

Executive Summary of Review of National Monuments under EO 13792 (April 26, 2017)

Key Information about Grand Staircase Escalante National Monument

Grand Staircase-Escalante National Monument (GSENM), established by Presidential Proclamation on September 18, 1996, was the BLM's first national monument. Prior to designation, the area was managed by the BLM and continues to be following designation. The BLM manages for multiple use within the Monument (hunting, fishing, recreation, grazing, and valid existing rights such as oil production, etc.), while protecting the vast array of historic and scientific resources identified in the Proclamation and providing opportunities for scientific study of those resources.

The resources identified in the Proclamation include geologic features of exposed stratigraphy and structures, renowned paleontological sites, archaeological sites that demonstrate extensive use of the area by ancient Native American cultures with thousands of recorded cultural sites, a rich expanse of human history, and five life zones of outstanding biological resources. Overall, multiple use activities are allowed in GSENM that are compatible with the protection of resources and objects identified in the Presidential Proclamation. Multiple-use activities are subject to decisions made in current and future BLM resource management planning efforts which include public participation. National Monuments and other conservation areas managed by the BLM continue to allow for multiple uses according to the Federal Land Policy and Management Act (depending on proclamation language).

Summary of Public Engagement Prior to Designation

GSENM was designated in 1996 without public engagement. However, the area in southern Utah had long been considered, discussed and evaluated for the possibility of providing greater recognition of and legal protection for its resources. In 1936, the National Park Service (NPS) considered making a recommendation to President Roosevelt to designate a 6,968 square mile "Escalante National Monument" (which also extended to portions of Bears Ears National Monument). A second NPS proposal proposed a 2,450 square mile National Monument (Background folder-Google Drive). In the late 1970s, under the authority of Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM evaluated the area for its wilderness characteristics. The Section 603 process ultimately led to the establishment of more than a dozen wilderness study areas (WSAs), totaling about 900,000 acres, in the area that is now GSENM.

Summary of Public Scoping in Development of Resource Management Plan

GSENM's Monument Management Plan included substantial outreach, public scoping and comment periods according to land use planning regulations and policies. Over 6,800 individual letters were received during the public scoping period. Similar public outreach efforts are underway for the Livestock Grazing Monument Management Plan Amendment and Environmental Impact Statement.

Summary of National Monument Activities since Designation

In the 20 years since Grand Staircase-Escalante National Monument was designated, a wealth of scientific knowledge has been discovered, with significant archaeological, paleontological, biological, ecological and geological discoveries on the Monument. The Kaiparowits Plateau contains a plethora of paleontological specimens: twelve new dinosaur species have been discovered since designation. The scientific research and discoveries were outlined and highlighted through a series of three “Learning from the Land” Symposiums, in 1997, 2006 and 2016 (Symposium folder on Google drive). A Monument Management Plan was completed in 2000, ensuring continued management of multiple uses and valid existing rights. Recreational use, including commercial Special Recreation Permits has increased substantially. GSENM provides visitor services and information at four visitor centers in neighboring towns to support the increasing visitor and commercial use on the Monument and to foster tourism in gateway communities. A summary of GSENM activities for 2016 can be found in the Monument Manager’s Report in the Background folder on the google drive.

Summary of Any Boundary Adjustments since Designation

Since designation, there have been two congressional boundary adjustments as well as an exchange of all of the State of Utah School and Institutional Trust Lands Administration (SITLA) lands within the Monument boundaries. When the Monument was designated, it encompassed 1,878,465 acres. In 1998, H.R. 3910, the Automobile National Heritage Area Act (Public Law 105-355), resulted in a boundary change to 1,884,011 acres, a net gain of approximately 5,546 acres. In 2009, H.R. 377, the Omnibus Public Land Management Act (Public Law 111-11), directed a boundary change and purchase for the Turnabout Ranch, resulting in the removal of approximately 25 acres from GSENM. The Utah Schools and Land Exchange Act of 1998 exchanged State/SITLA lands within the boundaries of GSENM. The federal government received all State inholdings in GSENM (176,699 acres) while the State received \$50 million in cash plus \$13 million in unleased coal and approximately 139,000 acres, including mineral resources. The federal government received additional State holdings within other NPS and US Forest Service units as part of the same exchange.

Any legislative language, including legislation in appropriations bills

There is no specific legislation regarding Grand Staircase-Escalante National Monument (GSENM).

Alternative Options Available for Protection of Resources

The following options could provide some options to protect specific resources found in GSENM. Protection would likely occur on a site-by-site or resource-by-resource basis and also would take a significant amount of time to accomplish under these various laws. These laws may not provide a mechanism to protect all cultural or tribal resources in GSENM. For example, there are no statutory protections for cultural landscapes, but such resources could be protected under the Antiquities Act.

National Historic Preservation Act, (NHPA)

Native American Graves Protection and Repatriation Act, (NAGPRA)

Paleontological Resources Preservation Act, (PRPA)

Archaeological Resources Protection Act, (ARPA)

American Indian Religious Freedom Act (AIRFA)

Designated Wilderness Areas, Wilderness Study Areas and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

1. There is no designated wilderness within GSENM.
2. There are 16 Wilderness Study Areas totaling 881,997 acres within GSENM.
 - Phipps-Death Hollow Instant Study Area (ISA) - 42,731 acres
 - Steep Creek Wilderness Study Area (WSA) - 21,896 acres
 - North Escalante Canyons/The Gulch ISA - 120,204 acres
 - Carcass Canyon WSA - 47,351 acres
 - Scorpion WSA - 35,884 acres
 - Escalante Canyons Tract 1 ISA - 360 acres
 - Escalante Canyons Tract 5 ISA - 760 acres
 - Devils Garden ISA - 638 acres
 - The Blues WSA - 19,030 acres
 - Fiftymile Mountain WSA - 148,802 acres
 - Death Ridge WSA - 63,667 acres
 - Burning Hills WSA - 61,550 acres
 - Mud Spring Canyon WSA - 38,075 acres
 - The Cockscomb WSA - 10,827 acres
 - Paria/Hackberry and Paria/Hackberry 202 WSA - 135,822 acres
 - Wahweap WSA - 134,400 acres
 - *WSA/ISA acres listed are the total BLM-administered surface acres from the Utah Statewide Wilderness Study Report, October 1991. GIS calculations would vary.*
3. The most recent comprehensive inventory of lands with wilderness characteristics within GSENM is Utah's statewide inventory effort in 1999. Within GSENM there are approximately 471,700 acres of lands with wilderness characteristics. GSENM completed a Monument Management Plan in 2000 (see Tab 5), but did not make specific land use planning decisions regarding the management of lands with wilderness characteristics. Instead, the MMP designates lands within the GSENM in different "Management Zones," to help define permitted or excluded activities and any stipulations pertaining to them. There are four types of Management Zones in GSENM: Frontcountry, Passage, Outback and Primitive. Lands with wilderness characteristics that are within the Outback or Primitive zones are managed according to goals and objectives that more closely align with protection of wilderness characteristics

Outstanding R.S. 2477 Claims type of road claimed and history

There are ~1,525 roads claimed in Garfield and Kane counties under R.S. 2477. This figure also includes lands outside of GSENM managed by the Kanab Field Office. Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to over 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-administered lands, but claims are pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case, involving three roads, has been settled (Juab 1).

Under a case management order, six cases involving 1,500 claims statewide are currently being litigated

Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2). Of the 1,500 claims, approximately half are located in Grand Staircase Escalante National Monument. The remaining cases have been stayed, although preservation depositions have been allowed to continue. BLM-Utah maintains thousands of records related to R.S. 2477 claims and active or pending litigation, but some of the information is attorney-client privileged.

Cultural or Historical Resources, Particularly Tribal, Located Near a Monument but not Within the Boundary that Might Benefit from Inclusion in the Monument

- Nipple Lake: Private inholding within GSENM. Landowner in the past has expressed interest in selling this property. This is considered a Traditional Cultural Property (TCP) by the Kaibab Paiute, in conjunction with the nearby Mollies Nipple land form (a prominent, isolated rocky peak), known to the Kaibab Paiute as "Mountain that Breathes. It is the only permanently wet meadow within GSENM, providing for a very unique habitat. The area is very dense in cultural sites, early ancestral pueblo occupation, and pilgrimage trails.
- Vermilion Cliffs Front: Kanab Field Office (KFO) and private land near the Kanab Creek boundary. Ancestral pueblo/archaeological record; site is contiguous with GSENM; includes important Ancestral Puebloan (Anasazi) sites, including the earliest studied and reported in the area
- Paria River Canyon (between Vermilion Cliffs NM & GSENM; managed by KFO) - Includes pilgrimage trails for Hopi & Paiute. Archaeological sites in this area contain evidence of continued Hopi pilgrimage use long after abandonment by the Ancestral Puebloans (Anasazi). (Note: This is also the location of Buckskin Gulch, one of the longest continuous slot canyons in the world, and the famous "Wave" formation).
- Shinarump Cliffs: KFO & private inholdings: Very dense array of Ancestral Puebloan (Anasazi) sites, including the earliest dated pottery in the area. The archaeological record here is equal to that at Grand Gulch.

Other – General Questions or Comments

- a) **Discuss the full range of Proclamation objects.** The initial DOI data call focuses almost exclusively on cultural objects, but the Proclamation identifies many objects of antiquity or historical or scientific interest to be protected. GSENM published a table of all resources and objects in the Analysis of the Management Situation for the Livestock Grazing Plan Amendment EIS (*GSENM_AMS_Final_July2015.pdf*, starting on pg.136; available but not included). Objects within GSENM include geologic stratigraphy and structures, paleontological sites, cultural use, human history and biological resources. Each annual Manager's Report also notes the status and

trend of the identified objects. The 2014, 2015, and 2016 Manager's Reports, summaries of some of the scientific studies on GSENM, and a report on the paleontological resources on GSENM, which are particularly noteworthy and world class, are available but not included.

- b) **Extent of the designation:** The GSENM designation was the subject of litigation. The case concerned the designation of 1.7 million acres of federal land as a national monument pursuant to the Antiquities Act. The court held that the President complied with the Antiquities Act by (1) designating, in his discretion, objects of scientific or historic value, and (2) setting aside, in his discretion, the smallest area necessary to protect the objects.

In order to protect the objects identified in the Proclamation, the Department must consider the connectivity between them. This concept is particularly critical for biological resources, but also applies to management of cultural resources and tribal interests. Protection of isolated identified cultural sites is not synonymous with protection of a cultural landscape (e.g., Traditional Cultural Properties, vision quest sites, etc.) The Secretary memo to the President articulates the rationale for the GSENM boundaries based on these factors and considerations. (*See: 7.2 8-15-96 Secretarial Memo.pdf in Drive*)

- c) **Monument Advisory Committees (MACs).** MACs provide for local and subject matter expert input and advice into management objectives. The GSENM MAC includes seven scientist positions that focus on the identified objects in the Proclamation. For those Monuments that do not have MACs, the RACs provide that same level of integrating multiple stakeholders in an advisory capacity.
- d) The designation of GSENM as a national monument elevates protection of the identified objects in many ways, including:
- Increased attention and public awareness of resources and objects
 - Expanded educational/research efforts by employees and researchers related to these objects
 - Increased partnership opportunities and funding via Universities that focus on research in Monuments