchawaii.com>  
 To: consultation@bia.gov

Mon, Jun 5, 2017 at 7:51 PM

Aloha USDOl,

I am sending in this comment to request that the US DOI support repeal of the Northwest Hawaiian Island Papahanaumoku Monument. My reasons are the following:

- 1) The Monument & its expansion diminished the boundaries of the State of Hawaii by hundreds of thousands of nautical miles.
- 2) This executive action of President Obama eradicated 2/3ds of our State EEZ and significantly imputed out States economic income. See attachments.
- 3) 80% of the fish caught in these State waterside consumed in our State and over 20% are taken by subsistence fishermen feeding their families. See attachments.
- 4) Our State Constitution provides that native Hawaiians have a right (Article XII Sec 7) to access our State lands for cultural purposes, but the Monument regulations fail to provide a process for the exercise of this right and in fact monument rules have not facilitated cultural subsistence fishing or voyaging.

Please repeal this monument and all other Monuments imposed by Obama.

Mililani B. Trask

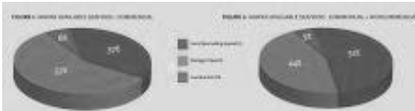
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**3 attachments**



**FF-monument area chart.jpg**  
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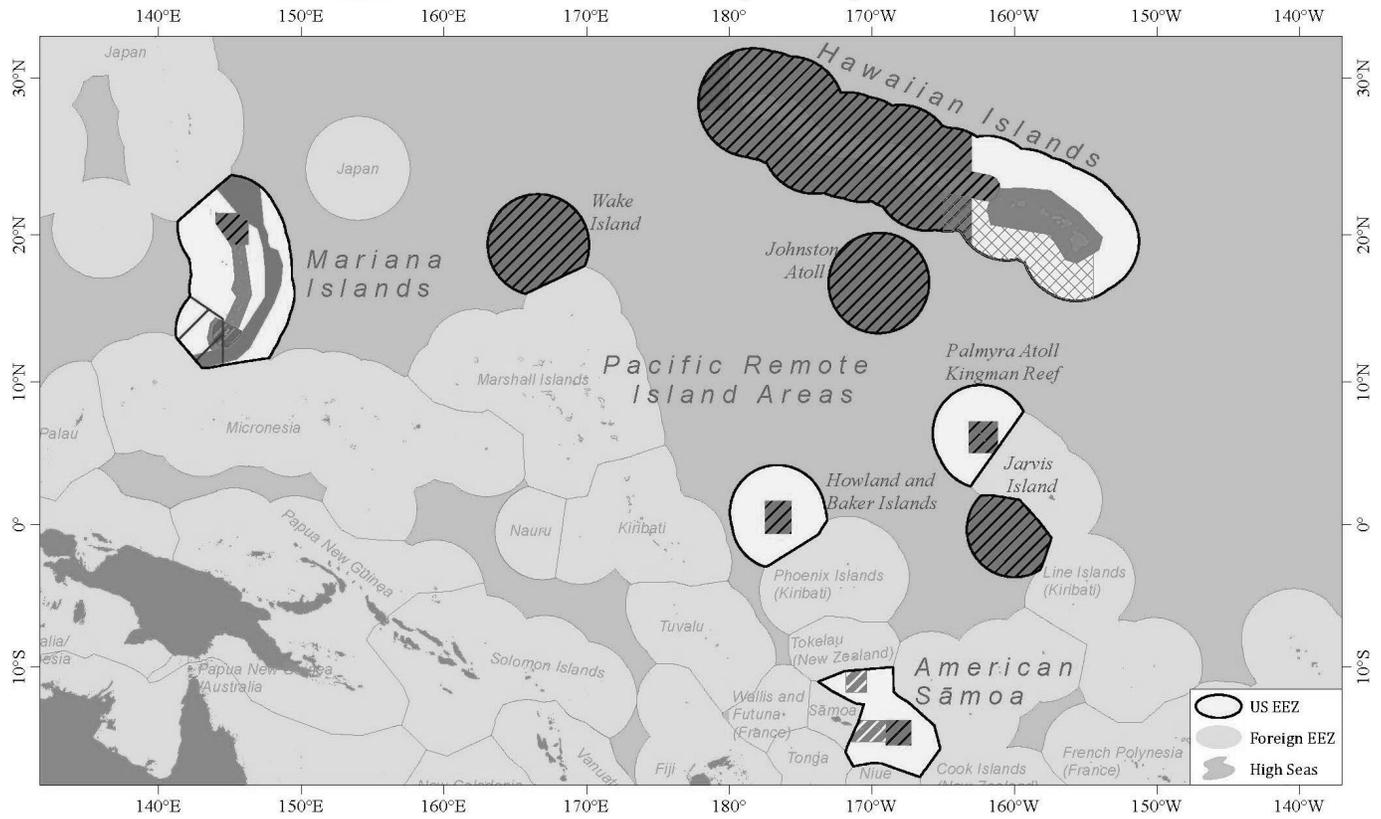


**FF-WhereSeafoodinHawaiiOriginates\_crop.jpg**  
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**FF- Pacific Monument Map.pdf**  
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# US EEZ Regulated Fishing Areas, Western Pacific Region

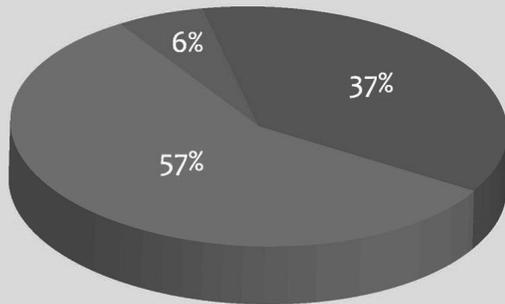
- | Magnuson-Stevens Act  |   | Antiquities Act  |
|---|---|--|
|  Longline fishing prohibited (1991 - 92, 2011)     |  Bottomfish/Groundfish fishing prohibited (1986)                                   |  Marine National Monument (2006 - 2016) |
|  Large Vessel Prohibited Area (2002)               |  Bottomfish Vessels ≥ 50 ft prohibited (2006)                                      |  Closed to all commercial fishing       |
|  False Killer Whale Southern Exclusion Zone (2012) |  US EEZ: trawling, drift gillnets, poisons and explosives prohibited (1986 - 2004) |  |
|  Guam No Anchor Zone (2004)                        |   |  |



## Size of the Marine National Monuments in the U.S. Pacific Islands

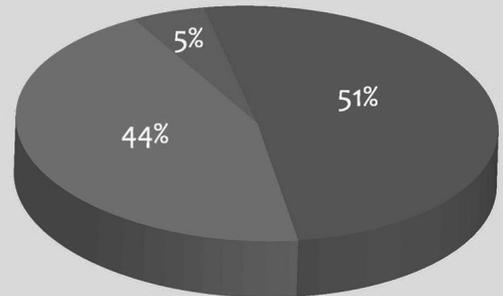
Marine National Monument (Proclamation No.)	Size in Acres	Size in Square Miles
<b>Papahānaumokuākea MNM Total</b>	<b>372,847,360 acres</b>	<b>582,574 square miles</b>
Papahanaumokuakea Original (Proclamation 8031)	89,467,520 acres	139,793 square miles
Papahanaumokuakea Expansion (Proclamation 9478)	283,379,840 acres	442,781 square miles
<b>Pacific Remote Islands MNM Total</b>	<b>316,920,929 acres</b>	<b>495,189 square miles</b>
Pacific Remote Islands Original (Proclamation 8336)	55,608,320 acres	86,888 square miles
Pacific Remote Islands Expansion (Proclamation 9173)	261,312,609 acres	408,301 square miles
<b>Marianas Trench MNM (Proclamation 8335)</b>	<b>60,938,240 acres</b>	<b>95,216 square miles</b>
<b>Rose Atoll MNM (Proclamation 8337)</b>	<b>8,608,640 acres</b>	<b>13,451 square miles</b>
<b>All Marine Monuments in US Pacific Islands in Acres</b>	<b>759,315,169 acres</b>	

**FIGURE 1: HAWAII AVAILABLE SEAFOOD - COMMERCIAL**



**FIGURE 2: HAWAII AVAILABLE SEAFOOD - COMMERCIAL + NONCOMMERCIAL**

- Local (excluding exports)
- Foreign Imports
- Continental US





*Nez Perce*

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

June 9, 2017

Honorable Ryan Zinke, Secretary of the Interior  
 Department of the Interior  
 1849 C Street, N.W.  
 Washington DC 20240

Dear Secretary Zinke,

On April 26, 2017, President Trump signed an executive order directing the Secretary of the Interior to conduct a review of certain “[p]residential designations or expansions under the Antiquities Act made since January 1, 1996.” One of the designations you, as Secretary of Interior, are reviewing pursuant to President Trump’s executive order is the Hanford Reach National Monument (“Monument”) in the state of Washington. The Nez Perce Tribe (“Tribe”) firmly believes—based on the Tribe’s involvement with the Monument’s designation, and its subsequent involvement in the Monument’s management—that the Monument was properly and prudently designated the Monument for its nationally significant natural, cultural, and scientific resources, in accordance with the Antiquities Act of 1906.

In 1988, Congress directed the National Park Service to study the Hanford Reach of the Columbia River and recommend protection measures. In 1994, after years of study, the National Park Service recommended designating the land north and east of the Columbia River—the land that became part of the Monument—a National Wildlife Refuge. In 1999, the Department of Energy after, extensive analysis and discussions with the State of Washington, tribes, local governments, other federal agencies, environmental groups, and the public, designated this land for preservation.

The Nez Perce Tribe is a federal recognized tribe that maintains strong cultural and ancestral ties to the land within and surrounding the Monument. The Tribe therefore participated in the lengthy discussions and analysis that preceded the designation of the Monument in 2000. Since then, the Tribe, in coordination with the Department of Energy and U.S. Fish and Wildlife Service, has been actively involved in the co-management and protection of the Monument’s extensive collection of natural, biological, and cultural resources.

Hanford Reach lands were originally set aside by the federal government as a protective buffer zone for the Manhattan Project at the Hanford Nuclear Reservation during World War II. This created a refuge for significant native plants, animals, and cultural resources. Development

Honorable Ryan Zinke, Secretary of the Interior

June 9, 2017

Page 2

throughout much of the Columbia Basin has replaced and even destroyed similar resources, which are largely untouched within the Hanford Reach National Monument. Consequently, the Monument contains unique habitat features including one of the few large, continuous blocks of undisturbed shrub-steppe habitat in the Northwest still retaining a dominant pre-European settlement ecology and physical character. Needless to say, this habitat supports numerous species of native wildlife, and a wealth of archaeological and sacred cultural sites.

For instance, the Monument is home to a large, resident elk herd and borders the last free-flowing stretch of the Columbia River in the United States and the only remaining portion of the Columbia River where fall Chinook salmon still spawn naturally. The Monument is also comprised of land once extensively occupied and used by American Indian people, including the Nez Perce. As a result, the Monument contains and protects a rich cultural landscape with numerous sacred sites, which are associated with ongoing Tribal use, beliefs, and ceremonial activities. In addition, the Monument includes 127 sites that have been evaluated for inclusion in the National Register of Historic Places, with forty-nine actually listed. Six National Register Historic Districts are also located within the Monument. It is important that these sites and areas be preserved for future generations of American Indians to exercise traditional religious and cultural activities. The Tribe believes the Monument provides this needed protection.

Rescinding or reducing the size of the Hanford Reach National Monument would negatively jeopardize the integrity of the Monument's unique and irreplaceable features and Tribal cultural resources. The Tribe thus strongly opposes the reversal or any proposed changes to the Hanford Reach National Monument and urges you to recommend preserving the monument in your interim report. The Tribe further expects that were the federal government to propose any changes that the Department of Interior would immediately consult the Tribe on a government-to-government basis.

Sincerely,



Mary Jane Miles  
Chairman

cc: Rick Perry, DOE  
Doug Shoop, DOE  
Robyn Thorson, USFWS  
Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Wanapum



Consultation, IA <consultation@bia.gov>

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## 1996 monument status of northwest Hawaiian island hoomalu zone

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**John Gillespie** <johngillespie0909@gmail.com>  
To: consultation@bia.gov

Mon, Jun 5, 2017 at 10:29 PM

I am a life long artisanal commercial fisherman, invested by years of acquired knowledge, experience, and investment in veddel and gear. My operations suffered the institution of monument status of NWHI Hoomalu zone. I, one of 5 limited entry permit holders were displaced from valuable bottomfish in this region without compensation. This has had devastating effects on the fishing community and individuals relying to their detriment on access to these grounds managed by western pacific fisheries management council and national marine fisheries service. The arrogance of power exhibited in these actions are unfair and discriminate, taking without compensation or regard of effects on people. I urge this body to ameliorate the effected from these unconcionable actions.

# BEARS EARS



June 7, 2017

The Honorable Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Zinke:

The Bears Ears Commission, made up of the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Pueblo of Zuni, appreciates your efforts to continue discussions with the Commission and its tribes who hold sacred the lands and resources of the Bears Ears National Monument. As you know, on May 25, 2017, representatives of the Tribes who make up the Commission met with Acting Deputy Secretary James Cason to let him know that the President does not have the authority to modify or revoke any national monument, and in particular Bears Ears. These representatives also provided an overview of the substantial data and information supporting the size and scope of the Bears Ears National Monument, including voluminous information about cultural, anthropological, paleontological, biological, and geological sites and resources. As we explained, the area within the Monument is a vital part of the traditions of our people, and our Tribes use sites within the Monuments for ceremonies and traditional activities, such as hunting and herb gathering. We reiterate here that there is no statute authorizing any review of monuments, nor statutory authority for any public comment period, and certainly no authority—statutory or otherwise—to diminish or revoke any monument. Therefore, although we have no choice but to respond, the public process created by this order is unauthorized and void.

If you decide to move forward with the review process, the Presidential Proclamation establishing the Bears Ears National Monument provides the Commission with an essential role in the management of the Monument. The Proclamation requires that the Departments of Interior and Agriculture “meaningfully engage” the Commission in management of the monument. Under this existing law, the Commission must be involved in proposals that you put forward in your June 10<sup>th</sup> Interim Report.

While our tribes have always managed the lands and resources within what is now the Bears Ears National Monument, we began our work as the Commission in early 2017. As you can see in the enclosed materials, each of the five named tribes appointed a representative to the Commission and we quickly passed bylaws for the operation of the Commission. We have already met a number of times, began to develop management priorities and began to discuss management with your Regional and Field Offices.

**Page 2 of 2**

We look forward to discussing this further with you. Please contact my attorney, Matthew Campbell, at 303-447-8760 or [mcampbell@narf.org](mailto:mcampbell@narf.org) to schedule further management discussions.

Sincerely,

A handwritten signature in cursive script that reads "Carleton Bowekaty".

Carleton Bowekaty, Chairman  
Bears Ears Commission

Enclosures

cc w/enclosures:

The Honorable Sonny Perdue, Secretary  
U.S. Department of Agriculture

## **Bears Ears Tribal Commission Bylaws**

### **Preamble**

In the proclamation of December 28, 2016 establishing the Bears Ears National Monument, President Barack Obama established this Commission in recognition of the leadership of the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and the Pueblo of Zuni (the Tribes) in bringing the Monument proposal forward. The purpose of establishing the Commission is to allow for collaborative management between the Commission and the Federal agencies, “to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge;” and “to provide guidance and recommendations on the development and implementation of management plans and on management of the monument.” The proclamation provides for the Commission to have broad discretion in carrying out its initiatives: “The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.”

### **Mission**

We have been called to protect and enhance this sacred cultural landscape that is the Bears Ears National Monument, homeland to each of our Tribes. It has been, is, and will always remain a place to heal, to pray, to sing and dance, to gather herbs and medicines, to hold gatherings, and to pay high honor to our ancestors and descendants. We pledge to preserve and improve the land conditions of the Monument and to provide robust protection of, and access to, the innumerable cultural resources of the area. To achieve these objectives, we are committed to working collaboratively with the federal agencies.

This will enrich the practice of land management by demonstrating how using our traditional knowledge combined with Western science and notions of land management can lead to a deeper and more profound understanding of the relationship between human beings and the natural world.

We irrevocably commit ourselves, our successors, and our honor to improving conditions day by day, month by month, year by year, forevermore.

#### **Article 1 – Name**

The name of this organization shall be the Bears Ears Tribal Commission (the Commission).

#### **Article 2 – Membership**

**Section A. Member Tribes.** The Commission is made up of the following five Tribes: the Hopi Tribe, Navajo Nation, Ute Indian Tribe, Ute Mountain Ute Tribe, and Pueblo of Zuni.

**Section B. Additional Member Tribes.** Tribes may join the Commission with approval of three of the five member Tribes. If the number of Commission Tribes grows, approval of additional Tribes shall require a majority plus one vote of the existing member Tribes.

#### **Article 3 – Leadership**

**Section A. Commissioners.** Each Tribe shall have the right to appoint one voting Commissioner. Each Commissioner shall be either a legislative officeholder elected by popular tribal vote or a person elected by the tribal government. The terms and the tenure for commissioners will be decided by the individual tribes.

**Section B. Board of Commissioners (Board).** The Board shall be comprised of the Commissioners. The Board shall be the governing body of the Commission and shall manage, control, and direct the affairs, policies, and property of the Commission. The Board may create committees and subcommittees as appropriate.

**Section C. Co-Chairpersons.** The Board shall have two Co-Chairpersons elected by the Commissioners at the first meeting of each calendar year. The Co-Chairpersons shall be responsible for calling and overseeing meetings, conducting relationships with federal agencies concerning collaborative management, working with advisors, guiding the Commission, organizing media outreach, and conducting other appropriate duties.

**Section D. Commission Treasurer.** The Commission shall elect a Treasurer at the first meeting of each calendar year. Unless and until delegated to staff, the Treasurer shall handle the Commission's finances and conduct other appropriate duties.

**Section E. Commission Secretary.** The Commission shall elect the Secretary at the first meeting of each calendar year. Unless and until delegated to staff, the Secretary shall take notes at meetings, distribute notes if necessary, make arrangements for keeping of records, and conduct other appropriate duties.

**Section F. Support Staff and Advisors to the Commission.** The Commission may retain, on a paid or volunteer basis, staff, subject matter experts, attorneys, and other personnel, as appropriate. Indian preference and shall be applied where appropriate.

#### **Article 4 – Meetings**

**Section A. Scheduling of Meetings.** Dates and locations of meetings of the Board will be held at the call of the Co-Chairpersons.

**Section B. Quorum.** All scheduled meetings of the Board will require a quorum of three Commissioners. While personal attendance is preferred, commissioners may participate by conference call.

**Section C. Decision Making.** Decisions of the Board Commission will be made at scheduled meetings except that, upon agreement of the presiding Co-chairperson, votes may be taken by electronic communication. Decisions will be made, when possible, by consensus. If consensus cannot be reached, then a majority vote of Commissioners constituting the quorum of Commission Tribes will determine Commission decisions.

**Section D. Procedure.** When possible, meetings of the Board will be conducted informally and by consensus. When the presiding Co-chairperson determines it to be appropriate, Robert's Rules of Order may be employed.

#### **Article 5 – Financial documents**

**Section A. Contracts and other Writings.** Except as otherwise provided by Commission policy, all contracts, deeds, leases, mortgages, grants, and other agreements of the Commission shall be executed by the Treasurer or other person to whom the Board has delegated authority to execute such documents in accordance with policies approved by the Board.

**Section B. Checks and drafts.** All checks, drafts, or other orders for the payment of money, shall be signed by any two agents of the Commission as determined from time to time by Board resolution.

**Section C. Deposits.** All funds of the Commission not otherwise employed shall be deposited from time to time to the credit of the Commission in such banks, trust companies or other depository as selected by the Board.

**Article 6 - Amendments**

Amendments to the Bylaws may be adopted by approval of two-thirds of the members of the Board.

**Article 7 - Effective date of bylaws**

The bylaws shall be in full force and effect when ratified by all member Tribes.

Date: 5/19/2017

Agreed:



Co-Commissioner



Co-Commissioner



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OFFICE OF THE ASSISTANT SECRETARY  
OFFICE OF INDIAN AFFAIRS**

**AFFILIATED TRIBES of NORTHWEST INDIANS**

**MID-YEAR CONVENTION 2107**

**TRIBAL LISTENING SESSION**

**THURSDAY, MAY 25, 2017**

**3:15 P.M.**

**DOUBLE TREE HOTEL**

**1000 NORTHEAST MULTNOMAH BOULEVARD**

**PORTLAND, OREGON 97232**

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**TRIBAL LISTENING SESSION**

**REVIEW OF DESIGNATIONS UNDER THE ANTIQUITIES ACT**

**MAY 25, 2017**

**3:15 P.M.**

**MR. RODMAN:** We're going to go ahead and get started with the second listening session. This listening session is regarding Executive Order 13792, which was issued on April 26, 2017. And the title is Review of Designations under the Antiquities Act.

I'm Morgan Rodman. I'm with the Office of the Assistant Secretary for Indian Affairs in Osage. And we have some colleagues on the panel as well, but before we get too far, I would like to ask Councilperson Valerie Switzler from Warm Springs, would you mind providing an opening for us, please

**MS. SWITZLER:** (Speaking Native American.)

Thank you Heavenly Father for bringing us here today. I ask that you pour down your blessing upon each and everyone. When we put you first, Lord, we will not get lost. For you, Lord, I offer this one song.

**(Singing.)**

1 Thank you, Lord, in your name we pray, Amen.

2 **MR. RODMAN:** Thank you so much,  
3 Councilperson.

4 Why don't we go ahead and start with the  
5 introductions.

6 **MS. FORTMANN:** Hi, I'm Tracy Fortmann,  
7 representing the National Parks Service. And I'm  
8 the Superintendent, Fort Vancouver National Historic  
9 Site. I have the privilege and honor of working  
10 government-to-government with 26 federally-  
11 recognized tribes tied to my site, and I think this  
12 is a wonderful opportunity to hear from you in this  
13 listening session.

14 **MS. BLANCHARD:** Good afternoon, I'm Becky  
15 Blanchard here representing the U.S. Forest Service.  
16 My job is the wilderness, wild and scenic rivers and  
17 congressionally-designated program -- areas Program  
18 Manager for Region 6, which is Oregon and  
19 Washington. I'm honored to be here with you and to  
20 hear you and to carry back to the agency your input.

21 **MS. WEIL:** My name is Jody Weil. I'm the  
22 Acting State Director for the Bureau of Land  
23 Management, and I'm looking forward to hearing your  
24 comments and concerns about all the monuments that  
25 we manage across the country.

1           **MR. LOUDERMILK:** Good afternoon,  
2 everybody. Some of you were in our earlier session.  
3 My name is Bruce Loudermilk. I'm the Director for  
4 the Bureau of Indian Affairs. I'm an enrolled  
5 member of the Fort Peck Sioux Tribe, Northeastern  
6 Montana.

7           **MR. AIKIN:** (Speaks Native American) My  
8 name is Scott Aikin. I'm the National Native  
9 American Programs Coordinator of the U.S. Fish and  
10 Wildlife Service, and here to answer questions  
11 regarding the alliance we have with the services  
12 jurisdiction.

13           **MR. RODMAN:** Thank you, Scott.

14           So, again, this is the listening session  
15 for Executive Order 13792, Review Designations under  
16 the Antiquities Act. And for those that were in the  
17 preceding listening session, I'm going to go into  
18 kind of the logistics of how the listening session  
19 will work so it may be a repeat for you, but I'll be  
20 quick.

21           So we do have the Executive Order to  
22 discuss today. You should have a copy of that with  
23 your packet and also a handout to go with that. If  
24 you don't, please let us know and we'll get that to  
25 you. Regina will help with that. And we're all

1 senior-level career employees on the panel today,  
2 and many of us have worked along side you for many  
3 years, and we're here to listen to you and work  
4 with you on your comments, your recommendations or  
5 your concerns that you may have about the Executive  
6 Order. For the implementation, we need your  
7 guidance, your leadership and your wisdom.

8           The Executive Order, again, is 13792.  
9 Today's listening session is designed primarily for  
10 tribal leader input and for comments as part of the  
11 nation-to-nation relationship between tribes and the  
12 federal government. We're here primarily to listen  
13 to your views and make sure they're considered as  
14 part of the record for the Administration as it  
15 moves forward. Today is not the only listening  
16 session. There will be a total of four on the  
17 National Monument listening sessions, and those are  
18 in the packet as well.

19           Today's listening session will be recorded  
20 and transcribed, and the transcriptions will be made  
21 available at [www.bia.gov](http://www.bia.gov). The transcripts and all  
22 written comments that are submitted will be analyzed  
23 and recommendations will be made to the Assistant  
24 Secretary for Indian Affairs and to the Secretary of  
25 the Interior. And the Secretary will then make

1 reports and recommendations to the White House.

2           So for the Executive Order for today's  
3 listening session, it's titled Comprehensive Plan --  
4 excuse me, I have the wrong one here -- Review  
5 Designations under the Antiquities Act. And this

6           Executive Order was issued by President Trump  
7 on April 26, 2017. And it requires that the  
8 Secretary of the Interior review national monuments  
9 that have been designated or expanded since January  
10 1, 1996, where the designation covers more than  
11 100,000 acres or where the Secretary determines that  
12 the designation or expansion was made without an  
13 adequate public outreach and coordination with  
14 relevant stakeholders. 27 monuments have been  
15 identified by DOI for review and they are listed in  
16 the handouts provided. Three of those monuments are  
17 in the Northwest area: The Cascade Siskiyou  
18 National Monument in Oregon, the Hanford Reach  
19 National Monument in Washington, and Craters of the  
20 Moon National Monument in Idaho.

21           The Secretary must use several factors in  
22 evaluating the national monuments to determine  
23 whether each designation or expansion conforms to  
24 the policy of the Executive Order. And the policy  
25 is described in Section 1 of the Executive Order.

1 And the factors that the Secretary is to use are  
2 also in there -- in the Executive Order and the  
3 Federal Register notice.

4           There's some key deadlines that I'd like  
5 to underscore. The Secretary must make  
6 recommendations to the President on any Presidential  
7 actions, legislative proposals or other appropriate  
8 actions necessary to carry out the policy of the  
9 Executive Order. The Secretary's interim report to  
10 the President is due by June 10, and must make  
11 recommendations on Bears Ears and other designations  
12 the Secretary deems appropriate. The Secretary's  
13 final report is due to the President by August 24,  
14 2107, and that will summarize the findings of the  
15 review and provide recommendations.

16           Written comments are also being accepted  
17 for the national monument discussion. The deadline  
18 for the Bears Ears comments is May 26 and for all  
19 other monuments until July 10. Tribal leaders can  
20 send their written comments to [consultation@bia.gov](mailto:consultation@bia.gov)  
21 and tribal leaders and the general public can also  
22 submit online at [www.regulations.gov](http://www.regulations.gov). And there's  
23 some guidance, I think, in the handouts that have  
24 been provided, too.

25           So some of the questions to help with the

1 conversation today, but not limited to these  
2 question, are there any other monuments in addition  
3 to the 27 being reviewed that should also be  
4 reviewed because they were designated after January  
5 1, 1996, without adequate public outreach and  
6 coordination with the relevant stakeholders? And  
7 what are your comments or views on the application  
8 of the seven factors listed in the Executive Order  
9 that the Secretary is to use in reviewing the 27  
10 monument designations? Are there other factors that  
11 should be considered?

12           So we'll have -- we'll open it up now for  
13 comments and Annette will help us with microphone in  
14 the back as well, so, please. And please state your  
15 name and tribal affiliation when providing comments,  
16 please.

17           **MR. LOUDERMILK:** This going to be a short  
18 meeting.

19           **MR. SALUSKIN:** I guess I'll start out.  
20 Thank you again. My name is Delano Saluskin. I'm  
21 the -- I'm the Vice-Chairman for the Yakama Nation.  
22 And first of all, I have a question in my mind. Why  
23 is the President trying to undesignate these  
24 landmarks? To the Native people all of these -- all  
25 lands are sacred to us and this is just a small step

1 in helping preserve the sacredness of the lands.  
2 And I don't understand what his objective is. He  
3 wants to turn it over to corporations again for  
4 economic development. That doesn't make sense to  
5 me. I mean, we've got -- we've got to preserve  
6 something for our future generations yet unborn so  
7 that they have and they can understand the  
8 importance of these designations.

9           Again, it's my understanding that -- I  
10 don't believe the President has the authority to  
11 undesignate these -- these lands, these monuments.  
12 I don't think the law affords him that opportunity.  
13 He can -- you know, they can be designated, but I  
14 truly question whether he has that authority to do  
15 away with those designations. And it just seems as  
16 though that if he's going to make any issues, it  
17 should be for those lands that might be considered  
18 for -- those designations into the future. These  
19 should be grandfathered in. They should not -- he  
20 should not be messing with these lands. So we want  
21 to make sure that these designations are intact and  
22 we just question whether -- you know, why is he  
23 trying to do this. I mean, it just seems to me that,  
24 you know, our government has -- you know, as I heard  
25 the other day, has been hijacked by corporations and

1 this is just another step in that direction. So  
2 those are my first general comments. I may have  
3 others later. Thank you.

4 **MR. RODMAN:** One thing to maybe help  
5 prompt some of the thoughts out there, in the  
6 Federal Register notice, there are the seven factors  
7 that Secretary is supposed to consider when making  
8 the determinations about the national monuments.

9 The first is the requirements and original  
10 objectives of the Act, including the Act's  
11 requirement -- the Antiquities Act -- including the  
12 Act's requirement that reservations of land not  
13 exceed "The smallest area compatible with the proper  
14 care and management of the objects to be protected."

15 The second consideration is whether  
16 designated lands are appropriately classified under  
17 the Act as, "Historic landmarks, historic and  
18 prehistoric structures or other objects of historic  
19 or scientific interest."

20 The third factor is the effects of the  
21 designation on the available uses of designated  
22 Federal lands, including consideration of the  
23 multiple-use policy of Section 102.A7 of the Federal  
24 Land Policy and Management Act, as well as the  
25 effects on the available use of Federal lands beyond

1 the monument boundaries.

2 The fourth is the effects of a designation  
3 on the use and enjoyment of non-Federal lands within  
4 or beyond monument boundaries.

5 The fifth is concerns of state, tribal and  
6 local governments affected by a designation,  
7 including the economic development and fiscal  
8 condition of affected states, tribes and localities.

9 The sixth is the availability of Federal  
10 resources to properly manage designated areas, and  
11 the seventh is such other factors as the Secretary  
12 deems appropriate. So that's what will be used in  
13 consideration.

14 **MS. SWITZLER:** Well, I concur with my  
15 elder's view on, you know, why are we looking at  
16 these lands. And I look at the one that's affected  
17 in Oregon, the Cascade Siskiyou, and how -- you  
18 know, how many acres that there is set aside to  
19 protect these natural monuments, these lands where  
20 our people had once dwelled for thousands and  
21 thousands of years. And, you know, at one point  
22 every place had a name and every -- every formation  
23 had a story that was linked to it. And so, you  
24 know, although the -- some of the stories have now  
25 faded away with some of the elders that are gone,

1 but there are still plenty of places where our  
2 people still consider these places sacred and that  
3 they can -- that they venture to, that they go to,  
4 that they travel to to get in touch not only with  
5 their own -- their own being, but to get in touch  
6 with their creator as well.

7           And so I'm -- you know, it worries me when  
8 there's just a across-the-board "we're going to look  
9 at all of these places." And it worries me when  
10 there is -- there isn't consideration for what these  
11 things mean to our people.

12           **MR. KUTZ:** Again, for the record, my name  
13 is Steven Kutz, Tribal Council Member for the  
14 Cowlitz Indian Tribe in Washington State. First,  
15 before I add my comments regarding the monuments  
16 themselves, I would like to answer some of the  
17 questions about the factors of consideration.

18           Number one, I don't like the designation  
19 or the wording in there "such other factors as the  
20 Secretary deems appropriate." I think that is an  
21 open-ended loop that you could walk anything through  
22 under -- under anybody's circumstances. So I think  
23 that that means, then, that anything is possible  
24 when you have that language in there.

25           Secondly, whether designated lands are

1 appropriately classified under the Act as historic  
2 landmarks, historic and pre -- historic structures  
3 or other objects of historic or scientific interest.  
4 Who makes that determination? Do we as a tribe have  
5 the ability to -- to make that determination and not  
6 be overruled?

7           So we look at the constant pressure, for  
8 example, that's going on up and down the Columbia  
9 River. Hanford Reach is up a little bit further up  
10 the Columbia River, but look at what's going on in  
11 the Gorge and the -- and there's -- there's a  
12 designation there in the Gorge and people are trying  
13 to overwhelm that and overcome that so they can  
14 encroach on that and do things that they want to do  
15 from a commercial nature. And all of that is  
16 detrimental to the landscape, to all of our  
17 important places and to the fish and wildlife that  
18 use that that are so important to us. And so whose  
19 opinion? So if we -- if federal government says we  
20 don't see anything and we say we do, then are we  
21 going to be overridden in that?

22           Secondly, I want to go to the first one;  
23 smallest area compatible with the proper care and  
24 management of the objects to be protected. Mount  
25 St. Helens is in one of those categories. The whole

1 perimeter of Mount St. Helens is under constant,  
2 constant pressure and we're fighting that constant  
3 pressure. We have Canadian interest coming down  
4 wanting to open up copper mines around the perimeter  
5 just outside the boundaries of that because it's not  
6 within the boundaries. So in my estimation, the  
7 boundary was constructed too small and so -- and so  
8 what happens when you do that? Look at Butte,  
9 Montana, where you have the biggest Superfund site  
10 in the nation probably. Although, I don't know how  
11 they could consider that worse than Hanford, where  
12 you have all of the waters coming out of that open  
13 mine, copper pit going into the headwaters of the  
14 Clark fork, coming down into the Columbia River  
15 bringing all that contamination down through there.  
16 And yet, here, the Canadians want to start another  
17 one right -- further down along Mount St. Helens.

18           And so -- so this -- so the thing here  
19 about the smallest area compatible with the proper  
20 care and management of the objects to be protected,  
21 who makes that determination? Is it going to happen  
22 under such other factors as the Secretary deems  
23 appropriate? Should a tribal government who wants  
24 to pollute the waters, pollute the air and bring all  
25 of these -- these industrial activities along areas

1 that are so important, should they be allowed to  
2 overcome our wishes?

3           We had some conversations today -- up and  
4 down the Columbia River here there's -- there's huge  
5 pressure in five or six areas and the Mayor of  
6 Portland this morning, if you were in the room and  
7 heard his words, what did he call it? Colonial  
8 exportation or exploitation or something like that.  
9 That's what it is. So -- so the availability of  
10 Federal resources to properly manage a designated  
11 areas, some of these areas just need to be left  
12 alone or minorly managed and not -- and not taken  
13 advantage of.

14           So having -- having properties in the  
15 inventory of the federal government, I don't think  
16 turning them over to the state is -- is sometimes  
17 appropriate because -- because they can undo some of  
18 the stuff that's so important.

19           So looking down through that, those are  
20 just some of the comments that I have around the  
21 rules because if they're allowed to go through the  
22 way they're written, anything could happen.

23           The other -- the other concern that I have  
24 now going back to the list is I look through that  
25 list and I haven't been to all of those places, but

1 I've been to some of them. And when I -- when I go  
2 to different tribes and I ask them where are your  
3 important -- you know, you come there and you want  
4 to go and you want to pray, and you want to go to --  
5 to a place that has significance. And we, as the  
6 Cowlitz Tribe, and all of the tribes here, we have  
7 many of those areas that are out in the public  
8 sector. They're not even -- they're not even under  
9 government control. They're under -- they're under  
10 the public sector control, and yet there are places  
11 sacred to us. We have places that have been sacred  
12 to us that have just been razed to the ground and  
13 demolished historically because we've been ignored.

14           So as I -- as I look at this list, I think  
15 that they ought to be left the way they are. I  
16 think some of them are probably too small. I think  
17 probably some of them are too small because the  
18 pressure is up around the edges of those. And the  
19 pressure isn't -- is to commercialize and utilize  
20 all of that ground and a lot of these places are in  
21 -- are in places that are irreplaceable. That's why  
22 -- that's why they were placed on this list because  
23 once they're gone or once they're damaged, you can  
24 never repair them and we've had too much of that.

25           Lastly, I want to talk about Hanford Reach

1 because that's right there next to Hanford and we  
2 all know that. And the President just removed how  
3 many millions of dollars out of -- out of the  
4 cleanup there where they just had these spills and  
5 continued contamination. And they're -- they're  
6 already years behind in the project of cleaning that  
7 up. So he has a responsibility -- and the Hanford  
8 Reach is one of the few areas in the upper river  
9 where the fish can go and spawn and be taken care  
10 of. And, I mean, I'll defer over here to my Vice-  
11 Chairman, but that's one of the few places where  
12 they can go and act in a natural state for a long  
13 period of time along the river and not be affected  
14 by all of the dams and the things that have gone on.  
15 And so it's an important place for all of us. So to  
16 some people it's just a place; to us it has effects  
17 on the larger landscape and I think all of these  
18 really do so thank you very much.

19 **MR. DOSSETT:** Well, I'll join in if nobody  
20 else is ready to go yet. Hi, my name is John  
21 Dossett. I'm with the National Congress of American  
22 Indians. I guess I wanted to first say that the --  
23 you know, the original purpose of the Antiquities  
24 Act was to protect cultural resources for Native  
25 people. That was a -- it was -- you know, when they

1 opened the southwest, it was Chaco Canyon and Mesa  
2 Verde. Those were the areas that were under a great  
3 deal of pressure. There was a lot of looting going  
4 on and President Theodore Roosevelt and others in  
5 the Administration at that time thought that -- that  
6 that wasn't right. That they shouldn't just be  
7 looting the antiquities and historic structures and  
8 cultural resources of Native people in those areas.  
9 So they came up with the Antiquities Act and gave  
10 the President the authority to set aside these areas  
11 and protect them out of the rest of the public  
12 domain. And that was -- you know, that was the  
13 original -- I mean, these days, I don't think many  
14 people think about that, but that is the original  
15 purpose of the statute was to protect cultural  
16 resources of Native people. So I think it's  
17 entirely appropriate that it's still continued to  
18 used that way -- to be used that way.

19 I think today is the deadline for  
20 submitting comments on Bears Ears. Is that right or  
21 maybe it's tomorrow? But anyway, I thought I'd at  
22 least say something about Bears Ears. NCAI has a  
23 resolution very much in support of Bears Ears. We  
24 are submitting comments. You'll be getting them.  
25 And we'll also be submitting comments on the rest of

1 the review. But, you know, Bears Ears is an area  
2 that's sacred to five of the tribes in those  
3 regions. Those are five tribes -- I work at NCAI --  
4 those tribes don't get along with each other very  
5 well most of the time, but somehow those five tribes  
6 have managed to get their act together and cooperate  
7 entirely on protecting the Bears Ears area because  
8 it's so important to all of them. And they've come  
9 up with a management plan that is not only, you  
10 know, to protect the area, but involves the tribes  
11 co-managing the area with the federal government.  
12 And that's a -- I think a really significant step  
13 forward in the -- in the program for protecting  
14 Native cultural resources is to involve the tribes  
15 themselves in the process. And so it's a real step  
16 forward and, you know, I hope you continue to  
17 protect that.

18 In addition, I think one of the things  
19 that's interesting about it, it's not just looking  
20 at -- at, you know, artifacts and cultural  
21 resources, but also the current use of the land for  
22 ongoing cultural uses and ceremonies and activities  
23 of the people in that area and protecting those  
24 going forward, which is also a really important  
25 purpose.

1 I wanted to -- you know, one of your  
2 questions was about whether -- I guess moving away  
3 from Bears Ears and moving towards the other things  
4 in this area, like the Hanford Reach, like the  
5 Siskiyou, one of the questions in this was whether  
6 these fit the criteria in the Act. It seems to me  
7 that all of these are historic landmarks. I mean,  
8 that's pretty straightforward, right? The -- at  
9 least what we've heard from other folks that tribes  
10 have known these areas as historic landmarks for --  
11 for millennia. So the very first criteria is it --  
12 if it's a historic landmark, it fits the criteria of  
13 the Act, and that's -- and that's a pretty easy one.

14 Lastly, I just, you know, wanted to  
15 mention, you know, once again, the three in this  
16 area, the Hanford Reach, the Cascade Siskiyou, and  
17 the Craters of the Moon in Idaho, all of them -- you  
18 know, we've started summaries of all of these areas  
19 and the connection to the Native people and they all  
20 have very strong histories. So those are -- I've  
21 got some of that written down, I'll share that with  
22 you, but I thought -- I mean, on behalf of NCAI,  
23 we'd like to encourage maintaining those  
24 designations into the future. Thanks very much.

25 **MR. KUTZ:** This is Steve Kutz with the

1 Cowlitz Tribe again. So we have high places, and we  
2 have sacred places, and places where we go for  
3 ceremonies, places where some of our families go,  
4 not just the whole tribe sometimes. And we  
5 shouldn't have to sit and put on a point -- pinpoint  
6 a GPS point on a map and say that is the specific  
7 place that we use for that purpose, because we don't  
8 want to do that. We don't want people to know that  
9 there's a place up in the mountains that's sacred to  
10 us under the Weyerhaeuser family where there was --  
11 where there was an ancient medicine wheel. And old  
12 man Weyerhaeuser gave a promise and said he would  
13 protect it. He didn't protect it, he bulldozed it  
14 when he found out about it. He bulldozed it. And  
15 so we don't -- we don't want to tell everybody why  
16 and where and for some of these things are so  
17 important to us.

18           The other thing that I want to note on  
19 this document, it says initial list. It doesn't say  
20 the list. It says initial list, which means there's  
21 more to come. And so there are -- there are huge  
22 areas that we have in this state, whether it's  
23 national -- the national forest that you're  
24 responsible for that could be harmed, there's the  
25 berry fields that we have up in the mountains that

1 can be harmed. If there is any kind of restrictions  
2 or opening up or things allowed to happen there by  
3 the general public, they still -- they still go and  
4 use those places with us but there's -- there's some  
5 protected areas up there.

6           And there are some of things that are very  
7 important to us around the National Park systems and  
8 things like that are under constant pressure for --  
9 from people who have come here lately and want to  
10 now re-utilize and re-purpose some of these areas,  
11 and diminish our access to those, and diminish the  
12 importance of those to us. And so I'm worried about  
13 that initial list and so I don't know where that  
14 100,000 -- that 100,000 acre factor was put in. I  
15 don't really know other than you start with the  
16 bigger ones and work your way down, and maybe next  
17 time it's 50,000. I don't really know.

18           So that's a concern that I have that is  
19 that this -- this is just going to be a continued  
20 assault on places that are important to us for  
21 reasons that we shouldn't have to particularly  
22 identify. Thank you.

23           **MR. GUNN:** Oh, hi. Brian Gunn from the  
24 Powers Law Firm on behalf of the Colville Tribe.  
25 Just some comments on the Antiquities Act generally,

1 not with respect to these designations, but to the  
2 extent that any kind of recommendations are going to  
3 make -- the Department may come up with -- may come  
4 up with are going to make recommendations to  
5 Congress or others about changes to the Antiquities  
6 Act.

7 I would like to, you know, communicate one  
8 issue that Colville has encountered in the past few  
9 years. For a number of years, there have been  
10 organizations and groups that have been interested  
11 in designating wilderness and parts of the Colville  
12 National Forest, which were directly adjacent to the  
13 northern reservation boundary. And this is an area  
14 that is currently Forest Service land but was  
15 previously part of the undivided reservation. The  
16 tribe has a number of sacred sites as the exclusive  
17 regulator of hunting and fishing in those areas.  
18 And the tribe has had concerns with some of those  
19 proposed designations simply because the underlying  
20 laws don't provide guarantees of existing uses and  
21 access, like hunting and fishing, like law  
22 enforcement for fish and game, and even access to  
23 sacred sites. In some cases for motorized uses if  
24 you've got elders and such that aren't able to  
25 access those sites.

1           So more recently, a few years ago, there  
2 was some discussion about designating instead of  
3 wilderness one of these areas to be a national  
4 monument and I think it's something that the tribe  
5 would have been maybe more interested in if there  
6 were safeguards in the Antiquities Act itself that  
7 safeguarded those access, those preexisting uses,  
8 especially access to sacred sites because I think  
9 there was just generally concern that with as open  
10 ended as the law is that if folks were to agree with  
11 designation, that there may not be a guarantee that  
12 they would be able to continue to access those sites  
13 in the manner that they currently do. So for  
14 whatever that's worth, and to the extent that the  
15 Department is looking at recommendations to the  
16 Antiquities Act generally. Thank you.

17           **MR. LOUDERMILK:** We have up until about  
18 4:50, 5:00, and I'm not sure if we have more  
19 comments from folks.

20           Did anybody have anything else they wanted  
21 to add that they didn't get a chance to yet?

22           Anybody have anything you want to say or -  
23 - okay. Well, unless anybody is opposed, then we  
24 can just -- go ahead, sir.

25           **MR. KUTZ:** So I think that -- this is,

1 again, Steve Kutz with the Cowlitz Tribe. I think  
2 we need to throw our rope out a little bit further.  
3 So we don't know -- in our -- in our  
4 earlier discussion, some of the people talked about  
5 the -- the lack of -- lack of enough fish. And you  
6 start looking out at some of the Pacific remote  
7 islands, the northeast canyons and sea mouths along  
8 the Atlantic coast. Some of these places where --  
9 where they're, like, islands where not just for --  
10 not just islands of land, but islands of places  
11 where fish can go propagate and live and move  
12 around. And so there's a lot of places that are  
13 important, we don't necessarily know where all of  
14 our fish go to live and grow and those type of  
15 things. And so having a place that protects them  
16 also is important. And so -- so I don't necessarily  
17 know that there's any Indian people out there in  
18 American Samoa, but we sure know there's some  
19 Samoans. We know that there's a bunch of Hawaiians  
20 that married into our tribes here that are worried  
21 about Hawaii and those type of things. And so I  
22 just want to speak on their behalf also, because the  
23 Native people there that the federal government does  
24 not recognize have grave concerns about the same  
25 things that we have concerns about. Thank you.

1           **MR. RODMAN:** Again, we have the online and  
2 -- online option and email option for written  
3 comments on this Executive Order for tribal leaders.  
4 That's at consultation@bia.gov, and for the general  
5 public and tribal leaders, that's regulations.gov.  
6 And for Bears Ears, the comments are due tomorrow.  
7 And for all other monuments, that is until July 10.

8           Thank you. I think a lot of us will be  
9 maybe hanging out for a few minutes if people have  
10 other questions, but thank you very much.

11           **MR. LOUDERMILK:** Thank you.

12           **(Session concluded at 3:50 p.m.)**

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CERTIFICATE

I, Kimberly R. McLain, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 1st day of June, 2017.



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Kimberly R. McLain

<p style="text-align: center;"><u>1</u></p> <p><b>1</b> 6:10 6:25 8:5</p> <p><b>10</b> 7:10 7:19 26:7</p> <p><b>100,000</b> 6:11 22:14 22:14</p> <p><b>102.A7</b> 10:23</p> <p><b>13792</b> 2:9 4:15 5:8</p> <p><b>1996</b> 6:10 8:5</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2017</b> 2:3 2:9 6:7</p> <p><b>2107</b> 7:14</p> <p><b>24</b> 7:13</p> <p><b>25</b> 2:3</p> <p><b>26</b> 2:9 3:10 6:7 7:18</p> <p><b>27</b> 6:14 8:3 8:9</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p><b>3:15</b> 2:4</p> <p><b>3:50</b> 26:12</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p><b>4:50</b> 24:18</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p><b>5:00</b> 24:18</p> <p><b>50,000</b> 22:17</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>6</b> 3:18</p>	<p style="text-align: center;"><u>A</u></p> <p><b>ability</b> 13:5</p> <p><b>able</b> 23:24 24:12</p> <p><b>accepted</b> 7:16</p> <p><b>access</b> 22:11 23:21 23:22 23:25 24:7 24:8 24:12</p> <p><b>acre</b> 22:14</p> <p><b>acres</b> 6:11 11:18</p> <p><b>across</b> 3:25</p> <p><b>across-the-board</b> 12:8</p> <p><b>act</b> 2:2 2:11 4:16 6:5 10:10 10:11 10:17 10:24 13:1 17:12 17:24 18:9 19:6 20:6 20:13 22:25 23:6 24:6 24:16</p> <p><b>Acting</b> 3:22</p> <p><b>actions</b> 7:7 7:8</p> <p><b>activities</b> 14:25 19:22</p> <p><b>Act's</b> 10:10 10:12</p> <p><b>add</b> 12:15 24:21</p>	<p><b>addition</b> 8:2 19:18</p> <p><b>adequate</b> 6:13 8:5</p> <p><b>adjacent</b> 23:12</p> <p><b>Administratio n</b> 5:14 18:5</p> <p><b>advantage</b> 15:13</p> <p><b>Affairs</b> 2:13 4:4 5:24</p> <p><b>affected</b> 11:6 11:8 11:16 17:13</p> <p><b>affiliation</b> 8:15</p> <p><b>affords</b> 9:12</p> <p><b>afternoon</b> 3:14 4:1</p> <p><b>agency</b> 3:20</p> <p><b>ago</b> 24:1</p> <p><b>ahead</b> 2:6 3:4 24:24</p> <p><b>Aikin</b> 4:7 4:8</p> <p><b>air</b> 14:24</p> <p><b>alliance</b> 4:11</p> <p><b>allowed</b> 15:1 15:21 22:2</p> <p><b>alone</b> 15:12</p> <p><b>already</b> 17:6</p> <p><b>Amen</b> 3:1</p> <p><b>American</b> 2:19 4:7 4:9</p>	<p>17:21 25:18</p> <p><b>analyzed</b> 5:22</p> <p><b>ancient</b> 21:11</p> <p><b>Annette</b> 8:13</p> <p><b>answer</b> 4:10 12:16</p> <p><b>antiquities</b> 2:2 2:11 4:16 6:5 10:11 17:23 18:7 18:9 22:25 23:5 24:6 24:16</p> <p><b>anybody</b> 24:20 24:22 24:23</p> <p><b>anybody's</b> 12:22</p> <p><b>anything</b> 12:21 12:23 13:20 15:22 24:20 24:22</p> <p><b>anyway</b> 18:21</p> <p><b>application</b> 8:7</p> <p><b>appropriate</b> 7:7 7:12 11:12 12:20 14:23 15:17 18:17</p> <p><b>appropriately</b> 10:16 13:1</p> <p><b>April</b> 2:9 6:7</p> <p><b>area</b> 6:17 10:13 13:23 14:19 19:1 19:7 19:10 19:11</p>
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NABIJA-01-17

RESOLUTION OF THE  
NAABIK'IYATI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>RD</sup> Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO NAABIK'ÍYÁTI'; SUPPORTING THE PROCLAMATION  
ESTABLISHING THE BEARS EARS NATIONAL MONUMENT BY THE PRESIDENT  
OF THE UNITED STATES BARACK OBAMA AND OPPOSE CONGRESSIONAL  
ACTION TO REVERSE THE PRESIDENTIAL PROCLAMATION

WHEREAS:

- A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164 (A). oppose
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164 (A) (9), 700 (A), 701 (A) (4), 701(A) (6) (2015); see also CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- D. The Navajo Nation hereby supports the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama, attached hereto as Exhibit A. See also <https://www.whitehouse.gov>.
- E. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe. *Id.*

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- F. The Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic and scientific values of this area remain for the benefit of all Americans. *Id.*
- G. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. *Id.*
- H. The Antiquities Act authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments. 54 U.S.C. §320301 (2014); See also Exhibit B.
- I. The Navajo Nation opposes any further congressional action to reverse the presidential proclamation in establishing the Bears Ears National Monument.
- J. The people of Utah include many Native American tribes and to undo the designation would not honor the will of the people of Utah.
- K. The Navajo Nation finds it in the best interest of the Navajo People to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and oppose further congressional action to reverse the presidential proclamation.

**NOW THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to support the proclamation establishing the Bears Ears National Monument by the President of the United States Barack Obama and to advocate support from the 115<sup>th</sup> Congress and the Trump Administration to oppose further congressional action to reverse the presidential proclamation.

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**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of in 19 favor and 0 oppose, this 5<sup>th</sup> day of January, 2017.



Honorable LoRenzo C. Bates, Chairperson  
Naabik'iyáti' Committee

Motion: Nelson S. BeGaye  
Second: Alton Joe Shepherd

Proclamation -- Establishment of the Bears Ears National Monument | whitehouse.gov



**The White House**

Office of the Press Secretary

For Immediate Release

December 28, 2016

# Proclamation -- Establishment of the Bears Ears National Monument

ESTABLISHMENT OF THE BEARS EARS NATIONAL MONUMENT

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, or "Bears Ears." For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.

The area's human history is as vibrant and diverse as the ruggedly beautiful landscape. From the earliest occupation, native peoples left traces of their presence. Clovis people hunted among the cliffs and canyons of Cedar Mesa as early as 13,000 years ago, leaving behind tools and projectile points in places like the Lime Ridge Clovis Site, one of the oldest known archaeological sites in Utah. Archaeologists believe that these early people hunted mammoths, ground sloths,

and other now-extinct megafauna, a narrative echoed by native creation stories. Hunters and gatherers continued to live in this region in the Archaic Period, with sites dating as far back as 8,500 years ago.

Ancestral Puebloans followed, beginning to occupy the area at least 2,500 years ago, leaving behind items from their daily life such as baskets, pottery, and weapons. These early farmers of Basketmaker II, and III and builders of Pueblo I, II and III left their marks on the land. The remains of single family dwellings, granaries, kivas, towers, and large villages and roads linking them together reveal a complex cultural history. "Moki steps," hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people's ingenuity and perseverance and are still used today to access dwellings along cliff walls. Other, distinct cultures have thrived here as well -- the Fremont People, Numic- and Athabaskan-speaking hunter-gatherers, and Utes and Navajos. Resources such as the Doll House Ruin in Dark Canyon Wilderness Area and the Moon House Ruin on Cedar Mesa allow visitors to marvel at artistry and architecture that have withstood thousands of seasons in this harsh climate.

The landscape is a milieu of the accessible and observable together with the inaccessible and hidden. The area's petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists. The Indian Creek area contains spectacular rock art, including hundreds of petroglyphs at Newspaper Rock. Visitors to Bears Ears can also discover more recent rock art left by the Ute, Navajo, and Paiute peoples. It is also the less visible sites, however -- those that supported the food gathering, subsistence and ceremony of daily life -- that tell the story of the people who lived here. Historic remnants of Native American sheep-herding and farming are scattered throughout the area, and pottery and Navajo hogans record the lifeways of native peoples in the 19th and 20th centuries.

For thousands of years, humans have occupied and stewarded this land. With respect to most of these people, their contribution to the historical record is unknown, but some have played a more public role. Famed Navajo headman K'aayéllii was born around 1800 near the twin Bears Ears buttes. His band used the area's remote canyons to elude capture by the U.S. Army and avoid the fate that befell many other Navajo bands: surrender, the Long Walk, and forced relocation to

Bosque Redondo. Another renowned 19th century Navajo leader, "Hastiin Ch'ihaajin" Manuelito, was also born near the Bears Ears.

The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. 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 traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.

Euro-Americans first explored the Bears Ears area during the 18th century, and Mormon settlers followed in the late 19th century. The San Juan Mission expedition traversed this rugged country in 1880 on their journey to establish a new settlement in what is now Bluff, Utah. To ease the passage of wagons over the slick rock slopes and through the canyonlands, the settlers smoothed sections of the rock surface and constructed dugways and other features still visible along their route, known as the Hole-in-the-Rock Trail. Cabins, corrals, trails, and carved inscriptions in the rock reveal the lives of ranchers, prospectors, and early archaeologists. Cattle rustlers and other outlaws created a convoluted trail network known as the Outlaw Trail, said to be used by Butch Cassidy and the Sundance Kid. These outlaws took advantage of the area's network of canyons, including the aptly-named Hideout Canyon, to avoid detection.

The area's stunning geology, from sharp pinnacles to broad mesas, labyrinthine canyons to solitary hoodoos, and verdant hanging gardens to bare stone arches and natural bridges, provides vital insights to geologists. In the east, the Abajo Mountains tower, reaching elevations of more than 11,000 feet. A long geologic history is documented in the colorful rock layers visible in the area's canyons.

For long periods over 300 million years ago, these lands were inundated by tropical seas and hosted thriving coral reefs. These seas infused the area's black rock shale

with salts as they receded. Later, the lands were bucked upwards multiple times by the Monument Upwarp, and near-volcanoes punched up through the rock, leaving their marks on the landscape without reaching the surface. In the sandstone of Cedar Mesa, fossil evidence has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, in the Late Triassic Period more than 200 million years ago, seasonal monsoons flooded an ancient river system that fed a vast desert here.

The paleontological resources in the Bears Ears area are among the richest and most significant in the United States, and protection of this area will provide important opportunities for further archaeological and paleontological study. Many sites, such as Arch Canyon, are teeming with fossils, and research conducted in the Bears Ears area is revealing new insights into the transition of vertebrate life from reptiles to mammals and from sea to land. Numerous ray-finned fish fossils from the Permian Period have been discovered, along with other late Paleozoic Era fossils, including giant amphibians, synapsid reptiles, and important plant fossils. Fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles have been found in Indian Creek's Chinle Formation, dating to the Triassic Period, and phytosaur and dinosaur fossils from the same period have been found along Comb Ridge. Paleontologists have identified new species of plant-eating crocodile-like reptiles and mass graves of lumbering sauropods, along with metoposaurus, crocodiles, and other dinosaur fossils. Fossilized trackways of early tetrapods can be seen in the Valley of the Gods and in Indian Creek, where paleontologists have also discovered exceptional examples of fossilized ferns, horsetails, and cycads. The Chinle Formation and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition in the world, crucial to understanding how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. In Pleistocene Epoch sediments, scientists have found traces of mammoths, short-faced bears, ground sloths, primates, and camels.

From earth to sky, the region is unsurpassed in wonders. The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence.

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters. Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia. Ranchers have relied on the forests and grasslands of the region for ages, and hunters come from across the globe for a chance at a bull elk or other big game. Today, ecological restoration through the careful use of wildfire and management of grazing and timber is working to restore and maintain the health of these vital watersheds and grasslands.

The diversity of the soils and microenvironments in the Bears Ears area provide habitat for a wide variety of vegetation. The highest elevations, in the Elk Ridge area of the Manti-La Sal National Forest, contain pockets of ancient Engelmann spruce, ponderosa pine, aspen, and subalpine fir. Mesa tops include pinyon-juniper woodlands along with big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah serviceberry, western chokecherry, hackberry, barberry, cliff rose, and greasewood. Canyons contain diverse vegetation ranging from yucca and cacti such as prickly pear, claret cup, and Whipple's fishhook to mountain mahogany, ponderosa pine, alder, sagebrush, birch, dogwood, and Gambel's oak, along with occasional stands of aspen. Grasses and herbaceous species such as bluegrass, bluestem, giant ryegrass, ricegrass, needle and thread, yarrow, common mallow, balsamroot, low larkspur, horsetail, and peppergrass also grow here, as well as pinnate spring parsley, Navajo penstemon, Canyonlands lomatium, and the Abajo daisy.

Tucked into winding canyons are vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder. Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species such as Douglas fir. A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area's canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape. Wildflowers such as beardtongue, evening primrose, aster, Indian paintbrush, yellow and purple beeflower, straight bladderpod, Durango tumble mustard, scarlet

gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, hedgehog cactus, and columbine, bring bursts of color to the landscape.

The diverse vegetation and topography of the Bears Ears area, in turn, support a variety of wildlife species. Mule deer and elk range on the mesas and near canyon heads, which provide crucial habitat for both species. The Cedar Mesa landscape is home to bighorn sheep which were once abundant but still live in Indian Creek, and in the canyons north of the San Juan River. Small mammals such as desert cottontail, black-tailed jackrabbit, prairie dog, Botta's pocket gopher, white-tailed antelope squirrel, Colorado chipmunk, canyon mouse, deer mouse, pinyon mouse, and desert woodrat, as well as Utah's only population of Abert's tassel-eared squirrels, find shelter and sustenance in the landscape's canyons and uplands. Rare shrews, including a variant of Merriam's shrew and the dwarf shrew can be found in this area.

Carnivores, including badger, coyote, striped skunk, ringtail, gray fox, bobcat, and the occasional mountain lion, all hunt here, while porcupines use their sharp quills and climbing abilities to escape these predators. Oral histories from the Ute describe the historic presence of bison, antelope, and abundant bighorn sheep, which are also depicted in ancient rock art. Black bear pass through the area but are rarely seen, though they are common in the oral histories and legends of this region, including those of the Navajo.

Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog. Even the most sharp-eyed visitors probably will not catch a glimpse of the secretive Utah night lizard. Other reptiles in the area include the sagebrush lizard, eastern fence lizard, tree lizard, side-blotched lizard, plateau striped whiptail, western rattlesnake, night snake, striped whipsnake, and gopher snake.

Raptors such as the golden eagle, peregrine falcon, bald eagle, northern harrier, northern goshawk, red-tailed hawk, ferruginous hawk, American kestrel, flammulated owl, and great horned owl hunt their prey on the mesa tops with deadly speed and accuracy. The largest contiguous critical habitat for the threatened Mexican spotted owl is on the Manti-La Sal National Forest. Other bird species found in the area include Merriam's turkey, Williamson's sapsucker,

common nighthawk, white-throated swift, ash-throated flycatcher, violet-green swallow, cliff swallow, mourning dove, pinyon jay, sagebrush sparrow, canyon towhee, rock wren, sage thrasher, and the endangered southwestern willow flycatcher.

As the skies darken in the evenings, visitors may catch a glimpse of some the area's at least 15 species of bats, including the big free-tailed bat, pallid bat, Townsend's big-eared bat, spotted bat, and silver-haired bat. Tinajas, rock depressions filled with rainwater, provide habitat for many specialized aquatic species, including pothole beetles and freshwater shrimp. *Eucosma navajoensis*, an endemic moth that has only been described near Valley of the Gods, is unique to this area.

Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. The area contains numerous objects of historic and of scientific interest, and it provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region.

WHEREAS, section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Bears Ears lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and

interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.35 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land

management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commission) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal agencies by making continuing contributions to inform decisions regarding the management of the monument.

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the

Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land currently owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. The Secretary of the Interior shall report to the President by January 19, 2017, regarding the potential for such an exchange.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional

roads or trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

EXHIBIT

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**54 USC 320301: National monuments**  
Text contains those laws in effect on December 28, 2016

**From Title 54-NATIONAL PARK SERVICE AND RELATED PROGRAMS**  
Subtitle III-National Preservation Programs  
DIVISION C-AMERICAN ANTIQUITIES  
CHAPTER 3203-MONUMENTS, RUINS, SITES, AND OBJECTS OF ANTIQUITY

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### §320301. National monuments

(a) **Presidential Declaration.**-The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) **Reservation of Land.**-The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

(c) **Relinquishment to Federal Government.**-When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.

(d) **Limitation on Extension or Establishment of National Monuments in Wyoming.**-No extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

( Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3259 .)

#### Historical and Revision Notes

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
320301(a) through (c)	16 U.S.C. 431.	June 8, 1906, ch. 3060, §2, 34 Stat. 225 .
320301(d)	16 U.S.C. 431a.	Sept. 14, 1950, ch. 950, §1 (proviso relating to national monuments), 64 Stat. 849 .

In subsection (c), the word "parcel" is substituted for "tract" for consistency in this section.  
In subsection (d), the word "further" is omitted as obsolete.

#### National Monuments Established Under Presidential Proclamation

Ackia Battleground National Monument, Mississippi [see section 450r of Title 16, Conservation].-Proc. No. 2307, Oct. 25, 1938, 53 Stat. 2494.

Admiralty Island National Monument, Alaska [Monument established within Tongass National Forest by Pub. L. 96-487, title V, §503(b), Dec. 2, 1980, 94 Stat. 2399 ; Pub. L. 104-123, Apr. 1, 1996, 110 Stat. 879 ; Pub. L. 105-60, Oct. 10, 1997, 111 Stat. 1269 ].-Proc. No. 4611, Dec. 1, 1978, 93 Stat. 1446.

African Burial Ground National Monument, New York.-Proc. No. 7984, Feb. 27, 2006, 71 F.R. 10793.

Agua Fria National Monument, Arizona.-Proc. No. 7263, Jan. 11, 2000, 65 F.R. 2817.

Andrew Johnson National Monument, Tennessee [Monument redesignated Andrew Johnson National Historical Site, see section 450o of Title 16, Conservation].-Proc. No. 2554, Apr. 27, 1942, 56 Stat. 1955.

Aniakchak National Monument, Alaska [Monument established as unit of National Park System, see section 410hh(1) of Title 16, Conservation].-Proc. No. 4612, Dec. 1, 1978, 93 Stat. 1448.

Arches National Monument, Utah [Monument abolished and funds made available to Arches National Park, see section 272 of Title 16, Conservation].-Proc. No. 1875, Apr. 12, 1929, 46 Stat. 2988; Proc. No. 2312, Nov. 25, 1938, 53 Stat. 2504; Proc. No. 3360, July 22, 1960, 74 Stat. c79; Proc. No. 3887, Jan. 20, 1969, 83 Stat. 920.

Aztec Ruins National Monument, New Mexico.-Proc. No. 1650, Jan. 24, 1923, 42 Stat. 2295; Proc. No. 1840, July 2, 1928, 45 Stat. 2954; Proc. No. 1928, Dec. 19, 1930, 46 Stat. 3040; Proc. No. 2787, May 27, 1948, 62 Stat. 1513; Pub. L. 100-559, title VI, §§601-604, Oct. 28, 1988, 102 Stat. 2800 .

Badlands National Monument, South Dakota [Monument redesignated Badlands National Park, see section

- 441e-1 of Title 16, Conservation].-Proc. No. 2320, Jan. 25, 1939, 53 Stat. 2521.
- Bandelier National Monument, New Mexico.-Proc. No. 1322, Feb. 11, 1916, 39 Stat. 1764; Proc. No. 1991, Feb. 25, 1932, 47 Stat. 2503; Proc. No. 3388, Jan. 9, 1961, 75 Stat. 1014; Proc. No. 3539, May 27, 1963, 77 Stat. 1006; Pub. L. 94-578, title III, §309, Oct. 21, 1976, 90 Stat. 2736 ; Pub. L. 105-85, div. C, title XXXI, §3164, Nov. 18, 1997, 111 Stat. 2050 ; Pub. L. 105-376, Nov. 12, 1998, 112 Stat. 3388 .
- Basin and Range National Monument, Nevada.-Proc. No. 9297, July 10, 2015, 80 F.R. 41969.
- Becharof National Monument, Alaska.-Proc. No. 4613, Dec. 1, 1978, 93 Stat. 1450.
- Belmont-Paul Women's Equality National Monument, District of Columbia.-Proc. No. 9423, Apr. 12, 2016, 81 F.R. 22505.
- Bering Land Bridge National Monument, Alaska.-Proc. No. 4614, Dec. 1, 1978, 93 Stat. 1451.
- Berryessa Snow Mountain National Monument, California.-Proc. No. 9298, July 10, 2015, 80 F.R. 41975.
- Big Hole Battlefield National Monument, Montana [Monument redesignated Big Hole National Battlefield, see section 430uu of Title 16, Conservation].-Ex. Ord. No. 1216, June 23, 1910; Proc. No. 2339, June 29, 1939, 53 Stat. 2544.
- Black Canyon of the Gunnison National Monument, Colorado [Monument abolished and lands incorporated in, and funds made available for, Black Canyon of the Gunnison National Park, see section 410fff-2 of Title 16, Conservation].-Proc. No. 2033, Mar. 2, 1933, 47 Stat. 2558; Proc. No. 2286, May 16, 1938, 52 Stat. 1548; Proc. No. 2372, Oct. 28, 1939, 54 Stat. 2669; Proc. No. 3344, Apr. 8, 1960, 74 Stat. c56; Pub. L. 98-357, July 13, 1984, 98 Stat. 397 .
- Browns Canyon National Monument, Colorado.-Proc. No. 9232, Feb. 19, 2015, 80 F.R. 9975.
- Bryce Canyon National Monument, Utah.-Proc. No. 1664, June 8, 1923, 43 Stat. 1914; Proc. No. 1930, Jan. 5, 1931, 46 Stat. 3042; Proc. No. 1952, May 4, 1931, 47 Stat. 2455.
- Buck Island Reef National Monument, Virgin Islands.-Proc. No. 3443, Dec. 28, 1961, 76 Stat. 1441; Proc. No. 4346, Feb. 1, 1975, 89 Stat. 1237; Proc. No. 4359, Mar. 28, 1975, 89 Stat. 1254; Proc. No. 7392, Jan. 17, 2001, 66 F.R. 7335.
- Cabrillo National Monument, California.-Proc. No. 1255, Oct. 14, 1913, 38 Stat. 1965; Proc. No. 3273, Feb. 2, 1959, 73 Stat. c19; Proc. No. 4319, Sept. 28, 1974, 88 Stat. 2514.
- California Coastal National Monument, California.-Proc. No. 7264, Jan. 11, 2000, 65 F.R. 2821; Proc. No. 9089, Mar. 11, 2014, 79 F.R. 14603.
- Canyon De Chelly National Monument, Arizona [see section 445 of Title 16, Conservation].-Proc. No. 1945, Apr. 1, 1931, 47 Stat. 2448; Proc. No. 2036, Mar. 3, 1933, 47 Stat. 2562.
- Canyons of the Ancients National Monument, Colorado.-Proc. No. 7317, June 9, 2000, 65 F.R. 37243.
- Cape Krusenstern National Monument, Alaska [Monument established as unit of National Park System, see section 410hh(3) of Title 16, Conservation].-Proc. No. 4615, Dec. 1, 1978, 93 Stat. 1453.
- Capitol Reef National Monument, Utah [Monument abolished and funds made available to Capitol Reef National Park, see section 273 of Title 16, Conservation].-Proc. No. 2246, Aug. 2, 1937, 50 Stat. 1856; Proc. No. 3249, July 2, 1958, 72 Stat. c48; Proc. No. 3888, Jan. 20, 1969, 83 Stat. 922.
- Capulin Mountain National Monument, New Mexico [Monument redesignated Capulin Volcano National Monument by Pub. L. 100-225, title V, §506(g), Dec. 31, 1987, 101 Stat. 1547 ].-Proc. No. 1340, Aug. 9, 1916, 39 Stat. 1792.
- Capulin Volcano National Monument, New Mexico [Monument changed from Capulin Mountain National Monument, see section 460uu-46(g) of Title 16, Conservation].-Proc. No. 1340, Aug. 9, 1916, 39 Stat. 1792; Pub. L. 87-635, Sept. 5, 1962, 76 Stat. 436 ; Pub. L. 100-225, title V, §506(g), Dec. 31, 1987, 101 Stat. 1547 .
- Carlsbad Cave National Monument, New Mexico [Monument redesignated Carlsbad Caverns National Park, see section 407 of Title 16, Conservation].-Proc. No. 1679, Oct. 25, 1923, 43 Stat. 1929.
- Carrizo Plain National Monument, California.-Proc. No. 7393, Jan. 17, 2001, 66 F.R. 7339.
- Casa Grande National Monument, Arizona.-Proc. No. 1470, Aug. 3, 1918, 40 Stat. 1818.
- Cascade-Siskiyou National Monument, Oregon.-Proc. No. 7318, June 9, 2000, 65 F.R. 37249; Pub. L. 111-11, title I, §§1401-1406, Mar. 30, 2009, 123 Stat. 1026-1031 .
- Castillo de San Marcos National Monument, Florida [Monument changed from Fort Marion National Monument by act June 5, 1942, ch. 337, 56 Stat. 312 ].-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Pub. L. 108-480, Dec. 23, 2004, 118 Stat. 3907 .
- Castle Mountains National Monument, California.-Proc. No. 9394, Feb. 12, 2016, 81 F.R. 8365.
- Castle Pinckney National Monument, South Carolina.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.
- Jedar Breaks National Monument, Utah.-Proc. No. 2054, Aug. 22, 1933, 48 Stat. 1705.
- César E. Chávez National Monument, California.-Proc. No. 8884, Oct. 8, 2012, 77 F.R. 62413.
- Chaco Canyon National Monument, New Mexico [Monument abolished and funds made available to Chaco

- Culture National Historical Park, see section 410ii-1(a) of Title 16, Conservation].-Proc. No. 740, Mar. 11, 1907, 35 Stat. 2119; Proc. No. 1826, Jan. 10, 1928, 45 Stat. 2937.
- Channel Islands National Monument, California [Monument abolished and incorporated in Channel Islands National Park, see section 410ff of Title 16, Conservation].-Proc. No. 2281, Apr. 26, 1938, 52 Stat. 1541; Proc. No. 2825, Feb. 9, 1949, 63 Stat. 1258; Pub. L. 93-477, title IV, §401, Oct. 26, 1974, 88 Stat. 1447 ; Pub. L. 94-578, title II, §201(9), Oct. 21, 1976, 90 Stat. 2733 .
- Charles Young Buffalo Soldiers National Monument, Ohio.-Proc. No. 8945, Mar. 25, 2013, 78 F.R. 18777.
- Chesapeake and Ohio Canal National Monument, Maryland.-Proc. No. 3391, Jan. 18, 1961, 75 Stat. 1023.
- Chimney Rock National Monument, Colorado.-Proc. No. 8868, Sept. 21, 2012, 77 F.R. 59275.
- Chiricahua National Monument, Arizona.-Proc. No. 1692, Apr. 18, 1924, 43 Stat. 1946; Proc. No. 2288, June 10, 1938, 52 Stat. 1551.
- Cinder Cone National Monument, California.-Proc. No. 753, May 6, 1907, 35 Stat. 2131.
- Colonial National Monument, Virginia [Monument redesignated Colonial National Historical Park, see section 81 of Title 16, Conservation].-Proc. No. 1929, Dec. 30, 1930, 46 Stat. 3041; Proc. No. 2055, Aug. 22, 1933, 48 Stat. 1706.
- Colorado National Monument, Colorado.-Proc. No. 1126, May 24, 1911, 37 Stat. 1681; Proc. No. 2037, Mar. 3, 1933, 47 Stat. 2563; Proc. No. 3307, Aug. 7, 1959, 73 Stat. c69; Pub. L. 94-578, title III, §302(a), Oct. 21, 1976, 90 Stat. 2734 .
- Craters of the Moon National Monument, Idaho.-Proc. No. 1694, May 2, 1924, 43 Stat. 1947; Proc. No. 1843, July 23, 1928, 45 Stat. 2959; Proc. No. 1916, July 9, 1930, 46 Stat. 3029; Proc. No. 2499, July 18, 1941, 55 Stat. 1660; Proc. No. 3506, Nov. 19, 1962, 77 Stat. 960; Pub. L. 104-333, div. I, title II, §205, Nov. 12, 1996, 110 Stat. 4106 ; Proc. No. 7373, Nov. 9, 2000, 65 F.R. 69221; Pub. L. 107-213, §1, Aug. 21, 2002, 116 Stat. 1052 .
- Death Valley National Monument, California and Nevada [Monument abolished and incorporated in Death Valley National Park, see section 410aaa-1 of Title 16, Conservation].-Proc. No. 2028, Feb. 11, 1933, 47 Stat. 2554; Proc. No. 2228, Mar. 26, 1937, 50 Stat. 1823; Proc. No. 2961, Jan. 17, 1952, 66 Stat. c18; Pub. L. 103-433, title III, §302, Oct. 31, 1994, 108 Stat. 4485 .
- Denali National Monument, Alaska.-Proc. No. 4616, Dec. 1, 1978, 93 Stat. 1455.
- Devil Postpile National Monument, California.-Proc. No. 1166, July 6, 1911, 37 Stat. 1715.
- Devils Tower National Monument, Wyoming.-Proc. No. 658, Sept. 24, 1906, 34 Stat. 3236; act Aug. 9, 1955, ch. 647, 69 Stat. 575 .
- Dinosaur National Monument, Utah-Colorado.-Proc. No. 1313, Oct. 4, 1915, 39 Stat. 1752; Proc. No. 2290, July 14, 1938, 53 Stat. 2454; Pub. L. 100-701, §§2-4, Nov. 19, 1988, 102 Stat. 4641 .
- Edison Laboratory National Monument, New Jersey [Monument and Edison Home National Historic Site together with certain adjacent lands redesignated Edison National Historic Site by Pub. L. 87-628, §1, Sept. 5, 1962, 76 Stat. 428 ; Pub. L. 87-628 repealed and references to the Edison National Historic Site deemed to refer to the Thomas Edison National Historical Park by Pub. L. 111-11, title VII, §7110(c)(4), (5), Mar. 30, 2009, 123 Stat. 1198 , see section 410mmm of Title 16, Conservation].-Proc. No. 3148, July 14, 1956, 70 Stat. c49.
- Effigy Mounds National Monument, Iowa.-Proc. No. 2860, Oct. 25, 1949, 64 Stat. a371; Pub. L. 106-323, Oct. 19, 2000, 114 Stat. 1289 .
- El Morro National Monument, New Mexico.-Proc. No. 695, Dec. 8, 1906, 34 Stat. 3264; Proc. No. 1377, June 18, 1917, 40 Stat. 1673.
- First State National Monument, Delaware [Monument redesignated First State National Historical Park, see section 410rrr of Title 16, Conservation].-Proc. No. 8944, Mar. 25, 2013, 78 F.R. 18769.
- Fort Jefferson National Monument, Florida [Monument abolished and incorporated in Dry Tortugas National Park, see section 410xx of Title 16, Conservation].-Proc. No. 2112, Jan. 4, 1935, 49 Stat. 3430; Pub. L. 96-287, title II, June 28, 1980, 94 Stat. 600 ; Pub. L. 102-525, title II, §201(c), Oct. 26, 1992, 106 Stat. 3440 .
- Fort Laramie National Monument, Wyoming [Monument redesignated Fort Laramie National Historic Site by Pub. L. 86-444, §3, Apr. 29, 1960, 74 Stat. 84 ].-Proc. No. 2292, July 16, 1938, 53 Stat. 2461.
- Fort Marion National Monument, Florida [Monument redesignated Castillo de San Marcos National Monument by act June 5, 1942, ch. 337, 56 Stat. 312 ].-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.
- Fort Matanzas National Monument, Florida.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Proc. No. 2114, Jan. 9, 1935, 49 Stat. 3433; Proc. No. 2773, Mar. 24, 1948, 62 Stat. 1491; Pub. L. 106-524, Nov. 22, 2000, 114 Stat. 2493 .
- Fort Monroe National Monument, Virginia.-Proc. No. 8750, Nov. 1, 2011, 76 F.R. 68625.
- Fort Niagara National Monument, New York.-Proc. No. 1745, Sept. 5, 1925, 44 Stat. 2582.
- Fort Ord National Monument, California.-Proc. No. 8803, Apr. 20, 2012, 77 F.R. 24579.
- Fort Pulaski National Monument, Georgia.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; June 26, 1936, ch. 844,

49 Stat. 1979 ; Pub. L. 104-333, div. I, title VIII, §807, Nov. 12, 1996, 110 Stat. 4188 .

Fort Wood National Monument, New York.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968.

Fossil Cycad National Monument, South Dakota.-Proc. No. 1641, Oct. 21, 1922, 42 Stat. 2286.

Gates of the Arctic National Monument, Alaska.-Proc. No. 4617, Dec. 1, 1978, 93 Stat. 1457.

Grant Sequoia National Monument, California.-Proc. No. 7295, Apr. 15, 2000, 65 F.R. 24095.

Gila Cliff-Dwellings National Monument, New Mexico.-Proc. No. 781, Nov. 16, 1907, 35 Stat. 2162; Proc. No. 3467, Apr. 17, 1962, 76 Stat. 1465.

Glacier Bay National Monument, Alaska [Monument redesignated Glacier Bay National Park, see section 410hh-1(1) of Title 16, Conservation].-Proc. No. 1733, Feb. 26, 1925, 43 Stat. 1988; Proc. No. 2330, Apr. 18, 1939, 53 Stat. 2534; Proc. No. 3089, Mar. 31, 1955, 69 Stat. c27; Proc. No. 4618, Dec. 1, 1978, 93 Stat. 1458.

Governors Island National Monument, New York.-Proc. No. 7402, Jan. 19, 2001, 66 F.R. 7855; Proc. No. 7647, Feb. 7, 2003, 68 F.R. 7053.

Gran Quivira National Monument, New Mexico [Monument abolished and funds made available to Salinas National Monument by Pub. L. 96-550, title VI, §601(b), Dec. 19, 1980, 94 Stat. 3231 . Salinas National Monument redesignated Salinas Pueblo Missions National Monument by Pub. L. 100-559, title I, §101, Oct. 28, 1988, 102 Stat. 2797 ].-Proc. No. 882, Mar. 20, 1909, 36 Stat. 2503; Proc. No. 1545, Nov. 25, 1919, 41 Stat. 1778.

Grand Canyon National Monument, Arizona.-Proc. No. 794, Jan. 11, 1908, 35 Stat. 2175; Proc. No. 2022, Dec. 22, 1932, 47 Stat. 2547; Proc. No. 2393, Apr. 4, 1940, 54 Stat. 2692.

Grand Canyon-Parashant National Monument, Arizona.-Proc. No. 7265, Jan. 11, 2000, 65 F.R. 2825.

Grand Staircase-Escalante National Monument, Utah.-Proc. No. 6920, Sept. 18, 1996, 110 Stat. 4561; Pub. L. 105-335, Oct. 31, 1998, 112 Stat. 3139 ; Pub. L. 105-355, title II, §201, Nov. 6, 1998, 112 Stat. 3252 ; Pub. L. 106-176, title III, §307, Mar. 10, 2000, 114 Stat. 33 .

Great Sand Dunes National Monument, Colorado [Monument abolished and incorporated in Great Sand Dunes National Park, see section 410hhh-2 of Title 16, Conservation].-Proc. No. 1994, Mar. 17, 1932, 47 Stat. 2506; Proc. No. 2681, Mar. 12, 1946, 60 Stat. 1339; Proc. No. 3138, June 7, 1956, 70 Stat. c31.

Granford Reach National Monument, Washington.-Proc. No. 7319, June 9, 2000, 65 F.R. 37253.

Harriet Tubman-Underground Railroad National Monument, Maryland.-Proc. No. 8943, Mar. 25, 2013, 78 F.R. 18763.

Holy Cross National Monument, Colorado [Monument abolished by act Aug. 3, 1950, ch. 530, 64 Stat. 404 ].-Proc. No. 1877, May 11, 1929, 46 Stat. 2993.

Honouliuli National Monument, Hawaii.-Proc. No. 9234, Feb. 24, 2015, 80 F.R. 11069.

Hooverweep National Monument, Colorado-Utah.-Proc. No. 1654, Mar. 2, 1923, 42 Stat. 2299; Proc. No. 2924, Apr. 26, 1951, 65 Stat. c8; Proc. No. 2998, Nov. 20, 1952, 67 Stat. c21; Proc. No. 3132, Apr. 6, 1956, 70 Stat. c26.

Honwood Forest National Monument, Arizona.-Proc. No. 7320, June 9, 2000, 65 F.R. 37259.

Jackson Hole National Monument, Wyoming [Monument abolished and incorporated in Grand Teton National Park, see section 406d-1 of Title 16, Conservation].-Proc. No. 2578, Mar. 15, 1943, 57 Stat. 731.

Jewel Cave National Monument, South Dakota.-Proc. No. 799, Feb. 7, 1908, 35 Stat. 2180; Pub. L. 89-250, Oct. 9, 1965, 79 Stat. 971 .

Joshua Tree National Monument, California [see section 450li of Title 16, Conservation] [Monument abolished and incorporated in Joshua Tree National Park, see section 410aaa-22 of Title 16, Conservation].-Proc. No. 2193, Aug. 10, 1936, 50 Stat. 1760; Pub. L. 103-433, title IV, §402, Oct. 31, 1994, 108 Stat. 4488 .

Kasha-Katuwe Tent Rocks National Monument, New Mexico.-Proc. No. 7394, Jan. 17, 2001, 66 F.R. 7343.

Katahdin Woods and Waters National Monument, Maine.-Proc. No. 9476, Aug. 24, 2016, 81 F.R. 59121.

Katmai National Monument, Alaska [Monument redesignated Katmai National Park, see section 410hh-1(2) of Title 16, Conservation].-Proc. No. 1487, Sept. 24, 1918, 40 Stat. 1855; Proc. No. 1950, Apr. 24, 1931, 47 Stat. 2453; Proc. No. 2177, June 15, 1936, 49 Stat. 3523; Proc. No. 2564, Aug. 4, 1942, 56 Stat. 1972; Proc. No. 3890, Jan. 20, 1969, 83 Stat. 926; Proc. No. 4619, Dec. 1, 1978, 93 Stat. 1460.

Kenai Fjords National Monument, Alaska.-Proc. No. 4620, Dec. 1, 1978, 93 Stat. 1462.

Kobuk Valley National Monument, Alaska.-Proc. No. 4621, Dec. 1, 1978, 93 Stat. 1463.

Lake Clark National Monument, Alaska.-Proc. No. 4622, Dec. 1, 1978, 93 Stat. 1465.

Lassen Peak National Monument, California.-Proc. No. 754, May 6, 1907, 35 Stat. 2132.

Lava Beds National Monument, California.-Proc. No. 1755, Nov. 21, 1925, 44 Stat. 2591; Proc. No. 2925, Apr. 27, 1951, 65 Stat. c9.

Lehman Caves National Monument, Nevada [Monument abolished and lands incorporated in, and funds made available for, Great Basin National Park, see section 410mm(d) of Title 16, Conservation].-Proc. No. 1618,

- Jan. 24, 1922, 42 Stat. 2260.
- Lewis and Clark Cavern National Monument, Montana.-Proc. No. 807, May 11, 1908, 35 Stat. 2187; Proc. No. 1123, May 16, 1911, 37 Stat. 1679.
- Marble Canyon National Monument, Arizona.-Proc. No. 3889, Jan. 20, 1969, 83 Stat. 924.
- Marianas Trench Marine National Monument, Northern Mariana Islands and Guam.-Proc. No. 8335, Jan. 6, 2009, 74 F.R. 1557.
- Meriwether Lewis National Monument, Tennessee [Monument included in Natchez Trace Parkway, see section 460-1 of Title 16, Conservation].-Proc. No. 1730, Feb. 6, 1925, 43 Stat. 1986; Proc. No. 1825, Dec. 6, 1927, 45 Stat. 2935.
- Minidoka Internment National Monument, Idaho [Monument abolished and lands incorporated in Minidoka Historic Site by Pub. L. 110-229, title III, §313, May 8, 2008, 122 Stat. 770, as amended by Pub. L. 113-171, §1, Sept. 26, 2014, 128 Stat. 1895].-Proc. No. 7395, Jan. 17, 2001, 66 F.R. 7347.
- Misty Fjords National Monument, Alaska [Monument established within Tongass National Forest by Pub. L. 96-487, title V, §503(a), Dec. 2, 1980, 94 Stat. 2399].-Proc. No. 4623, Dec. 1, 1978, 93 Stat. 1466.
- Wojave Trails National Monument, California.-Proc. No. 9395, Feb. 12, 2016, 81 F.R. 8371.
- Montezuma Castle National Monument, Arizona.-Proc. No. 696, Dec. 8, 1906, 34 Stat. 3265; Proc. No. 2226, Feb. 23, 1937, 50 Stat. 1817; Pub. L. 108-190, Dec. 19, 2003, 117 Stat. 2867.
- Mound City Group National Monument, Ohio [Monument redesignated Hopewell Culture National Historic Park, see section 401uu of Title 16, Conservation].-Proc. No. 1653, Mar. 2, 1923, 42 Stat. 2298; Pub. L. 96-607, title VII, §701, Dec. 28, 1980, 94 Stat. 3540.
- Mount Olympus National Monument, Washington [Monument abolished and lands incorporated in Mount Olympus National Park, see section 251 of Title 16, Conservation].-Proc. No. 869, Mar. 2, 1909, 35 Stat. 2247; Proc. No. 1191, Apr. 17, 1912, 37 Stat. 1737; Proc. No. 1293, May 11, 1915, 39 Stat. 1726; Proc. No. 1862, Jan. 7, 1929, 45 Stat. 2984.
- Muir Woods National Monument, California.-Proc. No. 793, Jan. 9, 1908, 35 Stat. 2174; Proc. No. 1608, Sept. 22, 1921, 42 Stat. 2249; Proc. No. 2122, Apr. 5, 1935, 49 Stat. 3443; Proc. No. 2932, June 26, 1951, 65 Stat. c20; Proc. No. 3311, Sept. 8, 1959, 73 Stat. c76.
- Mukuntuweap National Monument, Utah [Monument redesignated Zion National Monument by Proc. No. 1435, Mar. 18, 1918, 40 Stat. 1760, and later redesignated Zion National Park, see section 344 of Title 16, Conservation].-Proc. No. 877, July 31, 1909, 36 Stat. 2498.
- Natural Bridges National Monument, Utah.-Proc. No. 804, Apr. 16, 1908, 35 Stat. 2183; Proc. No. 881, Sept. 25, 1909, 36 Stat. 2502; Proc. No. 1323, Feb. 11, 1916, 39 Stat. 1764; Proc. No. 3486, Aug. 14, 1962, 76 Stat. 1495.
- Navajo National Monument, Arizona.-Proc. No. 873, Mar. 20, 1909, 36 Stat. 2491; Proc. No. 1186, Mar. 14, 1912, 37 Stat. 1733.
- Noatak National Monument, Alaska.-Proc. No. 4624, Dec. 1, 1978, 93 Stat. 1468.
- Northwestern Hawaiian Islands Marine National Monument, Hawaii [Monument redesignated Papahānaumokuākea Marine National Monument by Proc. No. 8112, Feb. 28, 2007, 72 F.R. 10031].-Proc. No. 8031, June 15, 2006, 71 F.R. 36443.
- Ocmulgee National Monument, Georgia [see section 447a of Title 16, Conservation].-Proc. No. 2212, Dec. 23, 1936, 50 Stat. 1798; Proc. No. 2493, June 13, 1941, 55 Stat. 1654; Pub. L. 102-67, July 9, 1991, 105 Stat. 325.
- Old Kasaan National Monument, Alaska [Monument abolished and incorporated in Tongass National Forest by act July 26, 1955, ch. 387, 69 Stat. 380].-Proc. No. 1351, Oct. 25, 1916, 39 Stat. 1812.
- Oregon Caves National Monument, Oregon [Monument and land designated as National Preserve to be administered as single unit of National Park System and designated as Oregon Caves National Monument and Preserve, see section 410vvv of Title 16, Conservation].-Proc. No. 876, July 12, 1909, 36 Stat. 2497.
- Organ Mountains-Desert Peaks National Monument, New Mexico.-Proc. No. 9131, May 21, 2014, 79 F.R. 30431.
- Organ Pipe Cactus National Monument, Arizona.-Proc. No. 2232, Apr. 13, 1937, 50 Stat. 1827; Pub. L. 108-64, July 29, 2003, 117 Stat. 874.
- Pacific Remote Islands Marine National Monument, Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll.-Proc. No. 8336, Jan. 6, 2009, 74 F.R. 1565.
- Pacific Remote Islands Marine National Monument Expansion, Wake and Jarvis Islands, Johnston Atoll.-Proc. No. 9173, Sept. 25, 2014, 79 F.R. 58645.
- Papago Saguaro National Monument, Arizona [Monument abolished by act Apr. 7, 1930, ch. 107, 46 Stat. 142, as amended by Pub. L. 109-163, div. B, title XXVIII, §2873, Jan. 6, 2006, 119 Stat. 3535].-Proc. No. 1262, Jan. 31, 1914, 38 Stat. 1991.
- Papahānaumokuākea Marine National Monument, Hawaii [Monument changed from Northwestern Hawaiian

- slands Marine National Monument by Proc. No. 8112, Feb. 28, 2007, 72 F.R. 10031].-Proc. No. 8031, June 15, 2006, 71 F.R. 36443.
- Papahānaumokuākea Marine National Monument Expansion, Hawaii.-Proc. No. 9478, Aug. 26, 2016, 81 F.R. 60227.
- Perry's Victory and International Peace Memorial National Monument, Ohio.-Proc. No. 2182, July 6, 1936, 50 Stat. 1734.
- Petrified Forest National Monument [Monument disestablished on establishment of Petrified Forest National Park, see sections 119 and 444 of Title 16, Conservation].-Proc. No. 697, Dec. 8, 1906, 34 Stat. 3266; Proc. No. 1167, July 31, 1911, 37 Stat. 1716; Proc. No. 1927, Nov. 14, 1930, 46 Stat. 3040; Proc. No. 1975, Nov. 30, 1931, 47 Stat. 2486; Proc. No. 2011, Sept. 23, 1932, 47 Stat. 2532.
- Pinnacles National Monument, California [Monument abolished and lands and interests therein incorporated within and made part of Pinnacles National Park, see section 410000-1 of Title 16, Conservation].-Proc. No. 796, Jan. 16, 1908, 35 Stat. 2177; Proc. No. 1660, May 7, 1923, 43 Stat. 1911; Proc. No. 1704, July 2, 1924, 43 Stat. 1961; Proc. No. 1948, Apr. 13, 1931, 47 Stat. 2451; Proc. No. 2050, July 11, 1933, 48 Stat. 1701; Proc. No. 2528, Dec. 5, 1941, 55 Stat. 1709; Proc. No. 7266, Jan. 11, 2000, 65 F.R. 2831.
- Pipe Spring National Monument, Arizona.-Proc. No. 1663, May 31, 1923, 43 Stat. 1913.
- Pompeys Pillar National Monument, Montana.-Proc. No. 7396, Jan. 17, 2001, 66 F.R. 7351.
- President Lincoln and Soldiers' Home National Monument, District of Columbia.-Proc. No. 7329, July 7, 2000, 65 F.R. 43673.
- Pullman National Monument, Illinois.-Proc. No. 9233, Feb. 19, 2015, 80 F.R. 10315.
- Rainbow Bridge National Monument, Utah.-Proc. No. 1043, May 30, 1910, 36 Stat. 2703.
- Rio Grande del Norte National Monument, New Mexico.-Proc. No. 8946, Mar. 25, 2013, 78 F.R. 18783.
- Rose Atoll Marine National Monument, American Samoa.-Proc. No. 8337, Jan. 6, 2009, 74 F.R. 1577.
- Russell Cave National Monument, Alabama.-Proc. No. 3413, May 11, 1961, 75 Stat. 1058.
- Saguaro National Monument, Arizona [Monument abolished and incorporated in Saguaro National Park, see section 410zz-1 of Title 16, Conservation].-Proc. No. 2032, Mar. 1, 1933, 47 Stat. 2557; Proc. No. 3439, Nov. 15, 1961, 76 Stat. 1437; Pub. L. 102-61, June 19, 1991, 105 Stat. 303; Pub. L. 103-364, §3, Oct. 14, 1994, 108 Stat. 3467.
- San Gabriel Mountains National Monument, California.-Proc. No. 9194, Oct. 10, 2014, 79 F.R. 62303.
- San Juan Islands National Monument, Washington.-Proc. No. 8947, Mar. 25, 2013, 78 F.R. 18789; Ex. Ord. No. 13708, §1(nn), Sept. 30, 2015, 80 F.R. 60272.
- Sand to Snow National Monument, California.-Proc. No. 9396, Feb. 12, 2016, 81 F.R. 8379.
- Santa Rosa Island National Monument, Florida.-Proc. No. 2337, May 17, 1939, 53 Stat. 2542; Proc. No. 2659, Aug. 13, 1945, 59 Stat. 877.
- Scotts Bluff National Monument, Nebraska.-Proc. No. 1547, Dec. 12, 1919, 41 Stat. 1779; Proc. No. 1999, June 1, 1932, 47 Stat. 2512; Proc. No. 2391, Mar. 29, 1940, 54 Stat. 2690.
- Shoshone Cavern National Monument, Wyoming [Monument abolished by act May 17, 1954, ch. 203, 68 Stat. 98].-Proc. No. 880, Sept. 21, 1909, 36 Stat. 2501.
- Sieur de Monts National Monument, Maine.-Proc. No. 1339, July 8, 1916, 39 Stat. 1785.
- Sitka National Monument, Alaska [Monument redesignated Sitka National Historical Park by Pub. L. 92-501, Oct. 18, 1972, 86 Stat. 904, as amended by Pub. L. 106-291, title I, §130, Oct. 11, 2000, 114 Stat. 946].-Proc. No. 959, Mar. 23, 1910, 36 Stat. 2601; Proc. No. 2965, Feb. 25, 1952, 66 Stat. c22.
- Sonoran Desert National Monument, Arizona.-Proc. No. 7397, Jan. 17, 2001, 66 F.R. 7354.
- Statue of Liberty National Monument.-Proc. No. 1713, Oct. 15, 1924, 43 Stat. 1968; Proc. No. 2250, Sept. 7, 1937, 51 Stat. 393; Proc. No. 3656, May 11, 1965, 79 Stat. 1490.
- Stonewall National Monument, New York.-Proc. No. 9465, June 24, 2016, 81 F.R. 42215.
- Sunset Crater Volcano National Monument, Arizona [Monument changed from Sunset Crater National Monument by Pub. L. 101-612, §15, Nov. 16, 1990, 104 Stat. 3222].-Proc. No. 1911, May 26, 1930, 46 Stat. 3023.
- Timpanogos Cave National Monument, Utah.-Proc. No. 1640, Oct. 14, 1922, 42 Stat. 2285; Proc. No. 3457, Mar. 27, 1962, 76 Stat. 1457; Pub. L. 107-329, title I, Dec. 6, 2002, 116 Stat. 2815.
- Tonto National Monument, Arizona.-Proc. No. 787, Dec. 19, 1907, 35 Stat. 2168; Proc. No. 2230, Apr. 1, 1937, 50 Stat. 1825.
- Tumacacori National Monument, Arizona [Monument abolished and lands incorporated in, and funds made available for, Tumacacori National Historical Park, see section 410ss of Title 16, Conservation].-Proc. No. 821, Sept. 15, 1908, 35 Stat. 2205; Proc. No. 3228, Mar. 28, 1958, 72 Stat. c30.
- Tuzigoot National Monument, Arizona.-Proc. No. 2344, July 25, 1939, 53 Stat. 2548.
- Upper Missouri River Breaks National Monument, Montana.-Proc. No. 7398, Jan. 17, 2001, 66 F.R. 7359.
- Verde National Monument, North Dakota, Proc. No. 4288, June 22, 1927, 40 Stat. 4077.

Vermilion Cliffs National Monument, Arizona.-Proc. No. 7374, Nov. 9, 2000, 65 F.R. 69227.

Virgin Islands Coral Reef National Monument, Virgin Islands.-Proc. No. 7399, Jan. 17, 2001, 66 F.R. 7364.

Vaco Mammoth National Monument, Texas.-Proc. No. 9299, July 10, 2015, 80 F.R. 41983.

Walnut Canyon National Monument, Arizona.-Proc. No. 1318, Nov. 30, 1915, 39 Stat. 1761; Proc. No. 2300, Sept. 24, 1938, 53 Stat. 2469; Pub. L. 104-333, div. I, title II, §208, Nov. 12, 1996, 110 Stat. 4107 .

Wheeler National Monument, Colorado [Monument abolished by act Aug. 3, 1950, ch. 534, 64 Stat. 405 ].-Proc. No. 831, Dec. 7, 1908, 35 Stat. 2214.

White Sands National Monument, New Mexico.-Proc. No. 2025, Jan. 18, 1933, 47 Stat. 2551; Proc. No. 2108, Nov. 28, 1934, 49 Stat. 3426; Proc. No. 2295, Aug. 29, 1938, 53 Stat. 2465; Proc. No. 3024, June 24, 1953, 67 Stat. c53; Pub. L. 104-201, div. B, title XXVIII, §2854, Sept. 23, 1996, 110 Stat. 2803 .

World War II Valor In the Pacific National Monument, Alaska, California, and Hawaii.-Proc. No. 8327, Dec. 5, 2008, 73 F.R. 75293.

Wrangell-St. Elias National Monument, Alaska.-Proc. No. 4625, Dec. 1, 1978, 93 Stat. 1470.

Wupatki National Monument, Arizona.-Proc. No. 1721, Dec. 9, 1924, 43 Stat. 1977; Proc. No. 2243, July 9, 1937, 52 Stat. 1841; Proc. No. 2454, Jan. 20, 1941, 55 Stat. 1608; Pub. L. 104-333, div. I, title II, §207, Nov. 12, 1996, 110 Stat. 4107 .

Yucca House National Monument, Colorado.-Proc. No. 1549, Dec. 19, 1919, 41 Stat. 1781; Pub. L. 104-333, div. I, title II, §201, Nov. 12, 1996, 110 Stat. 4105 .

Yukon-Charley National Monument, Alaska.-Proc. No. 4626, Dec. 1, 1978, 93 Stat. 1472.

Yukon Flats National Monument, Alaska.-Proc. No. 4627, Dec. 1, 1978, 93 Stat. 1473.

Zion National Monument, Utah [Monument combined with Zion National Park into a single National park unit, see section 346b of Title 16, Conservation. A prior Zion National Monument, formerly Mukuntuweap National Monument, Proc. No. 877, July 31, 1909, 36 Stat. 2498, and Proc. No. 1435, Mar. 18, 1918, 40 Stat. 1760, was redesignated Zion National Park, see section 344 of Title 16, Conservation].-Proc. No. 2221, Jan. 22, 1937, 50 Stat. 1809.

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#### Miscellaneous National Monuments

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Agate Fossil Beds National Monument, Nebraska.- Pub. L. 89-33, June 5, 1965, 79 Stat. 123 .

Alibates Flint Quarries National Monument, Texas.- Pub. L. 89-154, Aug. 31, 1965, 79 Stat. 587 . Name changed from Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument by Pub. L. 95-625, title III, §321(c), Nov. 10, 1978, 92 Stat. 3488 .

Congaree Swamp National Monument, South Carolina [Monument redesignated Congaree National Park, see section 410jjj of Title 16, Conservation].

El Malpais National Monument, New Mexico.- Pub. L. 100-225, title I, §§101-104, Dec. 31, 1987, 101 Stat. 1539 (16 U.S.C. 460uu et seq.).

Florissant Fossil Beds National Monument, Colorado.- Pub. L. 91-60, Aug. 20, 1969, 83 Stat. 101 .

Fossil Butte National Monument, Wyoming.- Pub. L. 92-537, Oct. 23, 1972, 86 Stat. 1069 .

Gagerman Fossil Beds National Monument, Idaho.- Pub. L. 100-696, title III, §§301-308, Nov. 18, 1988, 102 Stat. 4575 , as amended by Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923 ; Pub. L. 104-333, div. I, title II, §206, Nov. 12, 1996, 110 Stat. 4106 ; Pub. L. 106-421, Nov. 1, 2000, 114 Stat. 1870 .

Hohokam Pima National Monument, Arizona.- Pub. L. 92-525, Oct. 21, 1972, 86 Stat. 1047 .

John Day Fossil Beds National Monument, Oregon.- Pub. L. 93-486, title I, §101(a)(2), Oct. 26, 1974, 88 Stat. 1461 .

Kill Devil National Monument, North Carolina.-Act Mar. 2, 1927, ch. 251, 44 Stat. 1264 . Redesignated Wright Brothers National Memorial, Dec. 1, 1953.

Little Bighorn Battlefield National Monument, Montana.- Pub. L. 102-201, titles I, II, Dec. 10, 1991, 105 Stat. 1631 .

Mount St. Helens National Volcanic Monument, Washington.- Pub. L. 97-243, Aug. 26, 1982, 96 Stat. 301 ; Pub. L. 105-279, Oct. 23, 1998, 112 Stat. 2690 .

National Military Working Dog Teams Monument, Virginia.- Pub. L. 110-181, div. B, title XXVIII, §2877, Jan. 28, 2008, 122 Stat. 563 ; Pub. L. 111-84, div. B, title XXVIII, §2871, Oct. 28, 2009, 123 Stat. 2696 .

Newberry National Volcanic Monument, Oregon.- Pub. L. 101-522, Nov. 5, 1990, 104 Stat. 2288 .

Pecos National Monument, New Mexico [included in Pecos National Historical Park by Pub. L. 101-313, title II, §202(b), June 27, 1990, 104 Stat. 278 (16 U.S.C. 410rr-1(b))].- Pub. L. 89-54, June 28, 1965, 79 Stat. 195 ; Pub. L. 94-578, title III, §317, Oct. 21, 1976, 90 Stat. 2737 ; repealed by Pub. L. 101-313, title II, §202(c),

June 27, 1990, 104 Stat. 278 (16 U.S.C. 410rr-1(c)).

Petroglyph National Monument, New Mexico.- Pub. L. 101-313, title I, June 27, 1990, 104 Stat. 272 , as amended by Pub. L. 103-50, ch. IV, §401, July 2, 1993, 107 Stat. 252 ; Pub. L. 104-333, div. I, title VIII, §814 (d)(2)(D), Nov. 12, 1996, 110 Stat. 4196 ; Pub. L. 105-174, title III, §3005, May 1, 1998, 112 Stat. 82 .

Poverty Point National Monument, Louisiana.- Pub. L. 100-560, Oct. 31, 1988, 102 Stat. 2803 .

Prehistoric Trackways National Monument, New Mexico.- Pub. L. 111-11, title II, §§2101-2105, Mar. 30, 2009, 123 Stat. 1096-1099 .

Salinas Pueblo Missions National Monument, New Mexico.- Pub. L. 96-550, title VI, §601, Dec. 19, 1980, 94 Stat. 3231 , as amended by Pub. L. 100-559, title I, §101, Oct. 28, 1988, 102 Stat. 2797 .

Santa Rosa and San Jacinto Mountains National Monument, California.- Pub. L. 106-351, Oct. 24, 2000, 114 Stat. 1362 ; Pub. L. 106-434, §2, Nov. 6, 2000, 114 Stat. 1913 ; Pub. L. 111-11, title I, §1853, Mar. 30, 2009, 123 Stat. 1068 .

Tule Springs Fossil Beds National Monument, Nevada.- Pub. L. 113-291, div. B, title XXX, §3092(a), Dec. 19, 2014, 128 Stat. 3861 .

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#### National Memorials

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AIDS Memorial Grove National Memorial, California.- Pub. L. 104-333, div. I, title V, §516, Nov. 12, 1996, 110 Stat. 4170 .

Arkansas Post National Memorial, Arkansas.- Pub. L. 86-595, July 6, 1960, 74 Stat. 333 ; Pub. L. 94-578, title II, §201(2), Oct. 21, 1976, 90 Stat. 2733 ; Pub. L. 105-83, title I, §126, Nov. 14, 1997, 111 Stat. 1567 .

Astronauts Memorial, John F. Kennedy Space Center, Florida.-Recognized as national memorial to astronauts who die in line of duty by Pub. L. 102-41, May 8, 1991, 105 Stat. 242 .

Battle of Midway National Memorial, Midway Atoll.- Pub. L. 106-113, div. B, §1000(a)(3) [title I, §126], Nov. 29, 1999, 113 Stat. 1535 , 1501A-164.

Benjamin Franklin National Memorial, Pennsylvania.-Designation of Benjamin Franklin Memorial Hall as National Memorial by Pub. L. 92-551, Oct. 25, 1972, 86 Stat. 1164 .

Bosque Redondo Memorial, New Mexico.- Pub. L. 106-511, title II, Nov. 13, 2000, 114 Stat. 2369 ; Pub. L. 108-204, title I, §101, Mar. 2, 2004, 118 Stat. 543 .

Buffalo Soldiers Memorial, Louisiana.- Pub. L. 109-152, Dec. 30, 2005, 119 Stat. 2887 .

Chamizal National Memorial, Texas.- Pub. L. 89-479, June 30, 1966, 80 Stat. 232 ; Pub. L. 94-578, title II, §201 (3), Oct. 21, 1976, 90 Stat. 2733 .

Coronado National Memorial, Arizona.-Acts Aug. 18, 1941, ch. 365, §1, 55 Stat. 630 , and July 9, 1952, ch. 610, 66 Stat. 510 (16 U.S.C. 450y); Proc. No. 2995, Nov. 5, 1952, 67 Stat. c18.

Custis-Lee Mansion National Memorial, Virginia.-Act Mar. 4, 1925, ch. 562, 43 Stat. 1356 . Made permanent memorial by act June 29, 1955, ch. 223, 69 Stat. 190 .

David Berger Memorial, Ohio.- Pub. L. 96-199, title I, §116, Mar. 5, 1980, 94 Stat. 71 .

Disabled American Veterans Vietnam Veterans National Memorial, New Mexico.-Recognized as a memorial of national significance by Pub. L. 100-164, Nov. 13, 1987, 101 Stat. 905 .

Distinguished Flying Cross National Memorial, California.- Pub. L. 113-132, July 25, 2014, 128 Stat. 1727 .

Father Marquette National Memorial, Michigan.- Pub. L. 94-160, Dec. 20, 1975, 89 Stat. 848 .

Federal Hall National Memorial, New York.-Designated May 26, 1939. Designation changed from Federal Hall Memorial Historic Site by act Aug. 11, 1955, ch. 779, §3, 69 Stat. 633 .

Flight 93 National Memorial, Pennsylvania.- Pub. L. 107-226, Sept. 24, 2002, 116 Stat. 1345 ; Pub. L. 110-161, div. F, title I, §128, Dec. 26, 2007, 121 Stat. 2122 .

Fort Caroline National Memorial, Florida.-Act Sept. 21, 1950, ch. 973, 64 Stat. 897 . Established Jan. 16, 1953.

Franklin Delano Roosevelt National Memorial, District of Columbia.-Acts Aug. 11, 1955, ch. 833, 69 Stat. 694 ; Sept. 1, 1959, Pub. L. 86-214, 73 Stat. 445 ; Oct. 18, 1962, Pub. L. 87-842, 76 Stat. 1079 ; Oct. 30, 1965, Pub. L. 89-305, 79 Stat. 1126 ; Sept. 8, 1970, Pub. L. 91-398, 84 Stat. 837 ; June 30, 1972, Pub. L. 92-332, 86 Stat. 401 ; July 28, 1982, Pub. L. 97-224, 96 Stat. 243 ; Oct. 1, 1996, Pub. L. 104-221, §§3, 4, 110 Stat. 3024 ; July 24, 1997, Pub. L. 105-29, 111 Stat. 246 ; Nov. 14, 1997, Pub. L. 105-83, title III, §335, 111 Stat. 1601 .

Hamilton Grange National Memorial, New York.- Pub. L. 87-438, Apr. 27, 1962, 76 Stat. 57 , as amended by Pub. L. 100-701, §1, Nov. 19, 1988, 102 Stat. 4640 ; Pub. L. 106-482, Nov. 9, 2000, 114 Stat. 2192 .

House Where Lincoln Died National Memorial, District of Columbia.-Act June 11, 1896, ch. 420, 29 Stat. 439 .

Johnstown Flood National Memorial, Pennsylvania.- Pub. L. 88-546, Aug. 31, 1964, 78 Stat. 752 ; Pub. L. 108-313, Oct. 5, 2004, 118 Stat. 1196 .

Lincoln Boyhood National Memorial, Indiana.- Pub. L. 87-407, Feb. 19, 1962, 76 Stat. 9 .

Lincoln Museum National Memorial, District of Columbia.-Act Apr. 7, 1866, ch. 28, §1, 14 Stat. 23 .

Lincoln National Memorial, District of Columbia.-Act Feb. 9, 1911, ch. 42, 36 Stat. 898 .

Medicine Creek Treaty National Memorial, Washington.- Pub. L. 114-101, §3, Dec. 18, 2015, 129 Stat. 2203 .

Memorial to the Victims of the Shooting at the Washington Navy Yard on September 16, 2013, District of Columbia.- Pub. L. 113-291, div. B, title XXVIII, §2853, Dec. 19, 2014, 128 Stat. 3715 .

Military Divers Memorial.- Pub. L. 113-66, div. B, title XXVIII, §2842, Dec. 26, 2013, 127 Stat. 1024 .

Mount Rushmore National Memorial, South Dakota.-Act Feb. 25, 1929, ch. 315, 45 Stat. 1300 .

Mt. Soledad Veterans Memorial, California.- Pub. L. 108-447, div. J, title I, §116, Dec. 8, 2004, 118 Stat. 3346 ; Pub. L. 109-272, Aug. 14, 2006, 120 Stat. 770 ; Pub. L. 109-364, div. A, title X, §1071(d), Oct. 17, 2006, 120 Stat. 2401 ; Pub. L. 113-291, div. B, title XXVIII, §2852, Dec. 19, 2014, 128 Stat. 3713 .

National D-Day Memorial, Virginia.- Pub. L. 104-201, div. A, title X, §1080, Sept. 23, 1996, 110 Stat. 2670 .

National Fallen Firefighters' Memorial, Maryland.- Pub. L. 101-347, Aug. 9, 1990, 104 Stat. 398 .

National Law Enforcement Officers Memorial, District of Columbia.-Establishment of Maintenance Fund by Pub. L. 104-329, title II, §201, Oct. 20, 1996, 110 Stat. 4011 ; Pub. L. 109-314, Oct. 6, 2006, 120 Stat. 1739 .

National Medal of Honor Sites.- Pub. L. 106-83, Oct. 28, 1999, 113 Stat. 1293 .

Patrick Henry National Memorial, Virginia.- Pub. L. 99-296, May 12, 1986, 100 Stat. 429 .

Port Chicago National Memorial, California.- Pub. L. 102-562, title II, Oct. 28, 1992, 106 Stat. 4235 ; Pub. L. 111-84, div. B, title XXVIII, §2853(a), Oct. 28, 2009, 123 Stat. 2685 .

Prisoner of War/Missing in Action National Memorial, California.- Pub. L. 108-454, title VI, §601, Dec. 10, 2004, 118 Stat. 3623 .

Richard L. Kohnstamm Memorial Area, Oregon.- Pub. L. 111-11, title I, §1202(b), Mar. 30, 2009, 123 Stat. 1009 .

Seabees of the United States Navy Memorial.- Pub. L. 92-422, Sept. 18, 1972, 86 Stat. 678 .

Signers of the Declaration of Independence Memorial, District of Columbia.- Pub. L. 95-260, Apr. 17, 1978, 92 Stat. 197 .

Thomas Jefferson National Memorial, District of Columbia.-Act June 26, 1934, ch. 763, 48 Stat. 1243 .

United States Marine Corps Memorial, Virginia.-Act July 1, 1947, ch. 196, 61 Stat. 242 , as amended July 7, 1952, ch. 585, 66 Stat. 441 ; June 16, 1953, ch. 120, 67 Stat. 64 .

United States National Civil Defense Monument, Maryland.-Authorized by Pub. L. 106-103, Nov. 13, 1999, 113 Stat. 1482 .

United States Navy Memorial, District of Columbia.- Pub. L. 96-199, title I, §113, Mar. 5, 1980, 94 Stat. 70 .

J.S.S. Indianapolis Memorial, Indiana.- Pub. L. 103-160, div. A, title XI, §1165, Nov. 30, 1993, 107 Stat. 1765 .

JSS Oklahoma Memorial, Hawaii.- Pub. L. 109-163, div. A, title X, §1017, Jan. 6, 2006, 119 Stat. 3425 .

Vietnam Veterans Memorial, District of Columbia.- Pub. L. 96-297, July 1, 1980, 94 Stat. 827 ; Pub. L. 106-214, §1, June 15, 2000, 114 Stat. 335 ; Pub. L. 108-126, title I, §101, Nov. 17, 2003, 117 Stat. 1348 ; Pub. L. 111-270, §1, Oct. 12, 2010, 124 Stat. 2851 ; Pub. L. 112-74, div. E, title IV, §420, Dec. 23, 2011, 125 Stat. 1045 ; Pub. L. 113-21, July 18, 2013, 127 Stat. 490 .

Washington Monument National Memorial, District of Columbia.-Act Aug. 2, 1876, ch. 250, §1, 19 Stat. 123 .

White Cross World War I Memorial, California.- Pub. L. 107-117, div. A, title VIII, §8137, Jan. 10, 2002, 115 Stat. 2278 ; Pub. L. 108-87, title VIII, §8121, Sept. 30, 2003, 117 Stat. 1100 .

World War II Memorial, Guam.- Pub. L. 106-398, §1 [div. B, title XXVIII, §2886], Oct. 30, 2000, 114 Stat. 1654 , 1654A-441, as amended by Pub. L. 107-107, div. B, title XXVIII, §2868, Dec. 28, 2001, 115 Stat. 1334 .

Wright Brothers National Memorial, North Carolina.-Kill Devil Hill National Monument authorized by act Mar. 2, 1927, ch. 251, 44 Stat. 1264 . Redesignated Wright Brothers National Memorial, Dec. 1, 1953.

### ALBERT EINSTEIN MEMORIAL

Conveyance of property to National Academy of Sciences for erection and maintenance of a Memorial to Albert Einstein on south side of Square Numbered 88 between 21st Street, 22d Street, and Constitution Avenue, District of Columbia, with reverter of title when no longer used for memorial purposes or public access is restricted, was authorized by Pub. L. 95-625, title VI, §612, Nov. 10, 1978, 92 Stat. 3521 , as amended Pub. L. 96-87, title IV, §401(o), Oct. 12, 1979, 93 Stat. 666 .



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## MEMORANDUM

**To:** Speaker LoRenzo C. Bates and the Nabikiyati Committee of the 23<sup>rd</sup> Navajo Nation Council  
**From:** Professor Charles Wilkinson of the University of Colorado Law School and Special Advisor to the Bears Ears Inter-Tribal Coalition  
**Date:** Thursday, January 5, 2017  
**Re:** Litigation by the State of Utah to Overturn the Bears Ears National Monument

As all of you know, last week President Obama issued a proclamation under the 1906 Antiquities Act creating the Bears Ears National Monument. It was an historic event; tribes had never before joined together to propose a national monument. Most observers would agree that the monument would not exist if it were not for the tribes' work. The Navajo Nation participated fully in this effort and helped enormously in achieving this result.

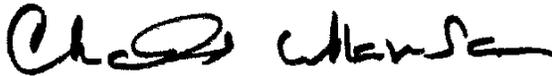
The Attorney General of Utah has stated that he intends to file a lawsuit, on behalf of the state, to have the monument declared invalid. Existing law recognizes very broad authority to the president in creating monuments, and the high likelihood is that the monument will survive this challenge. At the same time, it is a case that needs to be defended vigorously in order to protect this monument. Environmental organizations are already preparing for the expected lawsuit.

The tribes, however, took the lead in getting the monument established in the first place, and a tribal presence in the litigation process is very important. As just one example, the tribal-federal collaborative management established in the proclamation—a powerful application of tribal sovereignty, the federal trust obligation, and the government-to-government relationship—raises many questions of Indian law, policy, and culture that tribal attorneys are best equipped to present in court. Without question, the Navajo Nation could make a major contribution to the defense of the monument through arguments made by the Navajo Nation Attorney General's Office. In addition, the Native American Rights Fund is now considering whether to participate in the expected litigation. NARF could also play an important role in representing tribes and cooperating with the Navajo Attorney General.

The Utah lawsuit could be filed at any time, although we don't have any inside information on that. We can say that the goal of defending the monument will be maximized if the tribes are ready to jump in immediately.

It is, of course, entirely a matter for the Navajo Nation to decide how you wish to proceed from here. As a result, I am not making any recommendations. I do hope that this memorandum will be of some use to you in making your decision.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Wilkinson". The signature is written in a cursive, somewhat stylized script.

Charles Wilkinson  
Distinguished Professor  
Moses Lasky Professor of Law

**National Monument Review  
Department of the Interior  
1849 C St. NW  
Washington, DC 20240**

**COMMENTS OF  
THE HOPI TRIBE, NAVAJO NATION,  
UTE MOUNTAIN UTE TRIBE.  
UTE INDIAN TRIBE, AND ZUNI PUEBLO**

**May 25, 2017**

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### Introduction

The creation of the Bears Ears National Monument represents a landmark in the long history of the American public lands system. It is also a notable event in our Tribal histories. Together, we five Tribes took the lead in making this Monument a reality. We conceived of this Monument, helped build overwhelming support for it locally and nationally, and carried the many justifications for it to Washington DC. We earned this Monument every step of the way. It was well worth it, but it required a huge amount of work.

For us, Bears Ears is homeland. It always has been and still is. The culture is everywhere. The canyons and forests hold many sacred sites. Family gatherings, dances, and ceremonies are held at special places within Bears Ears. People go to Bears Ears to gather roots, berries, pinon nuts, weaving materials, and medicines. We go for healing. Stone cliff-dwellings and trails, testaments to the Old People, have survived thousands of years of wear and weather. Our ancestors are buried there. We can hear the songs and prayers of our ancestors on every mesa and in every canyon.

Attempting to eliminate or reduce the boundaries of this Monument would be wrong on every count. Such action would be illegal, beyond the reach of presidential authority. Bears Ears enjoys overwhelming popularity nationally—and extensive and passionate support in the State of Utah as well. It would be a travesty to leave this landscape vulnerable to the wounds inflicted by uranium and fossil-fuel mining, and excessive off-road vehicle use. Additionally, there has been ghastly looting and grave robbing that continues to this day, which was a major impetus for the Monument status. Citizens of America and the world would lose the opportunity to enjoy the wonders of one of the most remote and wondrous landscapes found anywhere. They would lose,

as well, the opportunity for Bears Ears to become home to a world-class institute on indigenous Traditional Knowledge.

The radical idea of breaking up Bears Ears National Monument would be a slap in the face to the members of our Tribes and an affront to Indian people all across the country. We did not bring forth grievances. We brought a solution: the permanent protection of a great natural and cultural landscape. When the President of the United States created the Monument, he accepted our solution and promised that the lands within the Monument would be protected for us and the generations that come after us. Bears Ears is too precious a place, and our cultures and values too dignified and worthy, to backtrack on the promises made in the Presidential Proclamation.

#### The Nature and Validity of This Review of Monument Designations

On April 26, 2017, President Trump called for an unprecedented review of national monument designations made since January 1, 1996, where the designation covers more than 100,000 acres, or where the Secretary of Interior determines that the designation or expansion was made without adequate public outreach or coordination with relevant stakeholders. The review is purportedly to determine whether the designations conform to the objectives of the Antiquities Act. However, there is no statute authorizing any such review of monuments, nor statutory authority for any public comment period, and certainly no authority—statutory or otherwise—to diminish or revoke any monument. Any such presidential action would be ultra vires and unconstitutional. Therefore, although we have no choice but to respond, the public process created by this order is unauthorized and void.

Pursuant to President Trump's executive order, the Department of the Interior is reviewing monument designations and seeking comments as part of the review. 82 Fed. Reg.

22016 (May 11, 2017). As part of the review, the Secretary is purportedly considering several factors. *See* 82 Fed. Reg. 20429-20430 (May 1, 2017). We are confused by the inclusion of factors outside of the statutory text of the Antiquities Act, as they are irrelevant to whether or not Bears Ears was properly designated. As such, any recommendation by the Secretary to the President that is based on information outside the scope or authority of the Secretary or President under the Antiquities Act would be improper. The President has authority to designate national monuments, but does not have authority to eliminate, shrink, or move the boundaries of them.

As will be seen below, Bears Ears easily fits within the objectives of the Antiquities Act, and was the product of extensive public outreach, coordination with relevant stakeholders, and substantive research.

#### Bears Ears: A Tribal Homeland Since Time Immemorial

Our Tribes came to the Bears Ears landscape at different times. Some of us have been there forever, and some came later. We inhabited, hunted, gathered, prayed, and built civilizations. Our presence, much in evidence today, covered the whole region and is manifested in migration routes, ancient roads, great houses, villages, granaries, hogans, wickiups, sweat lodges, corrals, petroglyphs and pictographs, tipi rings, and shade houses. Bears Ears holds more than 100,000 Native American cultural sites and is widely recognized as one of the world's premier areas for archaeological resources.

By the mid-19<sup>th</sup> century, the United States became determined to open the American Southwest to homesteading. This meant moving Indian people off many traditional lands and that included Bears Ears. Utes and Navajos were force-marched to reservations. For the Navajo, this was the Long Walk to Bosque Redondo in New Mexico. In particular, the White Canyon region of Bears Ears remains a significant historical site because of its many *Nahonidzho*, or

escaping places, used by Navajos to protect themselves from the soldiers. The Zuni and Hopi were spared the violence of the forced removal because, after thousands of years of residence in Bears Ears, they had relocated to their current pueblos to the south and southeast.

For generations, federal policy required Indian people to remain on their reservations and pueblos. The sense of homeland and the ancestors, however, was too strong. People avoided their federal overseers and found ways to return to Bears Ears for hunting, gathering, and ceremonies. In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, as federal policy relented, the non-Indian residents of San Juan County regularly forced Native Americans out of Bears Ears, sometimes violently. Yet our people continued to find ways to return.

As Tribes became more active after World War II, we began talking about Bears Ears. The looting and grave robbing had been intensifying ever since the 1890s, causing widespread destruction. In 1968, Robert Kennedy came to the Navajo reservation during his presidential campaign. He held a meeting in Bluff and Navajo people urged him to protect the Ancient Puebloan villages and other archaeological resources.

#### The Origins of the Monument: Defining the Boundaries of the Cultural Landscape

The push for Bears Ears began in earnest in 2010 with the creation of the grassroots non-profit organization, Utah Diné Bikéyah (UDB). UDB was formed with a primary objective of protecting Bears Ears. Looking back, we can see that the formation of UDB was an important step on the road to the Bears Ears National Monument.

Early on, UDB set out on a project that was ambitious in the extreme. People were already discussing the possibility of creating a wilderness area, national park, national monument, or other appropriate classification. UDB defined its goal as establishing conclusively the proper boundaries, defined scientifically, culturally, and historically, necessary to protect the

Bears Ears homeland. After much deliberation, it settled upon a methodology, one which would require a prodigious amount of work. The interdisciplinary effort was based on thorough ethnographic research featuring an intensive interviewing regime; research by academic experts in ecology, biology, anthropology, archaeology, and public policy; Traditional Knowledge; extensive data on wildlife species obtained from Utah state wildlife officials; and data analysis.

The ethnographic data resulted in sophisticated and highly reliable cultural mapping. See generally Bears Ears Inter-Tribal Coalition, *Protecting the Whole Bears Ears Landscape: A Call to Honor the Full Cultural and Ecological Boundaries* (2016). Seventy cultural interviews were conducted by a Navajo traditionalist fluent in English and the Diné languages and possessing ethnographic training. The resulting ethnographic data was captured and organized on a fine scale. Maps were then prepared using that information to show why 1.9 million acres should be set aside as a cultural landscape.

This ethnographic mapping process benefited from Traditional Knowledge, which is increasingly recognized by western sciences and scholarship and used by federal agencies in land management and planning. Traditional Knowledge is derived from keen observation carried out and passed down over hundreds or thousands of years. It represents another way of knowing the social and ecological landscape. It is invaluable to scientists in places where it remains intact—places such as Bears Ears. The Presidential Proclamation rightly refers to Traditional Knowledge several times and emphasizes its critical place in future land management at the Bears Ears National Monument.

This intensive work began in 2010 and continued for 6 ½ years. It was a joined enterprise of Traditional Knowledge and western sciences. It reflected the careful, dedicated, and knowledgeable work of hundreds of Native people and dozens of academics. Their work shows

that the Bears Ears landscape is one discrete unit, bound together in numerous ways, and it blends perfectly with other protected federal and Tribal lands.

UDB released its Bears Ears proposal in April, 2013. The Proposal called for a 1.9 million acre protected area that could be designated as a national monument, wilderness area, national recreation area, or other classification under federal law. The carefully-considered, data-driven boundaries developed by UDB quickly became accepted as a serious proposal that deserved serious attention. While Utah public officials were generally noncommittal or negative, the boundaries were praised by conservation groups and many federal officials. We Indian people were inspired by the Proposal and the hard work that went into it, especially the cultural mapping that UDB developed that so fully represented Native American values.

For its part, UDB was disappointed and frustrated by the opposition or disinterest of Utah federal, state, and county politicians. In 2014, UDB turned to the Tribes to support and carry the Proposal. This was only logical. Federal Indian policy is based on the federal-tribal relationship and the Tribes would be the appropriate advocates to carry the Proposal forward. As a result, protecting Bears Ears increasingly became a major subject in the minds of the Tribes of the Southwest during 2014 and 2015.

#### The Tribal Proposal

We held many meetings, large and small, and made conference calls to discuss the alternatives. It became clear to us that there were two broad considerations. As a legal matter, what were the pros and cons of the different land classifications—wilderness, national monument, national recreation area, and others? At least as important, though, was the question of which would be the best forum—legislation controlled by the Utah delegation or a national monument proclamation developed by the administration and signed by President Obama?

In 2013, the Utah delegation was developing the so-called Public Lands Initiative (PLI). This was an initiative, led by Congressmen Bishop and Chaffetz, with the professed goal of reaching a consensus agreement among all stakeholders over the public lands of Eastern and Southern Utah, an area of great cultural value, beauty, and mineral potential. The general idea was that an agreement would lead to congressional legislation putting some federal lands in wilderness and other protected status and allowing multiple-use development to proceed on most of the other lands. We wanted to develop an agreement through the PLI process, but also wanted to ensure that Bears Ears was properly protected. As a result, we analyzed the options of PLI and national monument status, among others.

We were very apprehensive about entering into discussions on the PLI. Up to that time, the Utah leaders had never taken us seriously. This was in spite of the fact that we worked tirelessly on the PLI process, putting in as much or more effort than any party involved in the process. We made at least 25 presentations at PLI meetings, complete with maps, a two-page summary of the UDB proposal (the precursor to the later and more comprehensive Coalition Proposal), and substantial oral presentations. Congressional staff were present at approximately a dozen of these meetings. We also made four separate trips to Washington DC to meet with the Utah delegation; at each of those meetings, we made extensive statements complete with maps and a summary of the Proposal. At all of these meetings, both in the field and in Washington DC, we asked for comments on our proposal. It was to no avail.

In spite of our extensive and unwavering efforts, in no instance did anyone from the Utah delegation or the PLI make a single substantive comment, positively or negatively, on our proposal. Our painful experience with attempting to make an inroad into the PLI process was

epitomized by our dealings with the San Juan County Commission. Although the proponents of the PLI described the process as “open” and “ground-up,” PLI leaders said that they were relying heavily on the county commission. Indeed, we were told to present our proposal to the San Juan County Commission.

As part of the PLI process, the San Juan County Commission conducted a public comment survey on PLI in 2014 to gauge support for various land use proposals for Bears Ears. The UDB proposal was initially identified as “Alternative D” and the County Commission staff agreed to include Alternative D in the list of alternatives on the survey. Then, the staff broke that promise and refused to include Alternative D on the list for the formal comment process.

Supporters of Alternative D (Bears Ears) waged a write-in campaign. Despite being omitted from the list, the Bears Ears proposal received 300 positive comments, 64% of the 467 total comments received in the County. The Commission then completely rejected the results of its own survey—and the wishes of the Indian people who constitute nearly 60% of the population of San Juan County—and selected the heavy-development, low conservation “Alternative B.” Alternative B had received just two comments, one half of 1% of the total.

In spite of the extraordinary unfairness of this proceeding—the kind of raw, heavy-handed political overreaching rarely seen in America today—at no time has San Juan County, the PLI, or the Utah delegation ever seen fit to acknowledge it, much less apologize and disown it.

In 2015, the Tribes decided to hold a special meeting to decide what the strategy should be. The meeting was held in Towaoc at the Ute Mountain Ute Reservation on July 15-17, 2015. The third day, Friday, was reserved for a meeting with federal officials from Washington, D.C.

The day before, at the Thursday meeting in Towaoc, Tribal leaders had made a series of critical decisions that energized the already enthusiastic Bears Ears movement.

UDB and the Navajo Nation had always wanted this effort to be headed up by a multi-Tribal organization comprised of the Tribes that used the Bears Ears area the most. Thus, on that day at Towaoc, to unite formally in furtherance of protecting the sacred Bears Ears landscape, Tribal leaders from Hopi, Navajo, the Ute Indian Tribes, Ute Mountain Ute, and the Pueblo of Zuni agreed to create the historic Bears Ears Inter-Tribal Coalition to protect and preserve the homeland area they all care so deeply about. All of the Tribes passed resolutions on the subject before the meeting or shortly after it. The five Tribes then adopted an MOU setting forth the mission, function, and procedures for the Coalition. (The Coalition continues to exist and is dedicated to grassroots organizing and public outreach. The Bears Ears Tribal Commission, was created by the Presidential Proclamation as a land management entity for the National Monument.)

The newly-formed Bears Ears Inter-Tribal Coalition, recognizing the significance of the creation and management of a Bears Ears National Monument, decided to craft a comprehensive, detailed proposal, to be submitted to the President by a self-imposed deadline of October 15, 2015. Submission by this date would allow the President ample time to consider, and hopefully sign, a proclamation under the Antiquities Act, before the end of his term. This would also allow time for the Bishop-Chaffetz PFI process to review our proposal and include all or part of it in its proposed legislation, if so inclined.

During the late summer of 2015, the Tribes held four more well-attended, intensive day-long meetings, hosted at the reservations of the Coalition members, to review draft proposals in depth. These meetings, combined with UDB's work since 2010, allowed us to become well-

informed in all of the issues related to achieving and carrying out a complex federal land management program.

The Proposal had many aspects to it, but two were the most fundamental to the Tribes. We strongly recommended the 1.9 million acre national monument with the boundaries developed by UDB's comprehensive, in-depth research and analysis. In addition, we discussed Collaborative Management often and in-depth, and unanimously put forth a strong version of Collaborative Management between our Tribes and the federal agencies in which Traditional Knowledge would play an essential role.

Our Proposal reflects our intimate connection with Bears Ears, a cultural landscape densely inhabited by the stories, histories, prayers, and practices of people and place over millennia. Tucked among the canyons, folds, meadows, and promontories of Bears Ears rest an estimated 100,000 archaeological sites, regarded by researchers as world-class objects of scientific inquiry. Kivas, granaries, hogans, rock art panels, graves, and many more historic and prehistoric markers—all the work of our ancestors—are found throughout this area, preserved relatively undisturbed for centuries by the Colorado Plateau's arid climate and rugged terrain.

The supplemental report, Bears Ears Inter-Tribal Coalition, *Protecting the Whole Bears Ears Landscape: A Call to Honor the Full Cultural and Ecological Boundaries* October 18, 2016, includes both maps and narrative descriptions of the importance and significance of the five geographic regions that comprise the whole of the Bears Ears National Monument: The Confluence, White Canyon, Indian Creek, Headwaters, and Cedar Mesa. *Id.* Each of the Bears Ears regions stand as significant historic and cultural landscapes deserving of a national monument designation in its own right. Taken as a whole, these five regions interlace to tell a

compelling story of ancient cultures—even reaching into the present day with dwellings established as recently as the 1920s.

In all, our proposal represented the true voice of these Tribes and our determination to present to the United States a program that is workable in the real world of land management. We believed then and now that our proposal, as now mostly embodied in the Presidential Proclamation, will add even more luster to the proud American system of conservation lands and, as well, bring justice to Tribes and this sacred landscape.

The Coalition submitted its comprehensive proposal to the Obama Administration on October 15, 2015. *See* Bears Ears Inter-Tribal Coalition, *Proposal to President Barack Obama for the Creation of Bears Ears National Monument* 18 (Oct. 15, 2015),

<http://www.bearsensecoalition.org/wp-content/uploads/2015/10/Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf>.

The Administration's Extensive Public Outreach and Thorough Analysis of Legal Requirements

The Obama Administration put in an inordinate amount of time and expertise in conducting comprehensive research, reaching out to the public, and developing its position on Bears Ears. It was a big issue. Opposition was small in numbers but very loud—although there was a magnificent outpouring of public support for the Monument, the Utah congressional delegation and various state officials all were extremely active in pressing their positions with administration officials. But, from top to bottom, the administration developed and analyzed a tremendous amount of scientific, historical, economic, cultural, and legal material. On our trips back to Washington, we never failed to be amazed by the number of dedicated administration people who actively responded to the public and were deeply familiar with all or some of the issues.

For our part, beginning with the presentation of our Proposal, we began a 14-month period in which we had numerous meetings and conference calls with officials in the Interior Department, Forest Service, and Council on Environmental Quality. Most of our people live in remote areas in the Southwest, and travel to the East Coast is grueling, but we made many, many trips to Washington DC.

We established a substantial public relations program and reached out locally and nationally through public meetings, op-ed articles, and television and radio presentations. Gradually, support for Bears Ears and our proposed collaborative management regime rose across the country. The only place where there was opposition was in the state of Utah, but public opinion polls showed that the Utah citizenry was about equally divided. Opponents blithely stated that “the people of San Juan County” oppose Bears Ears, ignoring the fact that the Native American population in the county is nearly 60%.

Virtually every major newspaper in the country supported the national monument. Especially notable is the Salt Lake City *Tribune*, with the largest circulation in Utah. The *Tribune* invested more resources in reporting on the issue than any other media outlet in the country, editorialized in favor of the Monument several times, and often exposed misinformation being released by the Utah delegation.

The Obama Administration welcomed and received the views of the public. The Antiquities Act does not require any specific procedures, other than the entry of a proclamation by the President. But the President directed that this be an open process. The administration received all manner of written opinions by letters and email. Meetings were arranged with countless organizations and individuals. Utah public officials, for example, had ongoing

meetings and communications with the President, high White House officials, the two secretaries, heads of agencies, and career staff. As late as December 21, 2016, just one week before the Proclamation was signed, the Governor of Utah's office complimented the staff to the Department of the Interior on the time and attention that they devoted to this issue.

In an exceptional display of reaching out to the public, Secretary Sally Jewell, accompanied by top Interior and Agriculture officials, traveled to Bluff, Utah and held a day-long open public hearing in which more than one hundred citizens, drawn by lot, made two-minute statements. *See* <http://bluffutah.org/secretary-jewell-to-discuss-protection-of-bears-ears-at-public-meeting>. Every perspective was represented. The overflow crowd was estimated at approximately 2,000; the largest gathering ever held in Bluff.

The Committee on Oversight and Government Reform has documented the timeline of events that led up to the Bears Ears Proclamation. The timeline and the documentation reveal repeated contacts, meetings, coordination, and outreach by the Obama Administration with the Utah delegation, governor, and local communities prior to the Monument Proclamation. *See Documents Obtained by Oversight Committee Refute Republican Claims That Obama Administration Did Not Consult on Bears Ears Monument Designation*, Committee On Oversight and Government Reform (April 13, 2017), <https://democrats-oversight.house.gov/news/press-releases/documents-obtained-by-oversight-committee-refute-republican-claims-that-obama>. To show the extensive public outreach and coordination in the creation of the Bears Ears National Monument, we incorporate by reference the timeline and documentation of the Committee on Oversight and Government Reform.

In addition to attending to public outreach, the President and the administration gave long and careful attention to two provisions in the Antiquities Act that were especially relevant to the

creation of this Monument. The statute allows presidents to create national monuments to protect “objects” of historic or scientific interest. While the legal definition of “objects” is very broad and calls for extensive discretion by presidents, the designation of such objects is critical to the creation of any monument. In this case, administration officials gave the matter continuing consideration. The result can be seen in the Proclamation, which identifies a great many objects and places them in context. The other provision is that, under the Antiquities Act, national monuments “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” While uniform case law gives very broad authority to presidents—Congress delegated authority to create national monuments to the President, “in his discretion” in the Antiquities Act—agency officials scrutinized this issue at length. State of Utah and mining company executives pressed for reducing the acreage. Finally, the Proclamation made a major reduction from the Tribes’ proposal of 1.9 million acres down to 1.35 million acres, a cut of nearly 30%. This action, which we strenuously opposed, brought the size of the Monument down nearly to the acreage allocated for protection under the Bishop-Chaffetz proposal in the PLI. Certainly, however, the current acreage is easily supported as “the smallest area compatible with the proper care and management of the objects to be protected.”

#### The Presidential Proclamation

The Presidential Proclamation of December 28, 2016 reflects the long and hard work that the administration put into it. The new Monument is tailor-made for coverage under the Antiquities Act of 1906, which Congress passed in response to the destruction of the kind of exquisite Southwestern archaeological resources that are so abundant at Bears Ears. Every part of the Monument holds “historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest,” the core requirement of the Antiquities Act and the evocative

Proclamation identifies such archaeological objects in great detail. The Proclamation is equally expansive with objects that are historical, geological, anthropological, paleontological, ecological, hydrological, botanical, and biological. Proclamation No. 9558, 82 Fed. Reg. 1139-43 (Dec. 28, 2016). These objects exist everywhere within the Monument.

The Proclamation recognizes the “[a]bundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts [that] provide an extraordinary archaeological and cultural record.” While the area is important to all Americans, the Proclamation recognizes that “the land is profoundly sacred to many Native American Tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and [Pueblo of] Zuni.”

The Proclamation notes that the earliest Native people—from the Clovis to the Ancestral Puebloans—utilized the Bears Ears region for millennia. *Id.* “The remains of single family dwellings, granaries, kivas, towers, and large villages, and roads linking them together, reveal a complex cultural history. ‘Moki steps,’ hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people’s ingenuity and perseverance and are still used today to access dwellings along cliff walls.”

The “petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists.”

We were disappointed by the Obama Administration’s reduction of the Monument from our proposal of 1.9 million acres down to 1.35 million acres. Virtually all of the changes were made to accommodate mining interests. We were saddened because those areas are all culturally

important to us and now may well be developed in disruptive ways that detract from the values of the Monument lands themselves.

But, otherwise, the Proclamation achieved our goals. The provisions for collaborative management vary somewhat from our proposal but the end result is truly exciting in that it calls for deep involvement—not just “consultation” or “advice”—of our tribal Commission as a “partner” in management of the Monument. The Proclamation leaves no doubt about the central importance of our Traditional Knowledge in management of this Monument: “The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.” 82 Fed Reg. at 1140.

As an overarching matter, the Proclamation alludes to, and honors, Indian people in the way we would wish. It describes our cultural practices in terms that are accurate, neither demeaning nor romantic. The Proclamation is not locked in the past: it acknowledges contributions of both our ancestors and Native Americans today. Traditional Knowledge, for example, is correctly recognized as being possessed by us both historically and contemporarily. In the past, monument proclamations made only passing references to Native Americans. In this case, about one-quarter of the text is dedicated to our people and our relationship to all that is the Bears Ears landscape. In reading the Proclamation, one can see—and it means a great deal to us—that President Obama created the Bears Ears National Monument to honor Indian Tribes (both past and present), the land, and the relationship between the Tribes and the land.

#### Conclusion

As can be seen from these comments, there was extensive public outreach and coordination with relevant stakeholders and the Bears Ears National Monument easily conforms to the objectives of the Antiquities Act. Under the Antiquities Act, presidents have authority to create new national monuments, but not to extinguish or diminish existing monuments. An attempt to do either one would be struck down by the courts as executive overreaching. We are attaching a short, recent article in which distinguished scholars address this matter entitled, .

Leaving the Monument fully intact is also the correct result as a matter of right and wrong. The wonderful Bears Ears National Monument is a gift to the citizens of the United States and the world. Once experienced, the physical beauty of the red-rock terrain and the cultural power of the Old People stay with visitors forever. As for us, we personally have received a great gift also, but most of all we think of our ancestors. They gave us everything we have and this Monument honors them, their wisdom, and their way of life. As President Theodore Roosevelt said in proclaiming the 800,000-acre Grand Canyon National Monument under the Antiquities Act, "Leave it just as it is. You cannot improve upon it."

**THE NAVAJO NATION**

A handwritten signature in black ink, appearing to read "Russell Begaye". The signature is written in a cursive, flowing style.

Russell Begaye, *President*

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IN RE:  
LISTENING SESSIONS ON INTERIOR'S  
REVIEW OF NATIONAL MONUMENTS  
IDENTIFIED UNDER E.O. 13792

PUBLIC MEETING

HELD ON  
TUESDAY, MAY 30, 2017  
8:30 A.M.

NORTHERN HOTEL  
19 NORTH BROADWAY  
BILLINGS, MONTANA 59101

1 **PANELISTS**

2

3 DARRYL LACOUNTE, Regional Director

4 **U.S. Department of Interior**

5 **Bureau of Indian Affairs**

6 Rocky Mountain Region

7

8 MARCIA PABLO, Tribal Coordinator/Program Analyst

9 **U.S. Department of Interior**

10 **Bureau of Land Management**

11 Montana/Dakotas State Office

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**IN RE:**  
**LISTENING SESSIONS ON INTERIOR'S**  
**REVIEW OF NATIONAL MONUMENTS**  
**IDENTIFIED UNDER E.O. 13792**  
**PUBLIC MEETING**  
**HELD ON**  
**TUESDAY, MAY 30, 2017**  
**8:30 A.M.**

**MR. LACOUNTE:** It is 9:12 a.m. on Tuesday, May 30th. My name is Darryl LaCounte. We attempted to hold a listening session regarding national monuments. There were seven federal employees here and no tribes and no members of the public. So at 9:15, I am going to call an end to this listening session.

**THE REPORTER:** Thank you. Time is 9:15 and we are off the record.

**(Whereupon, the proceedings concluded at 9:15 a.m.)**

## 1 CERTIFICATE

2  
3 I, Erin Barnhill, do hereby certify that I reported  
4 all proceedings adduced in the foregoing matter and that  
5 the foregoing transcript pages constitutes a full, true,  
6 and accurate record of said proceedings to the best of  
7 my ability.

8  
9 I further certify that I am neither related to  
10 counsel or any part to the proceedings nor have any  
11 interest in the outcome of the proceedings.

12  
13 IN WITNESS HEREOF, I have hereunto set my hand this  
14 14th day of June, 2017.

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19  
20 /S/ Erin Barnhill  
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<p>1 13792 3:4</p> <p>2 2017 3:7</p> <p>3 30 3:7 30th 3:11</p> <p>8 8:30 3:8</p> <p>9 9:12 3:10 9:15 3:15 3:17 3:20</p> <p>A a.m 3:8 3:10 3:20 am 3:15 attempted 3:11</p> <p>C concluded 3:19</p> <p>D Darryl 3:11</p> <p>E E.O 3:4 employees 3:13</p> <p>F federal 3:13</p>	<p>H HELD 3:6 hold 3:12</p> <p>I IDENTIFIED 3:4 INTERIOR'S 3:2</p> <p>L LaCounte 3:10 3:11 listening 3:2 3:12 3:15</p> <p>M May 3:7 3:11 MEETING 3:5 members 3:14 monuments 3:3 3:13</p> <p>N national 3:3 3:12</p> <p>P proceedings 3:19 public 3:5 3:14</p> <p>R RE 3:1 record 3:18 regarding</p>	<p>3:12 REPORTER 3:17 REVIEW 3:3</p> <p>S session 3:12 3:16 SESSIONS 3:2 seven 3:13</p> <p>T Thank 3:17 tribes 3:14 Tuesday 3:7 3:10</p> <p>W Whereupon 3:19</p>	
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# Kaibab Band of Paiute Indians



May 15, 2017

Ryan Zinke, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington D.C., 20240

Mr. Secretary;

*Congratulations on your new position as the Secretary of the Interior. I am writing you this letter to express my concerns regarding your most recent visit to the Grand Staircase-Escalante National Monument and the Bears Ears National Monument and for your lack of consultation with Tribal entities. The following concerns directly address the issues of consultation in accord with Executive Orders; E.O. 13175; recognizing Tribal Sovereignty and meaningful consultation, E.O. 13007; Tribal Sacred Sites, E.O. 12898; Environmental Justice in low income and minority communities, E.O. 12875; Federal Government to pay for implementation of federal regulations, E.O. 11593; Federal entities are to be leaders in the preservation, restoring and maintaining of federally owned historical, archeological and anthropologic site and, Executive Memorandum 4/29/94; Insure that all Federal entities recognize and work with Tribal entities in a Government to Government (G2G) relationship and that federal entities work in unison and cooperatively with tribes.*

*The Kaibab Band of Paiute Indians were a part of the original cooperators seeking to have the Grand Staircase - Escalante to be designated as a National Monument. This we felt was a necessary action on our part due to the fact that things were being done without Tribal input or consultation. For example; Many actions in connection with Sacred Sites, Repatriation of discovered human remains, Over grazing of land, Introduction of non-native invasive plant species and, Issuance of Mining, Gas and Oil leases that were detrimental to natural resources, sacred sites and accessibility to the land scape.*

*You stated that "you will work tirelessly to ensure our public lands are managed and preserved in a way that benefits everyone for generations to come", does this still hold true? Most importantly, our sovereign Tribal Nations and Territories must have the respect and freedom they deserve in accordance with your trust responsibilities, thus looking forward to making the Department of the Interior and America trustworthy again.*

Tribal Affairs

HC 65 Box 2  
Fredonia, Arizona 86022

Phone (928) 643-7261-2020-02 03404  
Fax (888) 939-3777

*In respect to the Tribal Sovereignty of the Kaibab Band of Paiute Indians, I as Chairman, am requesting a meeting with yourself, the Secretary of the Department of the Interior, for an official Government to Government (G2G) meeting to address these very important issues in accord with these relevant Executive Orders and Memorandum before continuing and completion of this review of National Monuments.*

*Respectfully*

A handwritten signature in black ink, appearing to read 'Roland Maldonado', written in a cursive style.

*Roland Maldonado  
Tribal Chairman  
Kaibab Band of Paiute Indians  
928/643/7245*

**To:** Butts, Sally[sbutts@blm.gov]; Nikki Moore[nmoore@blm.gov]; Timothy Fisher[tjfisher@blm.gov]  
**From:** Osorto, Cindy  
**Sent:** 2017-06-16T10:20:49-04:00  
**Importance:** Normal  
**Subject:** Fwd: Monument Review - Status and Dears Ears economic reports  
**Received:** 2017-06-16T10:21:05-04:00  
[Bears Ears Economic Review final.docx](#)  
[Draft status report 1 on Monument Review Process.docx](#)

Good morning Sally, Nikki, and Tim,

Attached below is a Bears Ears economics report and a Draft status report on monument review led by the DOI Office of Policy Analysis.

Best,

Cindy

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

**From:** **Bowman, Randal** <randal\_bowman@ios.doi.gov>  
**Date:** Fri, Jun 16, 2017 at 9:05 AM  
**Subject:** Monument Review - Status and Dears Ears economic reports  
**To:** Cindy Osorto <cosorto@blm.gov>, Dorothy Morgan <dmorgan@blm.gov>, Angela West <awest@blm.gov>, Clayton Schmidt <cfschmidt@blm.gov>, Sheila Mallory <smallory@blm.gov>, "Boone, Whitney" <whitney\_boone@nps.gov>, "Calhoun, John" <john\_calhoun@nps.gov>, Charles Cuvelier <charles\_cuvelier@nps.gov>, Julie Ernstein <julie\_ernstein@nps.gov>, "Shields, Claire" <claire\_shields@nps.gov>, "Tansey, Thomas" <thomas\_tansey@nps.gov>, Pete Leary <pete\_leary@fws.gov>, Samantha Brooke <samantha\_brooke@fws.gov>, John Klavitter <john\_klavitter@fws.gov>, "Alliston, Ross" <ross\_alliston@fws.gov>, Rob Campellone <rob\_campellone@fws.gov>, Katherine Harrigan <katherine\_harrigan@fws.gov>, Ester McCullough <emccullo@blm.gov>

After some unexpected delays, here is a review status report and the Bears Ears economic report.

The status report was reviewed by you as an interim report, but I have changed the name so it is not confused with the report the Secretary provided to the President. As you will recall, this document originated as a backup alternative in case the Secretary had decided not to provide specific recommendations on Bears Ears and elected to report instead just on the progress of the review. The review team provided many good edits to the initial draft, and the document was used extensively in the Departmental press release on the report the Secretary did provide to the President.

The Bears Ears economic report, prepared by the Departmental economic staff, reflects considerable input from BLM and the Forest Service. Going forward, the economic staff will

prepare similar reports on most of the monuments under review. The Forest Service economists will prepare the reports for two monuments -- Giant Sequoia and San Gabriel Mountains -- that are entirely managed by the Forest Service, and there will be discussions with NOAA with respect to the Marine National Monuments.

--

Cindy G. Osorto  
Planning & Environmental Specialist  
National Conservation Lands (WO-410)  
Bureau of Land Management  
20 M St. SE Washington, DC 20003  
Email: [cosorto@blm.gov](mailto:cosorto@blm.gov) Office: (202) 912-7476

## **Draft Interim report on Monument Review Process**

Executive Order 13792, issued April 26, 2017, directed the Secretary of the Interior (Secretary) to review all Presidential designations or expansions of National Monuments made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion 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. The review is to determine whether each designation or expansion conforms to the Administration policy set forth in section 1 of the Order.

The order also set forth 7 factors for the Secretary to consider in his review:

- (i) the requirements and original objectives of the Antiquities 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.

The Order required an interim report to the President summarizing the findings of the review on the Bears Ears Monument within 45 days of its issuance (June 13, 2017) and an interim report on review of such other Monuments as the Secretary determines to be appropriate for inclusion in the interim report.

### **REQUEST FOR PUBLIC AND TRIBAL INPUT**

The Department of the Interior issued a press release May 5, 2017 announcing the impending publishing of a notice in the Federal Register seeking public comment on the review, including comments on all of the 7 factors for consideration set forth in E.O. 1372. The press release (attachment 1) and Federal Register notice (attachment 2) listed the monuments that met the criteria noted above, which are as follows:

### **NATIONAL MONUMENTS BEING INITIALLY REVIEWED PURSUANT TO CRITERIA IN EXECUTIVE ORDER 13792**

<b>Monument</b>	<b>Location</b>	<b>Year(s)</b>	<b>Acreage</b>
Basin and Range	Nevada	2015	703,585
Bears Ears	Utah	2016	1,353,000
Berryessa Snow Mountain	California	2015	330,780
Canyons of the Ancients	Colorado	2000	175,160
Carrizo Plain	California	2001	204,107
Cascade Siskiyou	Oregon	2000/2017	100,000
Craters of the Moon	Idaho	1924/2000	737,525
Giant Sequoia	California	2000	328,315
Gold Butte	Nevada	2016	296,937
Grand Canyon-Parashant	Arizona	2000	1,014,000
Grand Staircase-Escalante	Utah	1996	1,866,144
Hanford Reach	Washington	2000	194,450.93
Ironwood Forest	Arizona	2000	129,033
Mojave Trails	California	2016	1,600,000
Organ Mountains-Desert Peaks	New Mexico	2014	496,330
Rio Grande del Norte	New Mexico	2013	242,555
Sand to Snow	California	2016	154,000
San Gabriel Mountains	California	2014	346,177
Sonoran Desert	Arizona	2001	486,149
Upper Missouri River Breaks	Montana	2001	377,346
Vermilion Cliffs	Arizona	2000	279,568

The press release and the notice also noted that E.O. 13795, issued April 27, 2017, charged the Secretary of Commerce with reviewing marine National Monuments, which were also included

within the scope of E.O. 13792, and that the Department of the Interior would work with Commerce on review of those monuments.

**MARINE NATIONAL MONUMENTS BEING REVIEWED PURSUANT TO  
EXECUTIVE ORDERS 13795 AND 13792**

Marianas Trench	CNMI/Pacific Ocean	2009	60,938,240
Northeast Canyons and Seamounts	Atlantic Ocean	2016	3,114,320
Pacific Remote Islands	Pacific Ocean	2009	313,941,851.32
Papahānaumokuākea	Hawaii	2006/2016	372,848,597.00
Rose Atoll	American Samoa	2009	8,609,045

Lastly, the press release and Federal Register notice sought comment on whether the Katahdin Woods and Waters National Monument was designated without adequate public outreach and coordination with stakeholders, based on comments to the Secretary from the Governor of Maine.

**NATIONAL MONUMENTS BEING REVIEWED TO DETERMINE WHETHER THE  
DESIGNATION OR EXPANSION WAS MADE WITHOUT ADEQUATE PUBLIC OUTREACH  
AND COORDINATION WITH RELEVANT STAKEHOLDERS**

Katahdin Woods and Waters	Maine	2016	87,563
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Public comments are being received both on-line through posting on the government-wide Regulations.gov site and by mail to the Department of the Interior. Comments on the Bears Ears Monument were due by 11:59 pm May 26 if sent through Regulations.gov, or postmarked May 26 if mailed. Comments on all other Monuments and the overall process are due by 11:59 pm on July 10 if sent through Regulations.gov, or postmarked July 10 if mailed.

Interior has received approximately 167,000 comments on the monument review as of June 10. Some of the comments were on the overall review, others on the Bears Ears National Monument, and some on other monuments. Some commenters want no changes to any National Monument Proclamations, others expressly advocate no changes to the Bears Ears National Monument, some want Bears Ears or other National Monuments revoked, and others want Bears Ears or other National Monuments reduced in size so that the monument area more

closely aligns with the objects the monument was intended to protect. We are evaluating all of these approaches.

Additionally, the Utah Congressional delegation has expressed strong support for the overall review. They noted that while they support full rescission of Utah's "most excessive monuments", their top priority is establishment of new precedent for designating national monuments, one that remains consistent with the original intent of the Antiquities Act by limiting designations to the smallest area compatible with protection of the antiquities therein. The Governor and the State Legislature have urged the President to rescind the Bears Ears National Monument Proclamation. The Secretary has also requested and received comments from other Members of Congress and Governors on National Monuments under review in their States or Districts.

The Secretary met with the Bears Ears InterTribal Coalition while visiting the Bears Ears Monument on May 7, and the Acting Deputy Secretary held a four-hour follow-up meeting with the Bears Ears Commission and the InterTribal Coalition on May 25. The Hopi Tribe and the Navajo Nation have submitted official comments opposing any change to the Bears Ears National Monument.

The Department has provided Tribes with an additional route for providing comments, separate and distinct from those of the general public, through a dedicated Tribal consultation email inbox. The Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe, Zuni Pueblo, Pueblo of Laguna, and Kaibab Band of Paiute Indians have all submitted official comments opposing any change to the Bears Ears monument. Due to the nature of the review and the relatively short time period involved, it is not possible to engage in formal consultations with interested Tribal governments on the monument reviews.

Instead, the Department is conducting a series of listening sessions with Tribes to obtain their input on a government-to-government basis. The Office of the Assistant Secretary – Indian Affairs has generally led these sessions with Federal representatives from Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, and U.S. Forest Service. To date, the Department has held sessions on May 25, 2017, in Portland, Oregon, at the Affiliated Tribes of Northwest Indians' mid-year convention; on May 30, in Billings, Montana; and on June 1, 2017, in Phoenix, Arizona. An additional listening session will be held on June

12, 2017, at the National Congress of American Indians' mid-year convention in Uncasville, Connecticut.

## **PROCESS FOR REVIEW OF MONUMENT DESIGNATIONS**

To inform the review process, the Department has established a monument review team composed of senior personnel from the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service, which collectively manage the monuments under Interior's direct jurisdiction. The team further includes members from the Assistant Secretary - Indian Affairs, Bureau of Reclamation, and the Office of Native Hawaiian Relations, the Office of Insular Affairs and Office of the Solicitor, and representatives of the USDA Forest Service and Department of Defense (see below). The members of the review team are expected to provide advice and solicit data, information, and support from each bureau for tasks such as reviewing public comments.

The Department's economic staff, through the review team, submitted a data call for information on each Monument under review. A report prepared from that data call and public comments on the Bears Ears National Monument is Attachment 3 to this report. Similar reports will be prepared for each of the other Monuments under review.

This information, and that derived from the public comment process, will be used by the Secretary to inform his decisions on recommendations for each monument under review.

As directed in the Order, the Department of the Interior is coordinating and consulting with the Secretary of Agriculture (Forest Service), and the Departments of Commerce (NOAA), Defense, Energy and Homeland Security (Coast Guard).

Both the Forest Service and the Department of Defense are serving on the monument review team. The Forest Service has submitted economic information that is included in the Bears Ears National Monument economic report, and will submit similar information on the other monuments they manage or co-manage. Homeland Security/Coast Guard is participating only in review of the Marine Monuments, and so were referred to NOAA, and Energy will be providing information to help inform the Secretary's decision-making going forward.

Interior is working closely and cooperatively with NOAA on the review of the marine monuments, and will provide NOAA with all of the economic data and public comment analysis we prepare on those Monuments. We will be discussing our public comment analysis process with NOAA and will work accommodate their requests on how we analyze public comments submitted to us on the marine monuments.



# Bears Ears National Monument

Economic Values and Economic Contributions



Bears Ears  
National  
Monument

Office of Policy Analysis, June 14, 2017

## *Introduction*

The purpose of this paper is to provide information on the economic values and economic contributions of the activities and resources associated with Bears Ears National Monument (BENM) as well as to provide a brief economic profile of San Juan County.<sup>1</sup>

## *Background*

The Bears Ears National Monument encompasses 1.35 million acres of land in San Juan County, UT and was established in 2016 for the purposes of protecting lands that contained cultural, prehistoric, historic, geologic, and scientific resources, including objects of archaeological significance. Prior to establishment of the Monument, all lands within the Monument boundaries were Federal lands managed by BLM (Monticello Field Office) and the USFS (Manti-La Sal National Forest), with the exception of about 100,000 acres of land owned by the State of Utah (managed by the Utah School and Institutional Trust Lands Administration (SITLA)) and smaller private parcels.<sup>2</sup> Of the BLM and Forest Service acreage, 57% was managed with some level of protective designation under the existing land use plans as Natural Areas, Areas of Critical Environmental Concern, and Special Recreation Management Areas; or as designated Wilderness Study Areas. There have been several previous proposals to protect land in the Bears Ears area.<sup>3</sup>

A management plan for the Monument has not yet been drafted. Development of a management plan is anticipated to require 5 years and involve extensive public involvement.<sup>4</sup> The Presidential proclamation established the Bears Ears Commission, consisting of one elected official each from five different tribes (Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni

### **Bears Ears National Monument**

Location: San Juan County, UT

Managing agencies: BLM, USFS

Adjacent cities/counties/reservations:

- Counties: San Juan County, UT
- Reservations: Navajo Nation
- Cities: Bluff, UT; Blanding, UT; Monticello, UT; Navajo Nation Reservation

<sup>1</sup> The BLM and Forest Service provided data used in this paper.

<sup>2</sup> SITLA serves as fiduciary of Utah's 3.4 million acres of trust lands, parcels of land held in trust to support 12 state institutions, primarily the K-12 public education system. SITLA is constitutionally mandated to generate revenue from trust lands to build and grow permanent endowments for these institutions. Utah's public school system is the largest beneficiary, holding 96% of all Utah trust lands. Economic activities occurring on SITLA land in the area are similar to those on adjacent Federal land, including visitation to prominent cultural resource sites and livestock grazing. Different rules apply to grazing on SITLA land versus Federal land, such as allowing SITLA to post expiring permits on the agency's website, establish 15 years as the maximum length for grazing permits, and set a fee of \$10/Animal Unit Month (AUM) when permits are assigned. The 2016 BLM grazing fee was \$2.11/AUM. The Forest Service grazing fee was \$2.11/Head Month (HM). AUMs and HMs are treated as equivalent measures for fee purposes.

<sup>3</sup> Proposals to protect land in the Bears Ears area date back over 80 years. In 2015, the "Inter Tribal Coalition for Bears Ears" proposed establishing a 1.9 million acre national monument.<sup>3</sup> Utah Congressmen Rob Bishop and Jason Chaffetz proposed establishing two National Conservation Areas (NCAs) - Bears Ears and Indian Creek totaling 1.3 million acres as part of their Public Lands Initiative (PLI). National Conservation Areas are designated by Congress. In contrast to the Inter Tribal Coalition's proposal, the PLI did not specify that all areas were to be withdrawn from future mineral development, placed a restriction on decreasing grazing permits in one of the proposed NCAs, and placed restrictions on Federal negotiations with the State of Utah for land exchanges for State owned land within the proposed boundaries.

<sup>4</sup> Land management plans are developed in compliance with the Federal Land Policy and Management Act (FLPMA) and NEPA regulations, the National Forest Management Act (NFMA), and the Forest Service 2012 Planning Rule.

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Tribe). The Commission is to work with the Federal government to provide guidance and recommendations on the development and on-going implementation of management plans. The Proclamation also requires a Monument Advisory Committee (MAC) be established according to the Federal Advisory Committee Act (FACA) regulations. In addition, DOI sought to enter into a MOU with the State of Utah to negotiate the exchange of state land within the Monument boundaries for other BLM land outside the Monument.<sup>5</sup>

*Public outreach prior to designation*

A public meeting was held in Bluff, UT in July 2016. Over 1,500 individuals attended, including representatives from DOI, USDA, tribes, members of the Utah congressional delegation, and Utah state legislature. In addition, almost 600 written comments were submitted, the majority of which were in favor of the Monument designation.<sup>6</sup>

*Local Economy and Economic Impacts*

Table 1 presents socio-economic metrics for San Juan County and the state of Utah. The County contains roughly 0.5% of the State’s population. The population of the county increased about 5% from 2000 to 2015. Nearly half of the population of the county is Native American. The median household income of Native Americans in San Juan County is over 40% lower than that of the total county population (see Table 1). The county has historically experienced higher levels of unemployment and lower levels of median household income in comparison to the State.

The San Juan County economy is dependent upon recreation-based or tourism-based businesses.<sup>7</sup> The accommodation and food services industry is the largest sector by employment (see Figure 1), accounting for about 30% of total employment in the county.<sup>8</sup>

Table 1. San Juan County and State of Utah Economic Snapshot

Measure	San Juan County, UT	Utah
Population, 2016 <sup>a</sup>	15,152	2,903,379
Native American % of population <sup>a</sup>	47.0%	1.1%
Employment, December 2016 <sup>c</sup>	2,299	1,187,682
Unemployment rate, March 2017 <sup>b</sup>	7.0%	3.1%
Median Household Income, 2015 <sup>a</sup>	\$41,484	\$60,727
Native American Median Household Income, 2015 <sup>a</sup>	\$24,132	\$36,428

<sup>a</sup> U.S. Census Bureau, 2011 2015 American Community Survey

<sup>b</sup> <http://www.jobs.utah.gov/wi/pubs/une/season.html>.

<sup>c</sup> [https://data.bls.gov/cew/apps/data\\_views/data\\_views.htm#tab=Tables](https://data.bls.gov/cew/apps/data_views/data_views.htm#tab=Tables)

<sup>5</sup> A May 2017 SITLA land auction included a 1,120 acre parcel within BENM, the Needles Outpost, which sold for \$2.5 million, or \$2,232 per acre (<https://trustlands.utah.gov/land-auction-earns-3-million-for-public-schools/>).

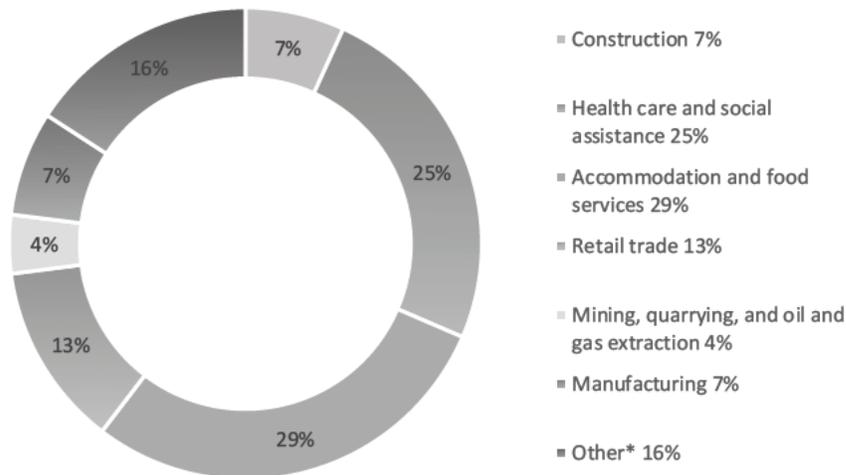
<sup>6</sup> Fast Facts and Q&A about the Bears Ears National Monument Designation, BLM.

<sup>7</sup> Approved Resource Management Plan for Monticello Field Office, 2008

<sup>8</sup> U.S. Census Bureau County Business Patterns, 2015

Office of Policy Analysis, June 14, 2017

Figure 1. Percent of employment by sector in San Juan County, 2015



\*Other includes agriculture/forestry; utilities; wholesale trade; finance and insurance; real estate; professional, scientific and technical services; admin and support services; waste management; educational services; arts and entertainment; and transportation and warehousing. Each of these represents less than 4% of total employment. Source: 2015 County Business Patterns, U.S. Census Bureau.

The figures provided below represent two different types of economic information: “economic contributions,” and “economic values.” Both types of information are useful for decision making. Economic contributions track expenditures as they cycle through the local and regional economy, supporting employment and economic output. *Table 2* provides estimates of the economic contribution of activities associated with BENM. It is estimated that recreation activities in the BENM area supported about 460 jobs and provided about \$23 million in value added in FY 2016.

#### Definitions

**Value Added:** A measure of economic contributions; calculated as the difference between total output (sales) and the cost of any intermediate inputs.

**Economic Value:** The estimated net value, above any expenditures, that individuals place on goods and services; these are particularly relevant in situations where market prices may not be fully reflective of the values individuals place on some goods and services.

**Employment:** The total number of jobs supported by activities.

Economic values, in contrast to economic contributions, represent the net value, above and beyond any expenditures, that individuals place on goods and services.<sup>9</sup> To the extent information is available, economic values are presented in *Table 3* along with information on the timing and drivers of future activity. For commodities bought and sold in markets (e.g., oil, gas, etc.), the economic values are closely related to the market prices of the commodities. For goods and services – such as recreation – that are typically not bought and sold in markets, the values are estimated based on visitor surveys which attempt

<sup>9</sup> It is not appropriate to sum values for economic contributions and economic values because they represent different metrics.

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to capture individual values above and beyond their direct expenditures. The economic value in FY 2016 associated with recreation is estimated to be about \$30 million.

*Activities and Resources Associated With Bears Ears National Monument*

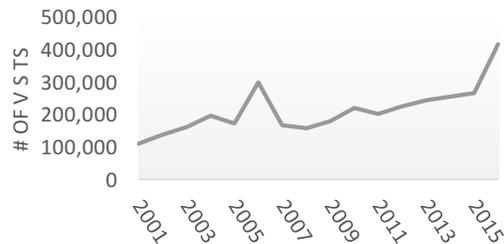
Information on the economic contributions associated with the activities occurring at Bears Ears National Monument are provided below.

- **Recreation:** Annual recreation visitation data for FY 2001-

2016 is available for the BLM Monticello Field Office. About 60 percent of the area formerly under the jurisdiction of the Field Office represents the area included in the BENM. This area receives the vast majority of recreation use on BLM managed lands within the Field Office boundary. Recreation visits increased steadily from about 111,000 in FY 2001 to about 419,000 in 2016 (see Figure 2). In comparison, visitation to National Monuments and NCAs that have tracked unit-level visitation since 2005 has grown at an average rate of about 5.4% per year. Prior to designation, BLM also tracked the number of visits to the Kane Gulch ranger station that served the southern end of the Monument. The number of visits to this ranger station in March and April of 2017 was more than 50% higher than the average visitation during the same months of the four previous years.

Annual recreation visits to the Manti-La Sal National Forest, part of which is now within BENM boundaries, are estimated to number around 350,000. USFS estimates that around 35,000 visits are to the area that is now contained within Mounument boundaries. An increase in visitation to this area of the Manti-La Sal National Forest has been locally observed since designation.<sup>10</sup>

Figure 2. Recreation Visits to BLM Monticello Field Office, 2001-2016



Recreation activities provide the opportunity for economic activity to be generated from tourism for an indefinite period of time. The economic contributions occur annually, and in cases where visitation increases over time, recreation generates additional activity each year. These contributions affect the regional and state economies. Recreation activities based on visitation to BLM-managed land are estimated to contribute about \$23 million in value added (net economic

<sup>10</sup> USFS data.

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contributions) and support 463 jobs;<sup>11</sup> these could be considered conservative estimates for the Monument area as a whole, as they do not include the impacts of visitation to USFS-managed land. Including the estimated 35,000 annual visits to the USFS-managed land, recreation activities based on visitation to all land within Monument boundaries are estimated to contribute about \$27 million in value added and support 473 jobs<sup>12</sup>; the values should be considered an upper bound as there may be some double-counting between visits to BLM-managed and to USFS-managed land.

- **Energy:** In general, the scope, magnitude, and timing of energy and minerals activities are closely related to supply and demand conditions in world markets and the market prices of mineral commodities. Local or regional cost considerations related to infrastructure, transportation, etc. also may play a role in defining the supply conditions. To date, energy development on the Monument has been limited.
  - **Coal.** There have been no coal developments in the Monument area. Furthermore, there is very little, if any, prospectively valuable coal within the Monument boundaries, based on the energy and mineral resource assessment conducted for BENM. Potential for prospectively valuable coal, as surveyed by the USGS, lies almost entirely to the east of the Monument.<sup>13</sup>
  - **Oil and gas.**
    - There are currently no producing oil and gas wells within the Monument. USGS assessments indicate a high level of potential for oil and gas for an assessment unit that includes the monument boundaries, though it is not scientifically valid to statistically assign energy resource numbers in an assessment unit to a specific area.<sup>14</sup> The upper northeast panhandle of BENM lies within the boundaries of the Moab Master Leasing Plan (approved in December 2016) and portions of the southeastern and southcentral areas of the Monument were included in a proposed San Juan Master Leasing Plan.<sup>15</sup> Approximately 63,600 acres within the proposed San Juan Master Leasing Plan area have been nominated for leasing since 2014. All of these lease nominations were deferred due to existing land use plan decisions and potential adverse impacts on cultural resources.
    - There are currently 25 existing federal oil and gas leases that are partially or wholly contained within the Monument boundaries on BLM-managed lands, with lease authorizations spanning the period from 1972 to 2012. Valid existing rights are protected under the proclamation, so development on these existing leases

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<sup>11</sup> BLM data

<sup>12</sup> USFS data.

<sup>13</sup> BLM data.

<sup>14</sup> The Monument area is within a USGS Energy Assessment Unit (AU) and has historic uranium mining activity (the Monument is within 2 conv. AUs and 1 cont. AU, Paradox Basin Province (315 MMBO, 999 BCF, 18 MMBNGL)<https://pubs.usgs.gov/fs/2012/3031/>.

<sup>15</sup> Master Leasing Plans (MLPs) establish a framework for determining which areas are appropriate for responsible exploration and development of minerals while protecting the area's conservation resources. MLPs also provide direction for resolving resource conflicts, protecting important conservation resources, and supporting outdoor recreation and other activities that benefit local communities and public land visitors. For additional information on the Moab MLP see [https://eplanning.blm.gov/epl\\_front\\_office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=99717](https://eplanning.blm.gov/epl_front_office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=99717).

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could occur if development is found to be economic. Currently, there are no authorized or pending applications for permit to drill (APDs) associated with these leases. No oil and gas wells have been drilled on existing leases since 1993 and all wells within Monument boundaries have been plugged. Of the 250 wells that have been drilled since 1920, only three wells have produced economical quantities of oil and gas. The last producing well was drilled in 1984 and ceased production in 1992.

- **Non -fuel minerals.**
  - **Sand and gravel.** There is one commercial minerals materials mining site within Monument boundaries on BLM-managed land that produces sand and gravel. The permit for this site was renewed in March, 2016 for a 10-year period. Production is limited to a maximum of 200,000 cubic yards over the life of the 10-year permit, and designation of the Monument does not affect the limits on production.<sup>16</sup>
  - **Potash.** While USGS surveys have assessed potential for potash in the northeastern panhandle of BENM (an area within the boundaries of the Moab Master Leasing Plan prior to designation), no sites in this area were identified as Potash Leasing Areas in the most recent Moab Master Leasing Plan (2016). BLM has denied all potash prospecting permit applications received from 2008 to 2015, primarily because they were inconsistent with protection of multiple resource values use (such as natural or cultural use) in the area.<sup>17</sup>
  - **Uranium.** While there are no active mining operations on USFS-managed land, there are 78 active unpatented mining claims for uranium. There are no mining claims for uranium on BLM-managed land. The uranium ore in the Manti-La Sal National Forest is low grade, affecting the ability of the local industry to compete economically on the world market.<sup>18</sup> Uranium prices are volatile and, though currently higher than historical prices, have been trending downward since peaking in 2008.<sup>19</sup>
  
- **Timber.** The Proclamation does not affect existing laws, regulations, and policies followed by USFS or BLM associated with timber activities. Timber harvest activities such as non-commercial Christmas tree cutting and collection of wood for posts and firewood are allowed by permit on both BLM and USFS-managed land. For BLM-managed lands, no information is available on the level of magnitude of these activities strictly within Monument boundaries, however within the boundaries of the Monticello Field Office the total estimated value of permit

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<sup>16</sup> Supply and demand conditions determine how much is produced annually within the overall limit on production. BLM receives a royalty of \$1.08 per cubic yard (\$0.66 per ton) of mineral production. The national average price for sand and gravel used in construction in 2016 was \$8.80/metric ton ([https://minerals.usgs.gov/minerals/pubs/commodity/sand & gravel construction/mcs 2017 sandc.pdf](https://minerals.usgs.gov/minerals/pubs/commodity/sand%20&%20gravel%20construction/mcs%202017%20sandc.pdf)).

<sup>17</sup> Potash production depends largely on market forces. U.S. consumption of potash was down in 2016 owing to a drop in agricultural use in the first half of the year and lower industrial usage, primarily in oil well drilling mud additives. The world potash market in 2016 was marked by weak demand in the first half of the year, mainly in China and India, the largest consumers of potash. This excess supply resulted in lower prices, and reduced production. The average price of potash in 2016 was \$360 per ton.

<sup>18</sup> Manti La Sal National Forest Land and Resource Management Plan, 1986.

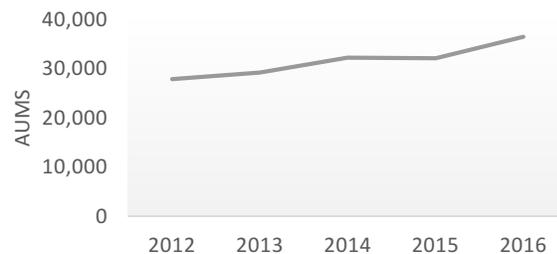
<sup>19</sup> <https://www.eia.gov/uranium/marketing/>.

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sales for harvesting firewood, wooded posts, and Christmas trees was about \$12,000 in FY 2016.<sup>20</sup> There have not been any recent commercial timber activities on USFS-managed land. The Monument proclamation allows for the continuation of all pre-designation timber activities.

- Forage.** The Monument proclamation allows for the continuation of all pre-designation grazing activities, including maintenance of stock watering facilities. The allotments that are wholly or partially contained within the boundaries of BENM include 50,469 permitted Animal Unit Month (AUMs)<sup>21</sup> on BLM-managed land and 11,078 AUMs permitted on USFS-managed land. Figure 3 shows the number of AUMs billed by BLM annually over 2012-2016. In 2016, there were about 36,400 billed AUMs on BLM-managed land and about 9,700 billed AUMs<sup>22</sup> on USFS-managed land.

Figure 3. BLM AUMs Billed, 2012-2016



- Cultural, archeological, and historic resources.** Indigenous communities may utilize natural resources to an extent and in ways that are different from the general population, and the role that natural resources play in the culture of these indigenous communities may differ from that of the general population. Culturally important sites and unique natural resources, by definition, have limited or no substitutes. Recognizing this is a critical consideration in land management because it may affect consideration of tradeoffs. Activities currently undertaken by tribal members include hunting, fishing, gathering, wood cutting, and the collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear.

According to the Utah State Historic Preservation Office, as of Feb. 6, 2017, there are 8,480 recorded archaeological sites and four archaeological districts within BENM. The following archaeological districts are either completely within or partially within BENM: Butler Wash, Grand Gulch, Natural Bridges, and the Salt Creek Archaeological District. More than 70 percent of the 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. The remaining sites are historic and include debris scatters, roads, fences, and uranium and vanadium mines from World War II and the Cold War. About 9% of the BLM-managed portion of BENM has been surveyed for cultural resources.

The USFS-managed portion of BENM includes 2,725 known cultural sites and features an area containing over 2,027 Puebloan sites, most of which are *Pueblo I*. The *Pueblo I* culture is limited

<sup>20</sup> This does not necessarily represent a market value.

<sup>21</sup> BLM measures an AUM as the amount of forage needed to sustain one cow and her calf, one domestic horse, or 5 sheep or goats for one month. [https://www.blm.gov/programs/natural\\_resources/rangelands\\_and\\_grazing/livestock\\_grazing/fees\\_and\\_distribution](https://www.blm.gov/programs/natural_resources/rangelands_and_grazing/livestock_grazing/fees_and_distribution).

<sup>22</sup> USFS billed 7,335 Head Months in 2016, which were converted to AUMs using a conversion factor of 1.32.

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to only a few locations and the USFS-managed portion of BENM contains the only high elevation communities of this era. These sites include hunting camps and blinds, ceremonial sites, granaries, stone quarries, villages and residences, agricultural systems, kilns, rock art, and shrines, as well as protohistoric sweat lodges and hogans. Only 15-20% of the USFS-managed portion of BENM has been surveyed for cultural resources.

### *Multiple Use and Tradeoffs Among Resource Uses*

Decision-making often involves multiple objectives and the need to make tradeoffs among those objectives. However, tradeoffs and decision making are often subject to constraints, such as Monument designations. In general, market supply and demand conditions drive energy and minerals activity; societal preferences and household disposal income affect recreation activity levels; and market prices and range conditions affect the demand for forage. Culturally important sites and unique natural resources, by definition, have limited or no substitutes and thus tradeoffs are typically limited. A particularly challenging component of any tradeoff analysis is estimating the nonmarket values associated with BENM resources, particularly the nonmarket values associated with cultural resources.

Planning for permitted resource use on National Monuments will involve trade-offs among different activities on the land area being managed in order to allow permitted activities that do not impair monument objects. In some cases, certain areas of the Monument may be appropriate for more than one use. After the careful consideration of tradeoffs, management decisions in those cases may prioritize certain uses over others. In other cases, land areas may be more appropriate for a particular use, and activities could be restricted to certain areas of the Monument. Factors that could inform these tradeoffs include demand for the good or activity, prices, costs, and societal preferences. Other considerations might include the timeframe of the activity – how long the benefits and costs of a given activity would be expected to extend into the future. Trust responsibilities and treaty rights should also be considerations.

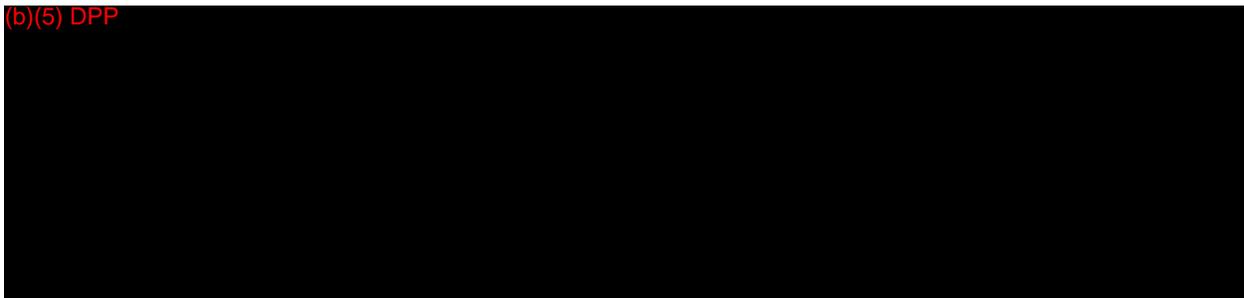
In considering any trade-offs, it is not just the level and net economic value associated with an activity that occurs in a given year that is relevant to decision making. Virtually all activities within the Monument occur over time and it is the stream of costs and benefits over a given period of time associated with each activity that is relevant. For example, recreation activities could continue indefinitely assuming the resources required for recreation remain intact and of sufficient quality for the activity. Likewise, the values associated with the natural and cultural resources could continue indefinitely provided they are not degraded by other activities. Grazing could also continue indefinitely as long as the forage resource is sustainably managed and remains consistent with the protection of monument objects. Timber harvest may also continue indefinitely as long as the timber resource is sustainably managed. The stream of costs and benefits associated with some other non-renewable resources would be finite, however (assuming these activities were consistent with the designation). For example, oil, gas, coal and minerals are all non-renewable resources and would only be extracted as long as the resource is economically feasible to produce.

In the 2008 update to the Resource Management Plan for the Monticello Field Office, 60% of which is now BENM, an alternative emphasizing commodity development was considered but not selected due to its adverse impacts on wildlife and recreation opportunities, which includes visits for cultural purposes. This alternative was determined to be insufficient to protect all the important and sensitive resources

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within the planning area. Likewise, an alternative emphasizing protection of the area's natural and biological values was not selected in part due to the restrictions it placed on recreation permits and opportunities, which would have resulted in negative economic impacts on local businesses.

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Table 3. Summary of BENM Activities and Economic Values, FY 2016

Activities	Level of annual activity	Economic Value	Timing	Drivers of current and future levels of activity
Recreation	FY 2016: 530,892 visitor days (BLM) 35,000 visitors (USFS)	\$54.19/visitor-day <sup>a</sup>	Visitation could continue indefinitely if landscape resources remain intact and of sufficient quality.	Societal preferences for outdoor recreation; disposable income; changing individual preferences for work and leisure time
Oil, gas, coal production	Little or none to date, see "Oil and gas" section for more information	FY 2016 average prices <sup>b</sup> : -crude oil (WTI): \$41.34/bbl -natural gas: \$2.29/mcf -coal (subbituminous): \$12.08/ton	Development of energy and non-energy minerals is subject to market forces (worldwide supply and demand, prices). Mineral extraction is non-renewable and occurs only as long as the resource is economically feasible to produce.	Market prices of energy commodities affect both supply and demand. Local and regional cost considerations related to infrastructure and transportation are also relevant.
Non-energy Minerals	34,813 tons <sup>c</sup> of sand and gravel (average of 2011-2015 production)	National average price for sand and gravel (2016): \$8.80/ton <sup>d</sup>		Market prices of non-energy commodities affect both supply and demand. Mineral production is limited to 200,000 cubic yards over a 10-year period per the existing resource management plan.
Grazing	2016 billed AUMs: 36,402 AUMs (BLM) 9,682 AUMs (USFS)	2016 grazing fee: \$2.11/AUM	Grazing could continue indefinitely if forage resources are managed sustainably.	Market prices for cattle and sheep and resource protection needs and range conditions (due to drought, fire, etc.) can affect AUMs permitted and billed.
Cultural resources	Indigenous communities often use natural resources to an extent and in ways that are different from the general population, and the role that natural resources play in the culture of these indigenous communities may differ from that of the general population. Culturally important sites and unique natural resources, by definition, have limited or no substitutes. Recognizing this is a critical consideration in land management because it may affect consideration of tradeoffs. BENM contains substantial cultural resources that have not been fully surveyed. Tribes use the sacred sites within BENM for hunting; fishing; gathering; wood cutting; and for collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear.			
Benefits of nature	Services provided by nature underpin all sectors of a local economy. As many of these services are not sold in markets, we have limited information on their prices or values. Specific benefits related to BENM include protection of crucial habitats for deer, elk, desert bighorn sheep, pronghorn, and endemic plant species that inhabit rare habitat types such as hanging gardens.			

<sup>a</sup> This value represents the estimated consumer surplus associated with general recreation for the Intermountain region from the USGS Benefit Transfer Toolkit

(<https://my.usgs.gov/benefit-transfer/>). Consume surplus represents values individuals hold for goods and services over and above expenditures on those goods and services.

<sup>b</sup> All prices are from EIA.gov

<sup>c</sup> Reported average production of 21,396 cubic yards converted to tons using a conversion factor of 1.63 cu yards/ton.

<sup>d</sup> USGS Mineral Commodity Survey [https://minerals.usgs.gov/minerals/pubs/commodity/sand\\_&\\_gravel\\_construction/mcs-2017-sandc.pdf](https://minerals.usgs.gov/minerals/pubs/commodity/sand_&_gravel_construction/mcs-2017-sandc.pdf)