

To: Ann Miller[ann_miller@ios.doi.gov]
From: Simon, Benjamin
Sent: 2017-06-05T07:58:48-04:00
Importance: Normal
Subject: Fwd: USDA Forest Service Response to DOI Data Call re. Bears Ears National Monument
Received: 2017-06-05T07:58:48-04:00
[USFS Initial Data Response to Review of National Monuments BENM 06022017.docx](#)
[USFS Additional Information Response on Bears Ears NM 06022017.docx](#)
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[image004.png](#)
[image003.png](#)
[image001.png](#)

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From: **Bowman, Randal** <randal_bowman@ios.doi.gov>
Date: Sun, Jun 4, 2017 at 6:52 PM
Subject: Fwd: USDA Forest Service Response to DOI Data Call re. Bears Ears National Monument
To: Benjamin Simon <benjamin_simon@ios.doi.gov>

Apologies for not sending this Friday night or yesterday, but I asked them to copy you and they didn't.

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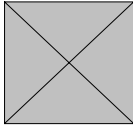
From: **Schmidt, Jaime T -FS** <jtschmidt@fs.fed.us>
Date: Fri, Jun 2, 2017 at 7:48 PM
Subject: USDA Forest Service Response to DOI Data Call re. Bears Ears National Monument
To: "Bowman, Randal" <randal_bowman@ios.doi.gov>
Cc: "Meade, Joe -FS" <jmeade@fs.fed.us>, "Gehrke, Andrea - FS" <agehrke@fs.fed.us>, "Bustam, Tinelle D -FS" <tbustam@fs.fed.us>, Sallybutts <sbutts@blm.gov>, "Conant, Kathryn J -FS" <kconant@fs.fed.us>, "Winter, Susan A -FS" <swinter@fs.fed.us>, "English, Don -FS" <denglish@fs.fed.us>, "Mast, Jeffrey - FS" <jmast@fs.fed.us>

Randal—

Attached is the Forest Service's response to DOI's two data calls for Bears Ears National Monument.

As discussed, we will send the FS response for the remaining 4 monuments that we manage or co-manage by June 16th (Giant Sequoia, San Gabriel Mountains, Berryessa Snow Mountain, Sand to Snow).

Thank you and please let me know if you have any questions or identify needed follow-up.



Jaime Schmidt
National Trail Program Manager

Forest Service

Recreation, Heritage & Volunteer Resources

Washington Office

p: 208-765-7227
c: 202-360-6119
jtschmidt@fs.fed.us

3815 Schreiber Way
Coeur d'Alene, ID 83815
www.fs.fed.us



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Benjamin Simon, Ph.D., Chief DOI Economist
Office of Policy Analysis
U.S. Department of the Interior
1849 C St. NW

Washington DC
202 208 4916
benjamin_simon@ios.doi.gov

Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2107)

USDA Forest Service Response: Bears Ears National Monument
(Manti-La Sal National Forest)

1. Documents Requested:

a. Resource Management Plans/Land Use Plans

Bears Ears National Monument (BENM) has not yet initiated a Monument Management Plan (MMP). The 1986 Manti-La Sal National Forest Land and Resource Management Plan (LRMP) will be followed in the interim. The current Manti-La Sal LRMP can be accessed here:

<https://www.fs.usda.gov/detail/mantilasal/landmanagement/planning/?cid=stelprdb5383364>

b. Record of Decision

BENM has not yet initiated a Monument Management Plan. The 1986 Manti-La Sal National Forest LRMP will be followed in the interim.

c. Public Scoping Documents

Public scoping has not yet been initiated for a BENM MMP. The first public comment period post-designation associated with BENM is the DOI Notice of Opportunity for Public Comment.

d. Presidential Proclamation

Proclamation 9558 of December 28, 2016.

2. Information on activities permitted at the Monument, including annual levels of activity from the date of designation to the present:

Designation date for BENM is December 28, 2016 - information is not yet available for most of Fiscal Year 2017.

a. Recreation - annual visits to site

Specific visitation information for the Forest Service portion of the BENM since December 28, 2016 is not available at this time. Through its National Visitor Use Monitoring program, the Forest Service develops visitation estimates for any given forest once every 5 years. The Manti La Sal National Forest most recently completed National Visitor Use Monitoring field data collection in Fiscal Year 2016. Updated estimates for the Manti La Sal National Forest or the monument portion of the forest will not occur until after the field data are collected in Fiscal Year 2021.

The Monticello and Moab Ranger District Offices confirm that:

- The Dark Canyon Wilderness Area (designated in 1984) has received significant new attention from both serious back-packers and day-trip seeking tourists due to its association with the BENM. Wilderness managers have confirmed seeing several parties per day in portions of the area that were formerly unvisited.
 - Trailhead counts at locations listed in the BENM proclamation have risen sharply. In one case, the average annual pre-BENM trail count was approximately 20. In 2017, more than 100 people had signed in to visit the area before June 1st.
 - While there are no developed Forest Service campsites in the BENM, monitoring of dispersed sites shows that—near the Bear’s Ears themselves—sites that were rarely used before the monument designation are now full most of the time.
- b. **Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)**
- There are no producing oil and gas wells and no coal developments in the Forest Service portion of the BENM.
- c. **Minerals - annual mineral production on site**
- There are no active mining operations in the BENM. There are 78 active unpatented mining claims for uranium.
- d. **Timber - annual timber production on site (in board-feet, CCF, or similar measure)**
- Up to 53,000 acres of the BENM is designated as suitable for timber production under current Manti-La Sal National Forest management direction. In the short time period since designation (five months), however, there has been no commercial timber removed from the Forest Service portion of the BENM.
- e. **Grazing - annual grazing on site (AUMs permitted and sold)**
- There are nine Forest Service allotments wholly or partially contained within BENM. These allotments include 11,078 permitted Animal Unit Months (AUMs).
- f. **Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available**

Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. The Forest Service does provide for the collection of certain natural materials, including firewood, Christmas trees, posts and poles. Data on recreational hunting and fishing are available from the State of Utah

Division of Wildlife Resources. The entire BENM is open for hunting and fishing, which is regulated by the State of Utah Division of Wildlife Resources.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

The National Forest System lands included in the monument contain significant historic, cultural, and recreational resources. The monument is named after the Bears Ears Buttes, which are located on the National Forest System lands within the monument. Due to their prominence on the landscape, many Tribes' oral history includes stories and references about these buttes. In addition, the Tribes have a long history with the Bears Ears buttes and the lands surrounding them. Area Indian tribes have identified historic and spiritually significant connections with this landscape in the monument. They collect important plants, ceremonial firewood, and other resources. While some of the tribes were agronomic based, others relied upon hunting and gathering on the "island of forest" within the monument. The tribes also hold formal ceremonies and seek individual healing in different locations on Forest System lands surrounding the buttes.

While only 15-20 percent of the monument has been surveyed, there are 2,725 known cultural sites on National Forest System lands within the BENM boundary. This area of the forest represents one of the highest concentrations of Ancestral Puebloan sites of any National Forest District within the National Forest System. A "core" area of Forest within the monument (86,000 acres) contains over 2,027 Puebloan sites, most of which are Pueblo I. The Pueblo I culture is unique to only a few locations and the Forest System Lands in the monument has the only high elevation communities of this era. Sites include hunting camps and blinds, ceremonial sites, granaries, stone quarries, villages and residences, agricultural systems, kilns, rock art, and shrines. Protohistoric/Historic sites include sweat lodges, hogans, and resource procurement locations

3. Information on activities occurring during the 5 years prior to designation:

a. Recreation - annual visits to site

The Forest Service National Visitor Use Monitoring program measures visitor use at the level of the National Forest, and does not break down the numbers by Ranger District. The National Visitor Use Monitoring program does, however, include estimated visitation to wilderness areas—including the Dark Canyon Wilderness Area. In the years prior to the monument designation, the National Visitor Use Monitoring program estimated that there were approximately 350,000 annual recreation visits to the Manti-La Sal National Forest. Of those, less than 2,000 visits entered the Dark Canyon Wilderness. This low level of visitation has remained stable since the initial National

Visitor Use Monitoring program estimate in 2006.

- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

There was no energy production on National Forest System lands within the BENM from coal, oil, gas, or renewables during the five years prior to designation (2012-2016).

- c. Minerals - annual mineral production on site

There was no mineral production from National Forest Service lands during the five years prior to monument designation. There are 78 active unpatented mining claims for uranium within the BENM.

- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

From 2012-2015, the Johnson-Verdure Stewardship Project produced 736 CCF of forest products from 300 acres of National Forest System lands within the BENM.

- e. Grazing - annual grazing on site (AUMs permitted and sold)

Average Forest Service AUM total per year—over the past 5 years (9 allotments)—calculated as percent of AUMs in Bears Ears monument boundary: 11,078 AUMs.

- f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

The Forest Service sells firewood and Christmas tree permits across the entire Moab/Monticello Ranger District. As a result, these totals are not limited to forest products collected exclusively within the BENM boundary:

- Firewood Permits: 8,793 cords in last 5 years;
- Christmas Tree Permits: 2,196 in last 5 years;
- Posts and Poles: 5,182 over last 5 years.

- g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

See response to 2.g.

4. Information on activities that likely would have occurred annually from the date of designation to the present if the Monument had not been designated:

The answer to this question would be highly speculative. The question is best answered with qualitative (rather than quantitative) data. As BENM was designated less than six months ago, there has been very little change in the management of activities since the

date of designation.**a. Recreation - annual visits to site**

While the Forest Service does not have actual visitor numbers for the first half of 2017, anecdotal evidence shows a noticeable increase in recreational uses within the BENM, as indicated under 2.a above. This increased interest may not have occurred without the designation.

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

Due to the short timeframe since designation, it is unlikely that any activities resulting in production of coal, oil, gas, or renewable energies would have occurred from the date of designation to present.

c. Minerals - annual mineral production on site

Due to the short timeframe since designation, it is unlikely that any additional mineral production would have occurred from the date of designation to present because there were no pending applications or permits.

d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

Under the monument proclamation these uses are allowed to continue. Therefore, it is unlikely that designation of the monument has impacted timber production.

e. Grazing - annual grazing on site (AUMs permitted and sold)

Designation of the monument has not changed the number of permitted AUMs. Under the monument proclamation, grazing is allowed to continue, subject to laws, regulations, and policies followed by the Forest Service.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

There is no evidence at this time that designation of the monument has impacted participation rates in subsistence activities. Under the monument proclamation, collection of forest products for personal use may continue.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

The Manti-La Sal does not have sufficient information to predict how designation of the monument has impacted cultural uses of the monument. However, the monument proclamation requires that the Forest Service provide access to 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).

5. Changes to boundaries - dates and changes in size:

There have been no changes to boundaries.

6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment:

Interior Secretary Jewell held a public meeting in Bluff, Utah in July 2016. See also: <https://www.doi.gov/pressreleases/secretary-jewell-under-secretary-bonnie-join-utah-local-leaders-public-meeting-hear>.

7. Terms of Designation:

Refer to Proclamation for the terms of designation. No additional background (e.g., legislated land exchanges or Congressional budget provisions, etc.).

**Additional Information Requested on Executive Order on the Review
of Designations Under the Antiquities Act**

USDA Forest Service Response: Bears Ears National Monument
(Manti-La Sal National Forest)

a. Any legislative language, including legislation in appropriations bills:

The boundary of BENM is largely congruent with similar designations proposed in the Utah Public Lands Initiative (UPLI) (H.R. 5780).

b. Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations:

The following options could provide some options to protect specific resources found in BENM. 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 BENM:

- 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)

c. Designated wilderness areas (name, acreage), wilderness study areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics but not formal study area. Please note if there are none in any given monument so there is no question:

The Dark Canyon Wilderness (approximately 47,000 acres) was designated by Congress under the Utah Wilderness Act of 1984. It is completely within the BENM. In addition, there are portions of eight Inventoried Roadless Areas (IRA) within the BENM Boundary:

NAME	ACRES
Shay Mountain	13,010
Ruin Canyon	8,211

Blue Mountain	10,612
Dark-Woodenshoe Canyon	14,543
Cliff Dwellers Pasture	780
Allen Canyon-Dry Wash	13,974
Hammond-Notch Canyon	16,558
Arch Canyon	12,769

d. Outstanding RS 2477 claims within a monument – type of road claimed and history:

There are 1,703 roads claimed in San Juan County under R.S. 2477. The County, working with the state of Utah, has filed litigation against the Department of Interior to quiet title to these rights-of-way. Under that lawsuit it appears that most, if not all, of the claimed routes occur on BLM lands in the BENM area. Nevertheless, there may be several dozen San Juan County designated “D” routes on National Forest System lands within the BENM that have not been included on the Manti-La Sal’s Motor Vehicle Use Map.

e. Maps – details later, but please alert your map staff that requests will come, and feedback on whether your bureau or USGS is better map source:

OK.

f. Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument:

The local Forest Service archeologist provided information on the most important cultural or historic resources during the development of the BENM boundary. There are two other possible locations that were not included at that time:

- The Abajo Mountains are a Traditional Cultural Property for the Navajo Tribe.
- There are scattered cultural sites to the east of Johnson Creek.

g. Other – suggestions for potentially useful information from HQ or field staff welcome:

None at this time.