

To: Hanson, Joshua[joshua.hanson@sol.doi.gov]
Cc: Mike Nedd[mneed@blm.gov]; Brown, Laura[Laura.Brown@sol.doi.gov]; Ryan Sklar[ryan.sklar@sol.doi.gov]; Moody, Aaron[aaron.moody@sol.doi.gov]
From: Cally Younger
Sent: 2017-12-13T12:21:48-05:00
Importance: Normal
Subject: Re: Monument NOIs
Received: 2017-12-13T12:21:57-05:00

Thanks Josh! Mike can you forward to Glen?

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



On Dec 13, 2017, at 12:20 PM, Hanson, Joshua <joshua.hanson@sol.doi.gov> wrote:

Cally and Mike,
Attached are the SOL edits, with DOJ input, for the National Monument NOIs. We have provided track changes versions for GSENM, Indian Creek Unit, and Shash Jáa Unit. Also, I combined the IC and SJ NOIs and provided you a clean version of a BENM NOI in case the BLM decides to do a single EIS for the two BENM units. We recommend doing a good scrub of the NOIs that implicate the USFS to ensure that they are properly represented.

Please let us know if you have any questions or concerns.

Josh

On Thu, Dec 7, 2017 at 3:40 PM, Moody, Aaron <aaron.moody@sol.doi.gov> wrote:

Josh and Ryan-
Can you take a look at these and then let's talk. (after we look, I'd like to share with DOJ).

Aaron G. Moody
Assistant Solicitor, Branch of Public Lands
Division of Land Resources

Office of the Solicitor
U.S. Department of the Interior
202-208-3495

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

From: **Younger, Cally** <cyounger@blm.gov>
Date: Thu, Dec 7, 2017 at 3:35 PM
Subject: Monument NOIs
To: "Moody, Aaron" <aaron.moody@sol.doi.gov>

--

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

<image001.png>

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Joshua F. Hanson
Branch of Public Land
Division of Land Resources
U. S. Department of the Interior
1849 C Street, N.W., Rm. 6420
Washington, D.C. 20240

Phone: (202)208 3463
Email: joshua.hanson@sol.doi.gov

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<NOI IC RMP - SOL edits.docx>

<NOI SJ RMP - SOL edits.docx>

<NOI BENM RMPs - CLEAN.docx>

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MODIFYING THE BEARS EARS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

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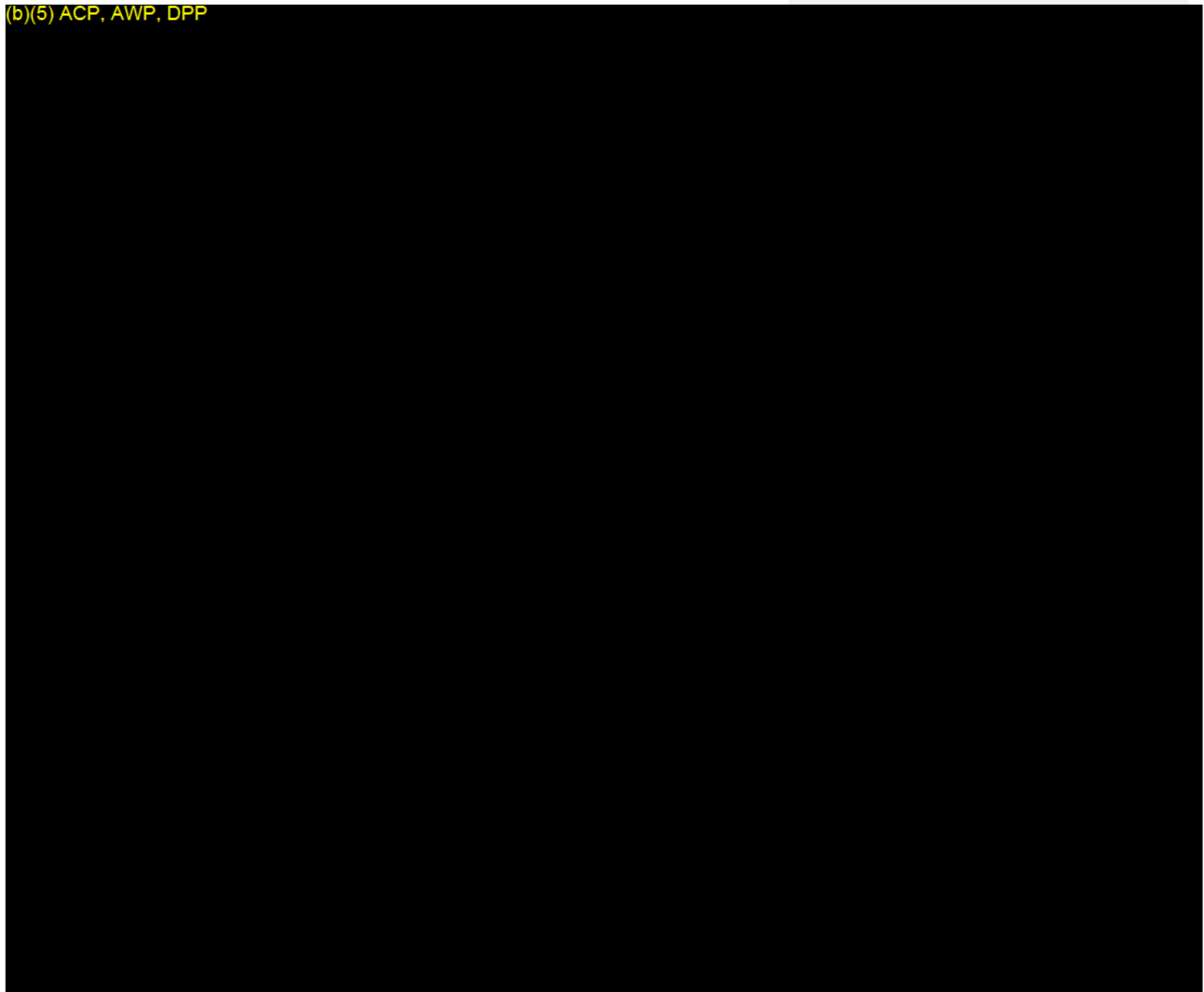
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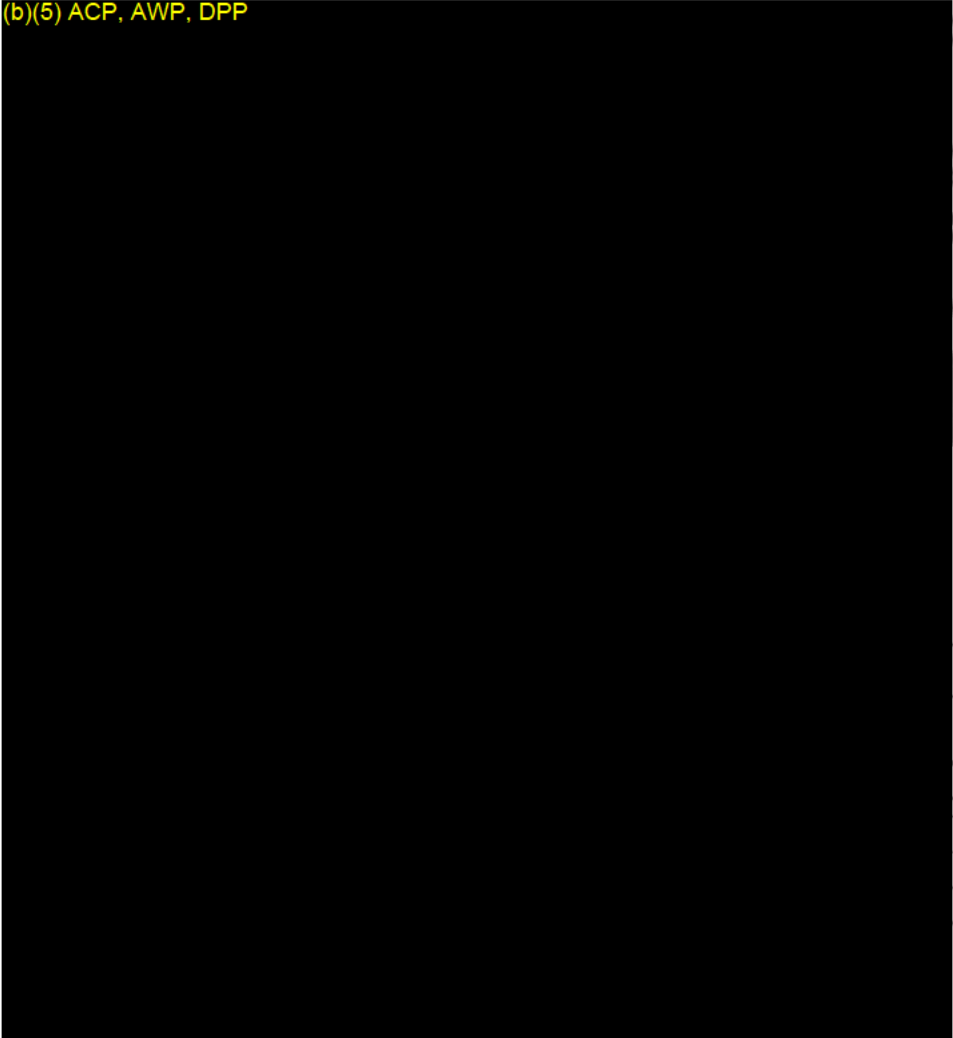
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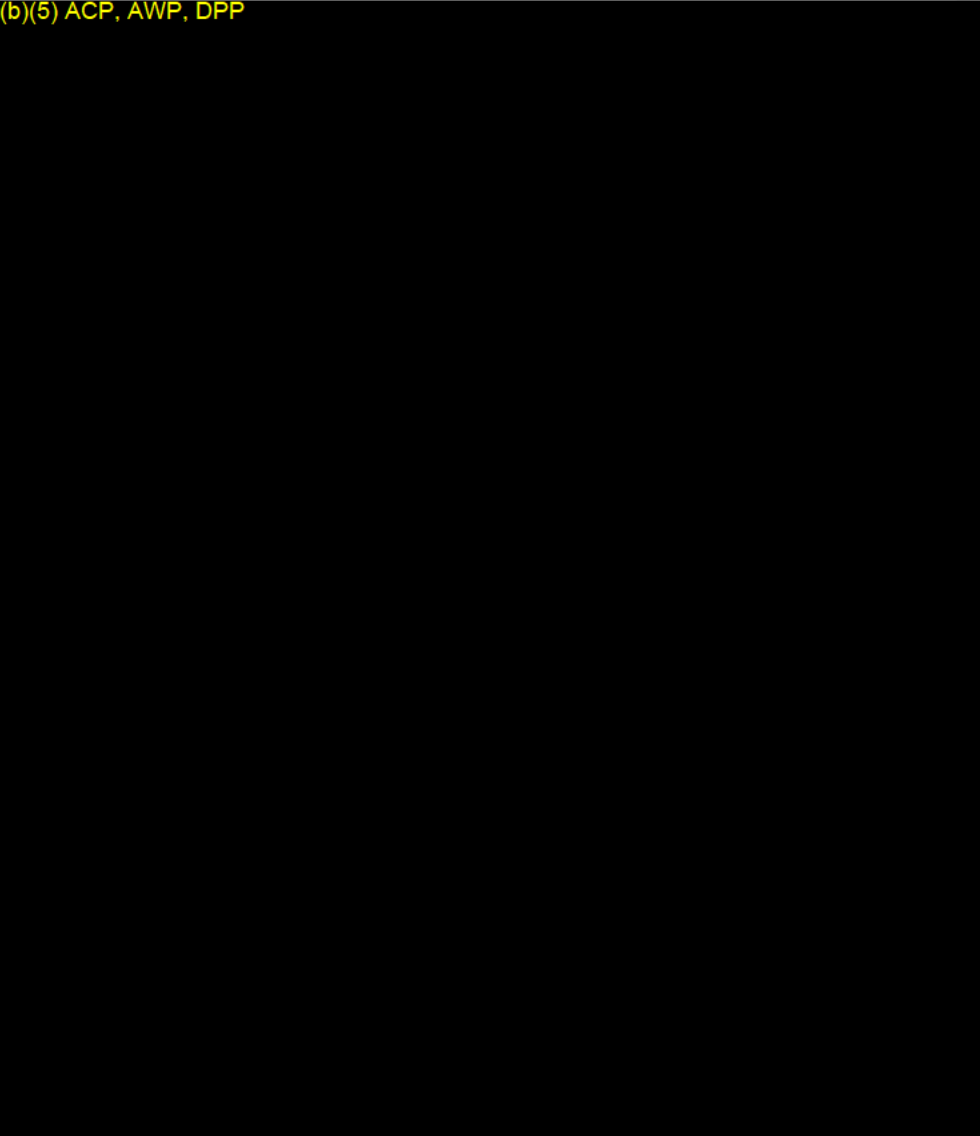
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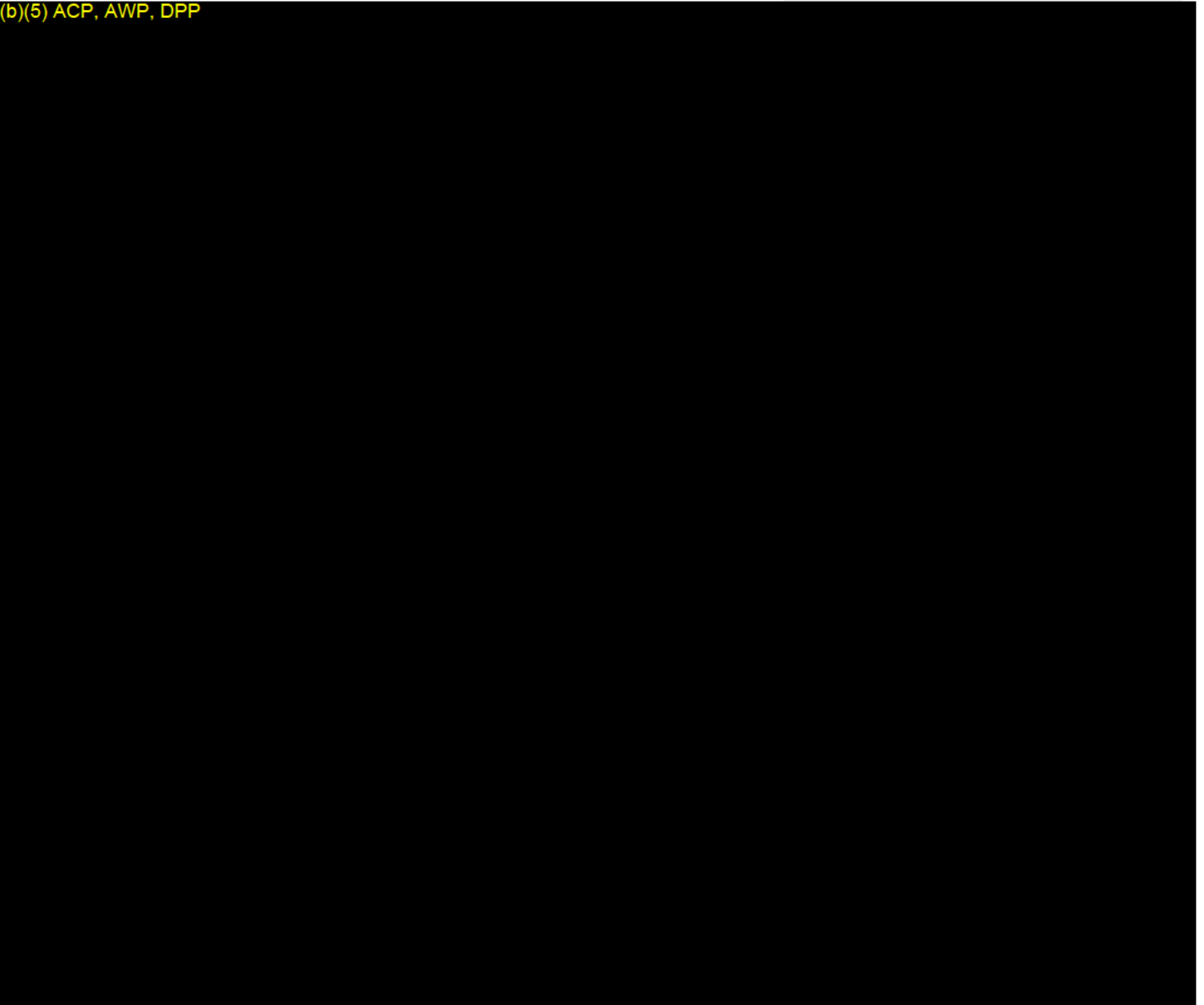
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MEMORANDUM FOR THE PRESIDENT

FROM: RYAN K. ZINKE

SUBJECT: Recommendation for Modification to the Bears Ears National Monument

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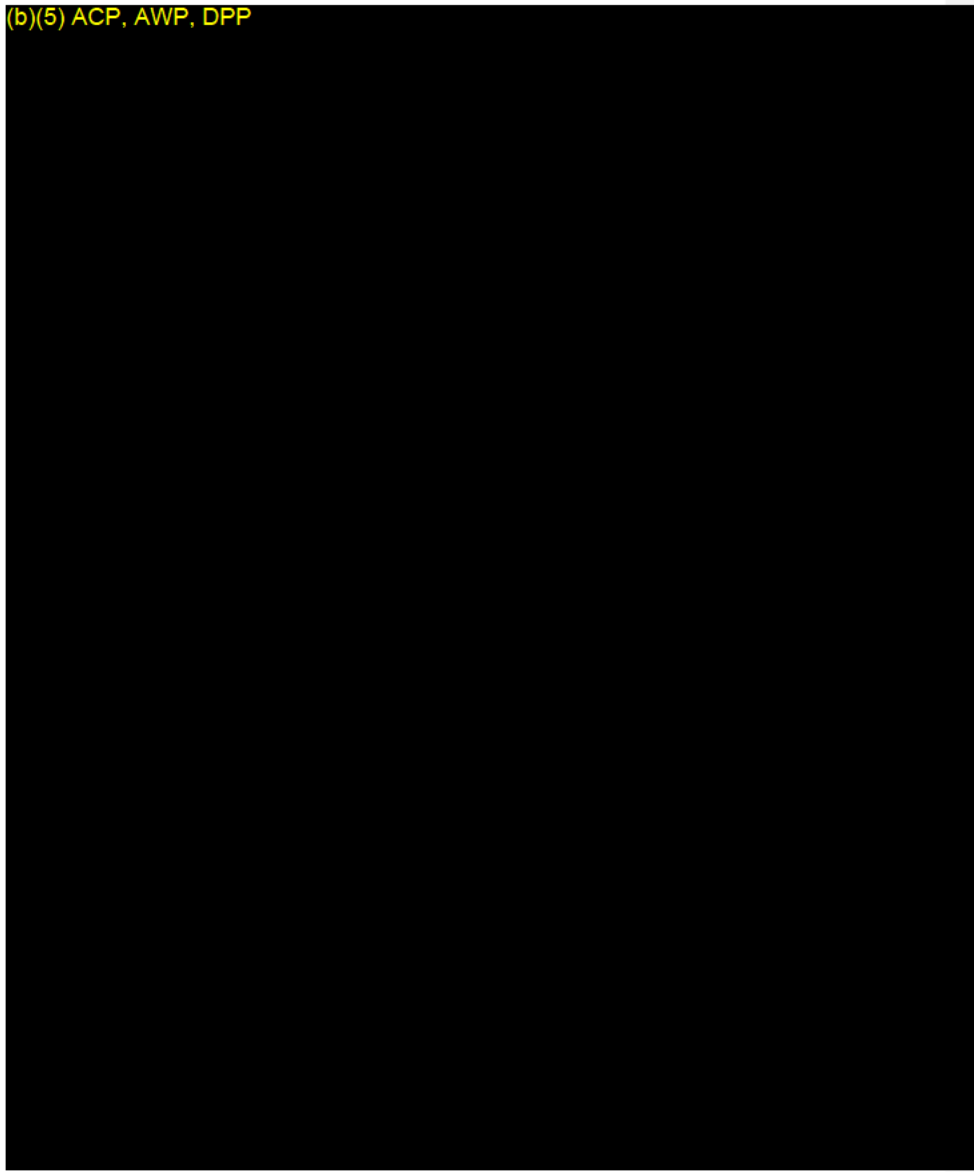
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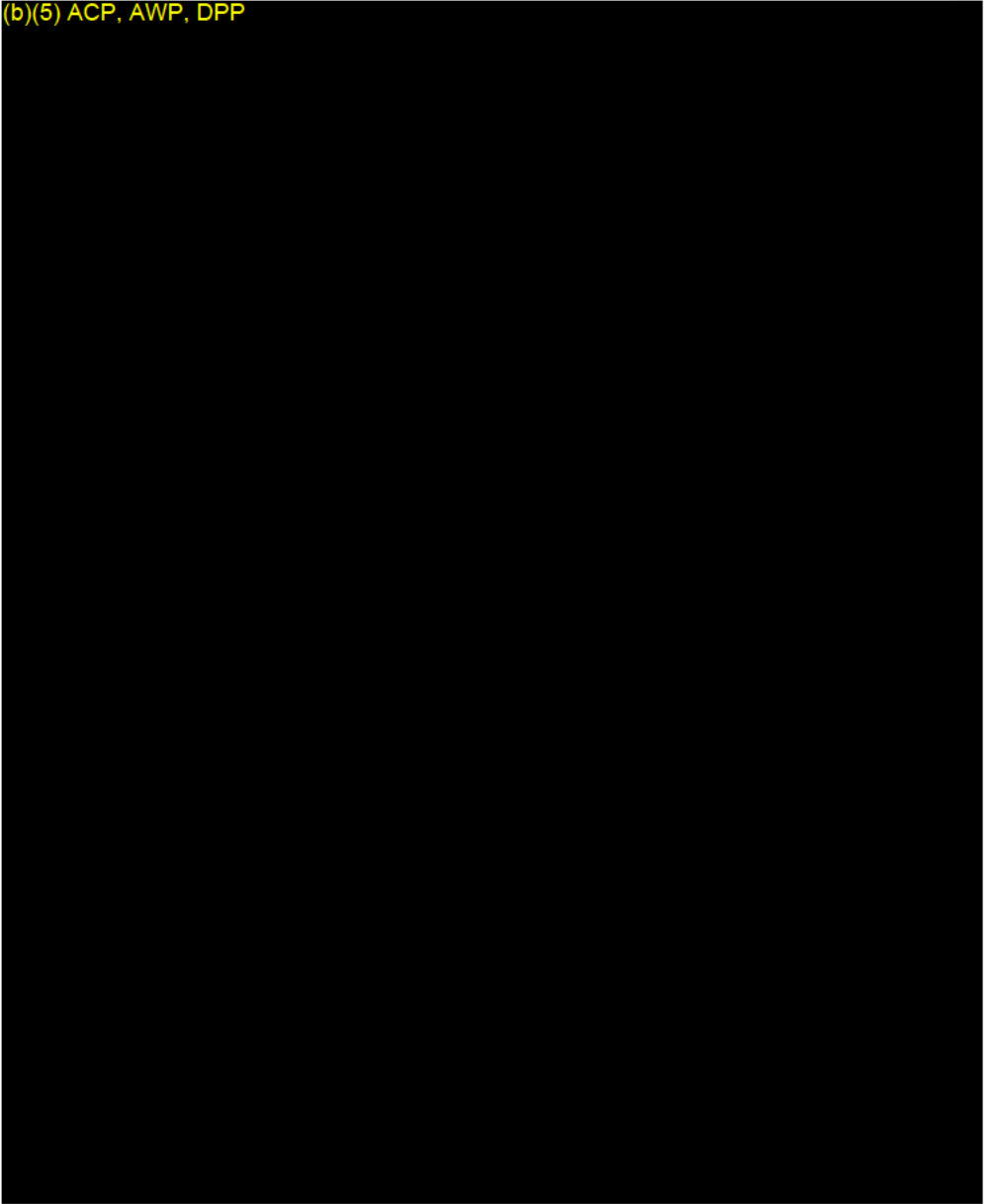
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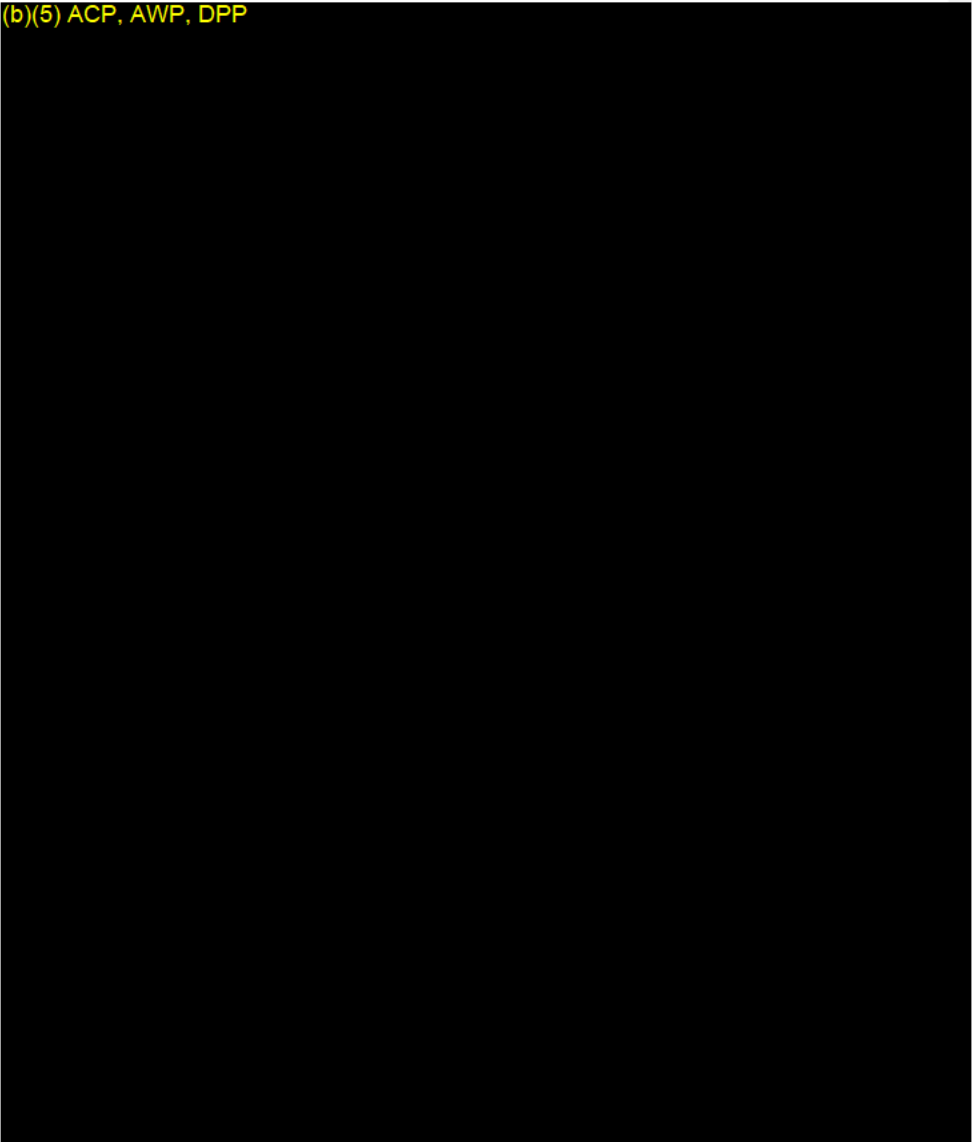
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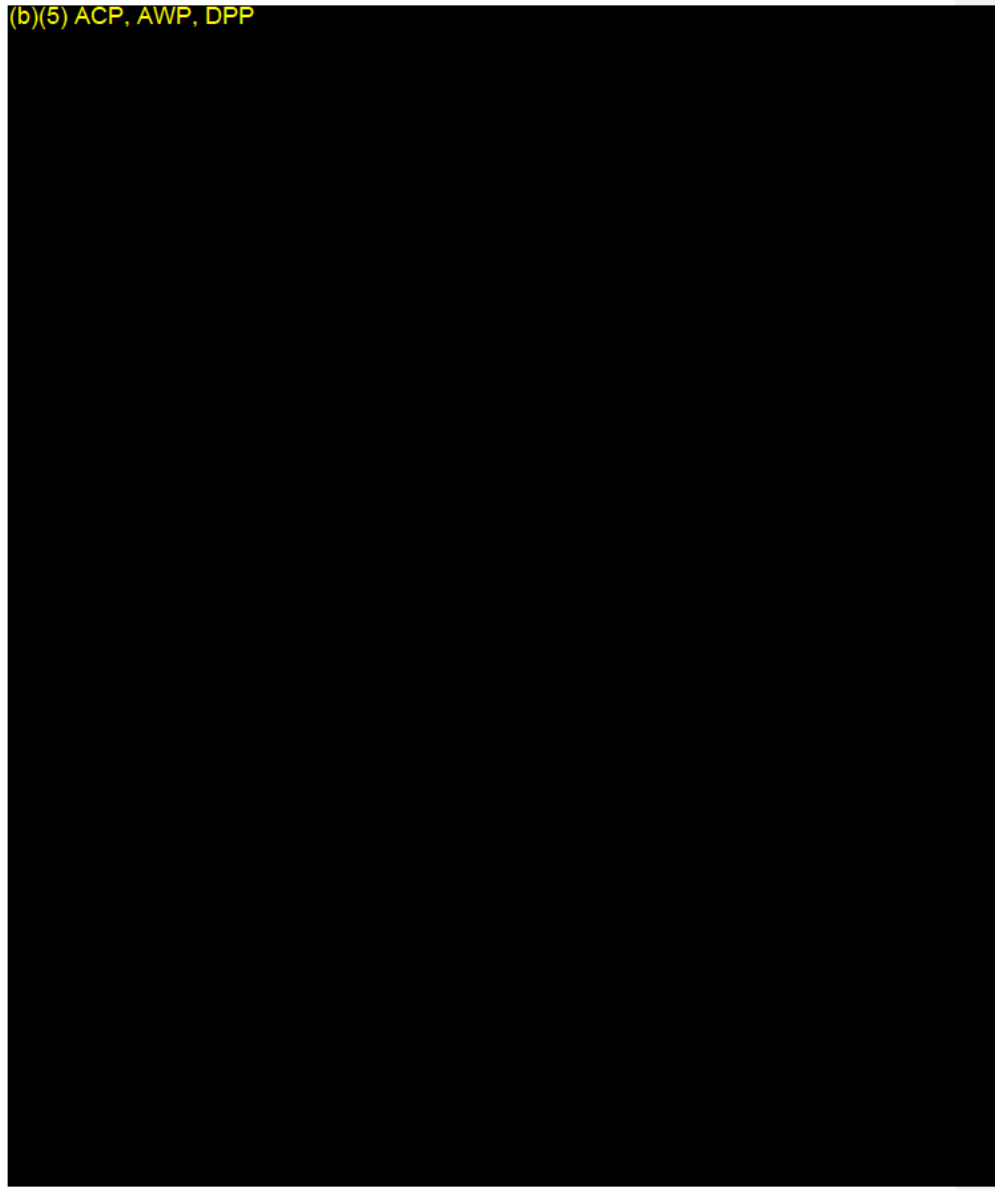
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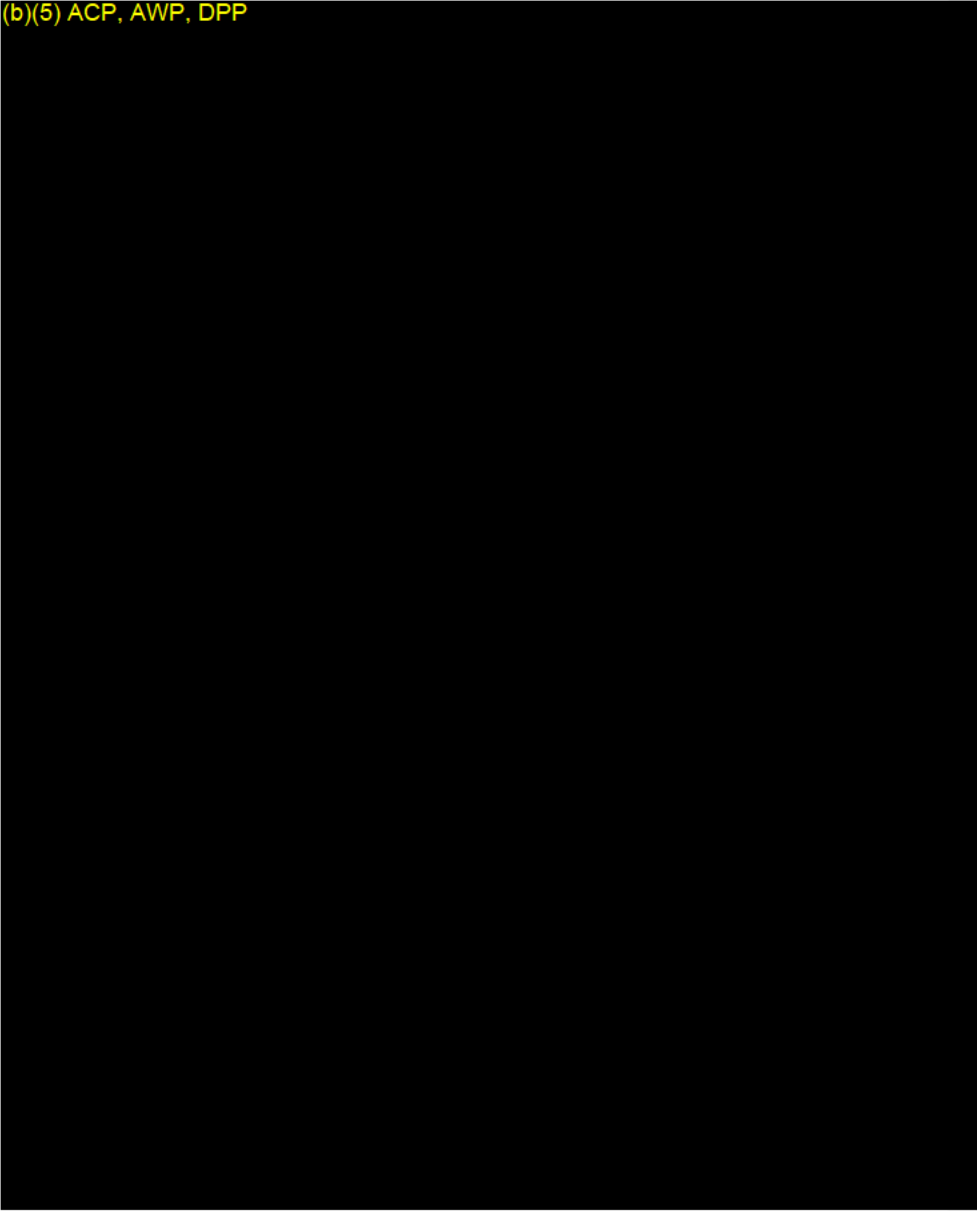
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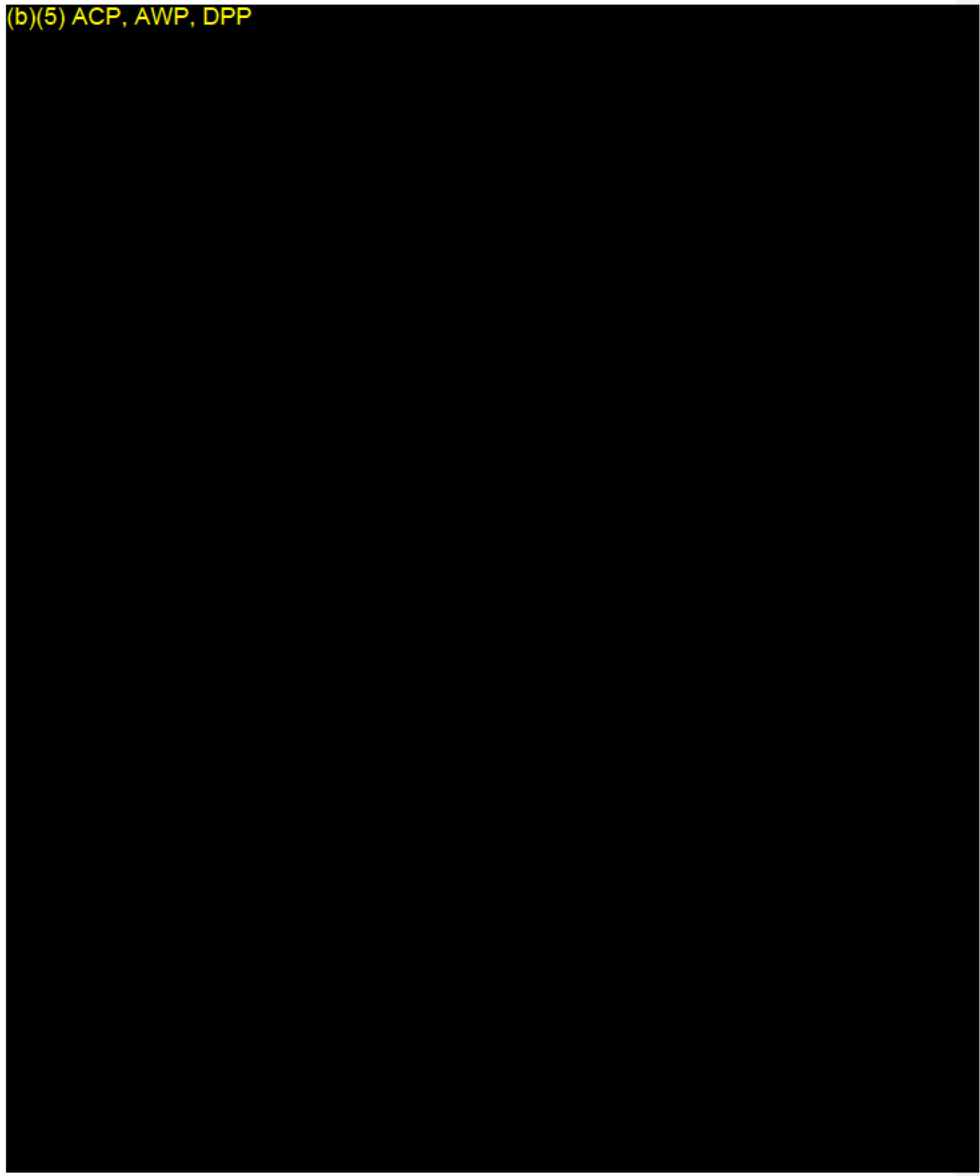
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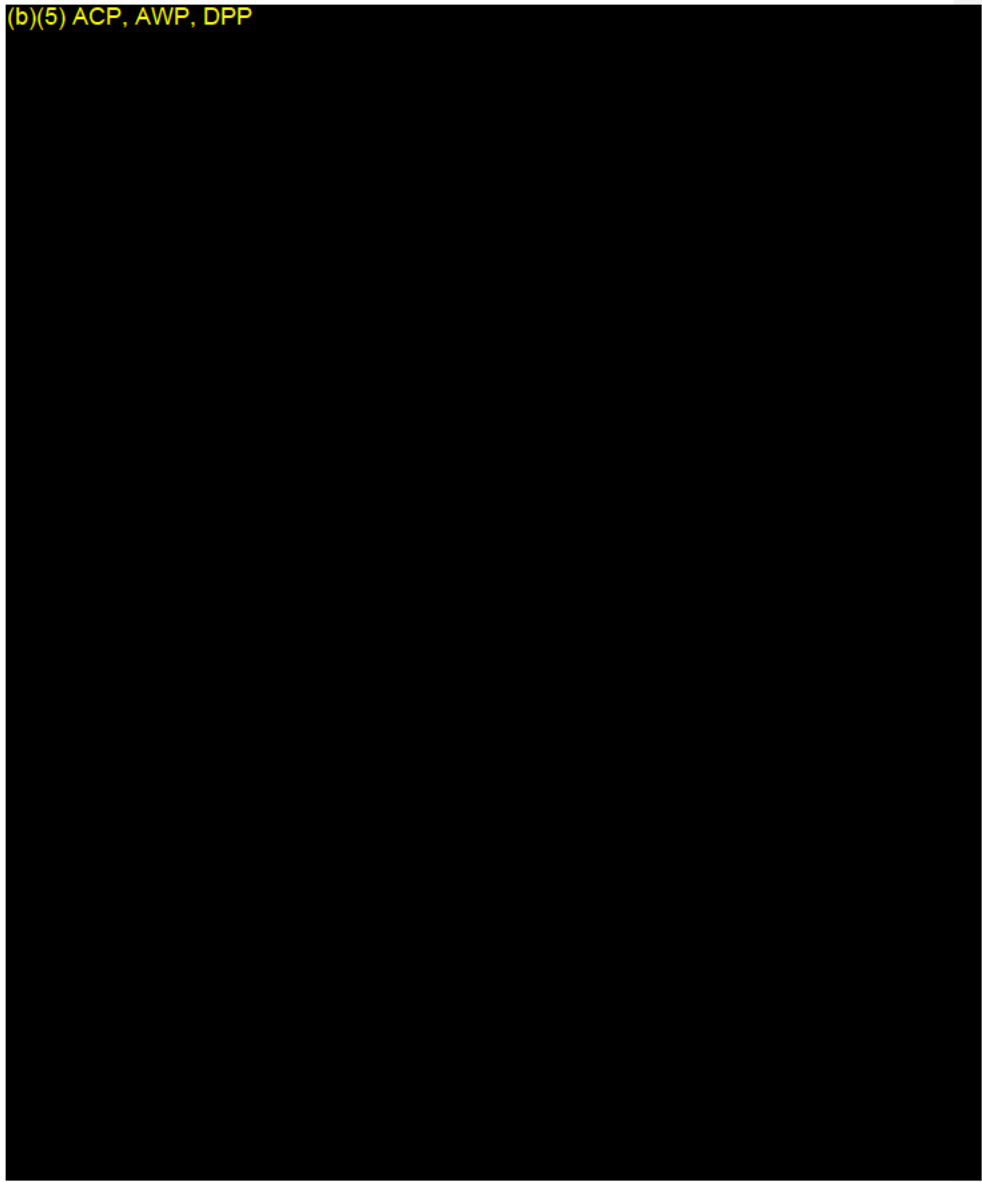
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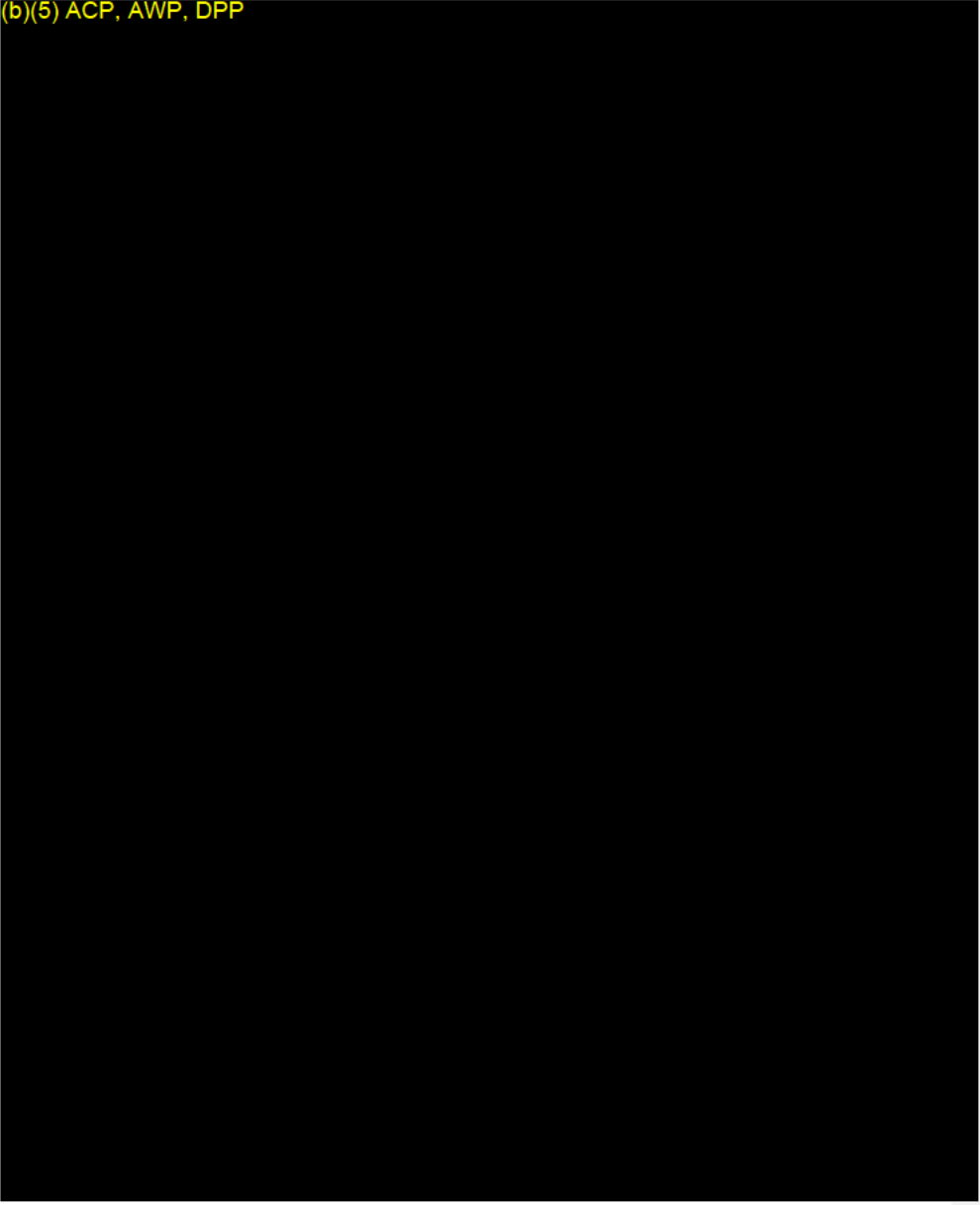
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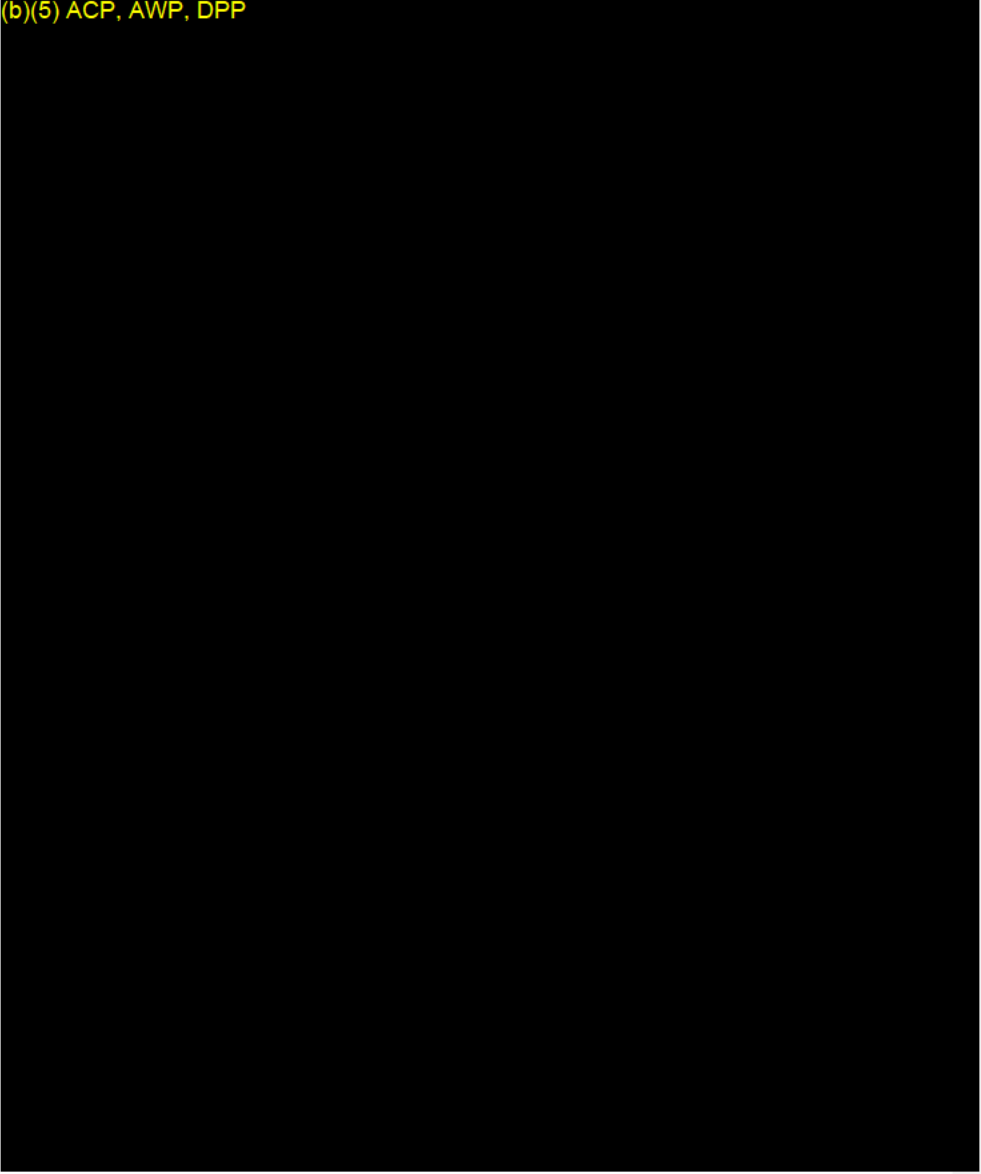
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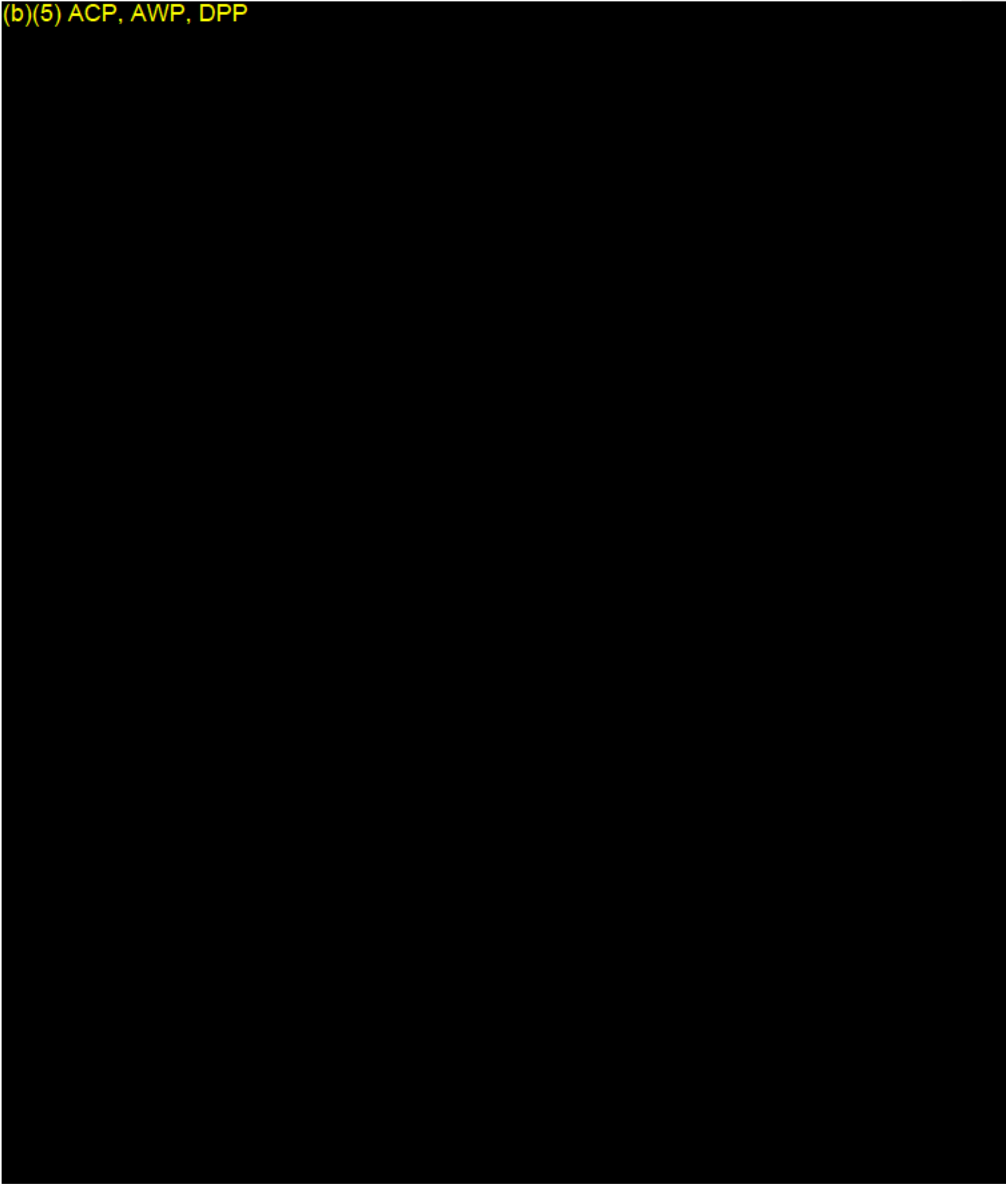
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MODIFYING THE BEARS EARS NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

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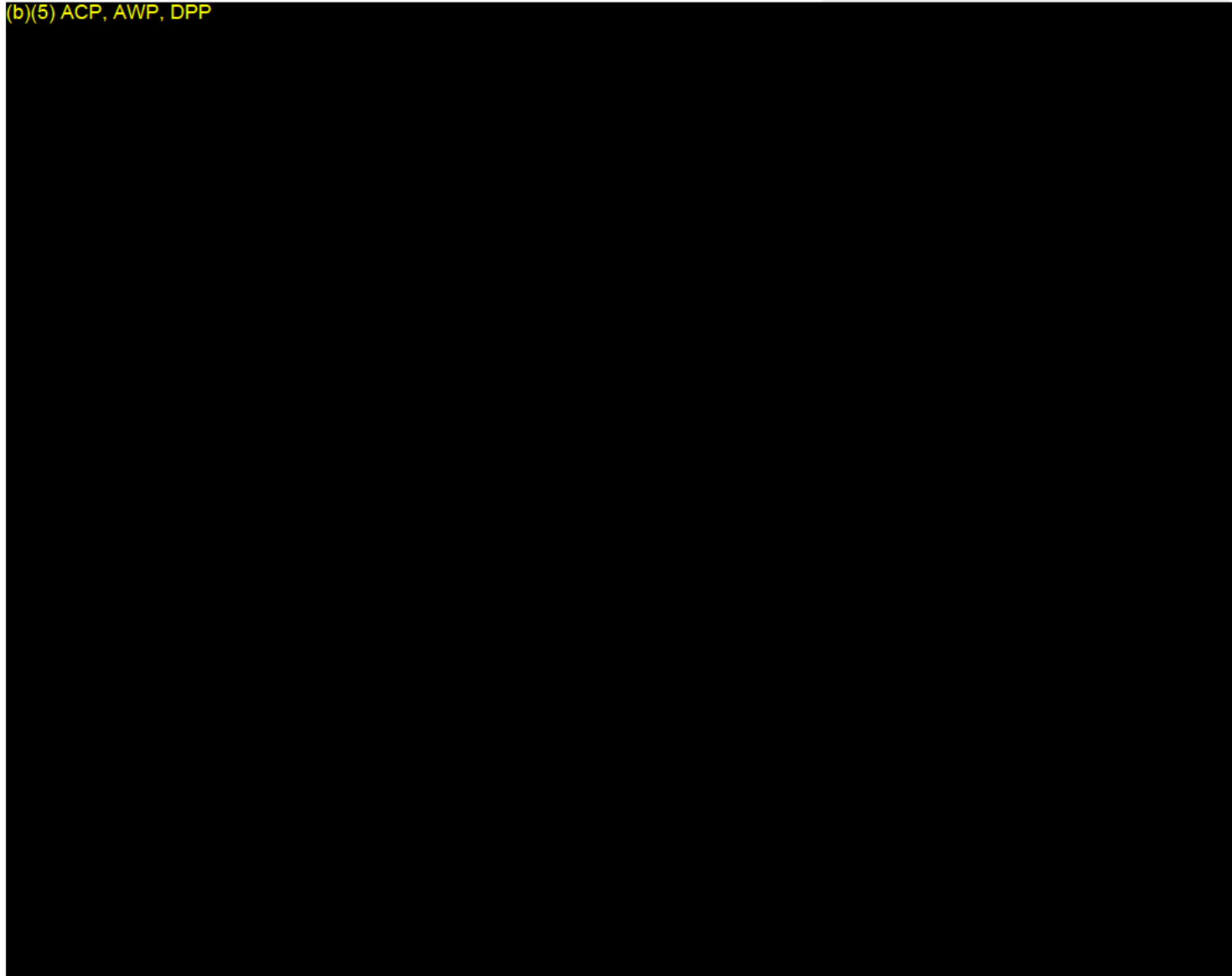
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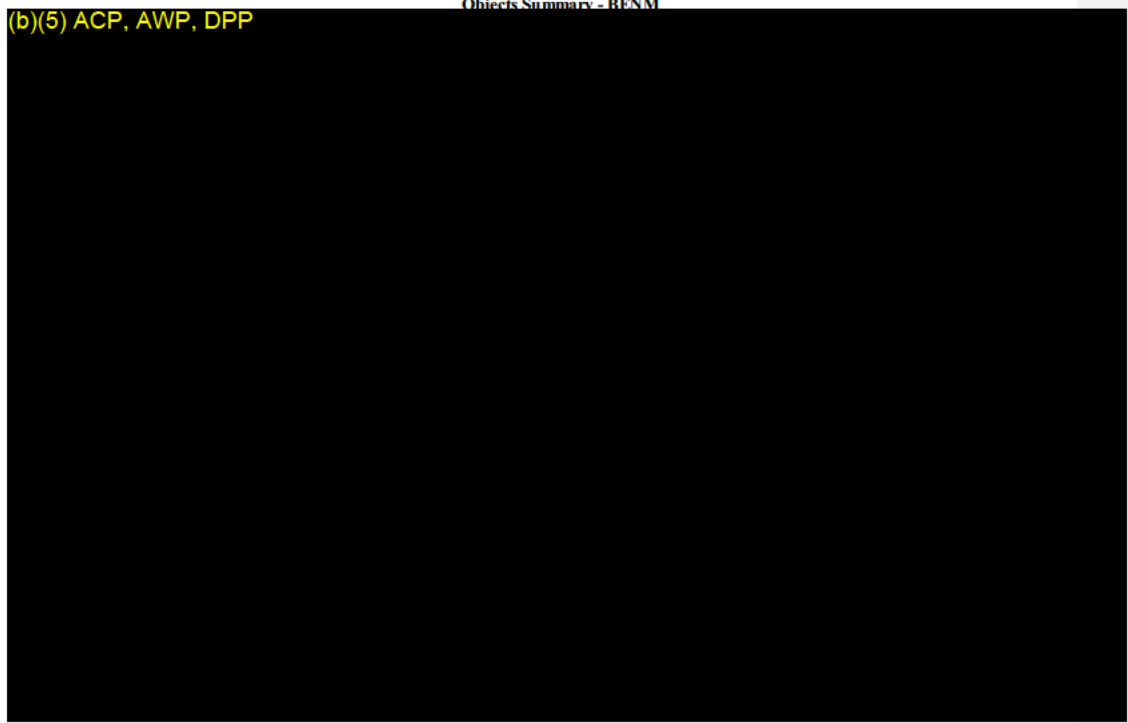
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Objects Summary - BENM

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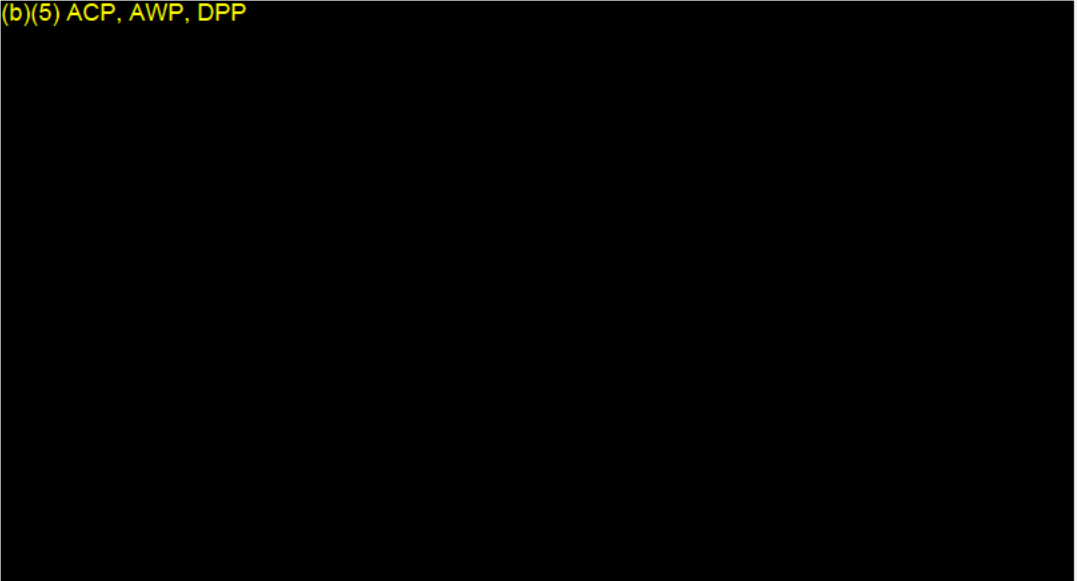
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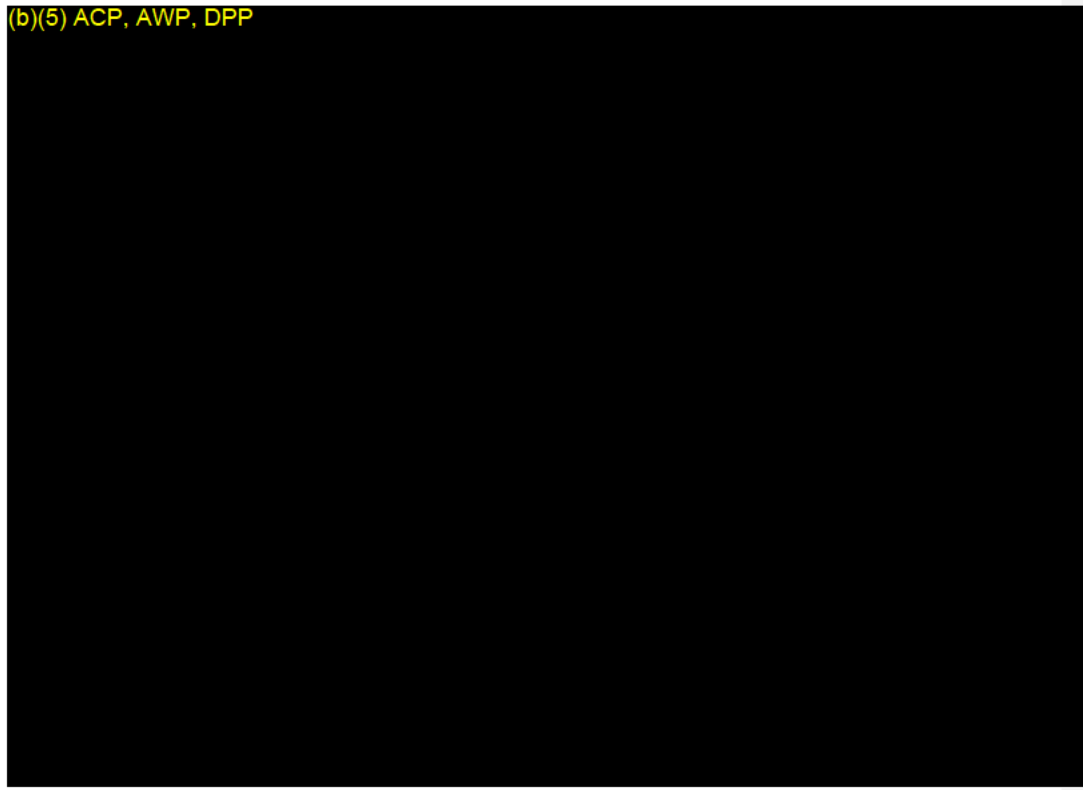
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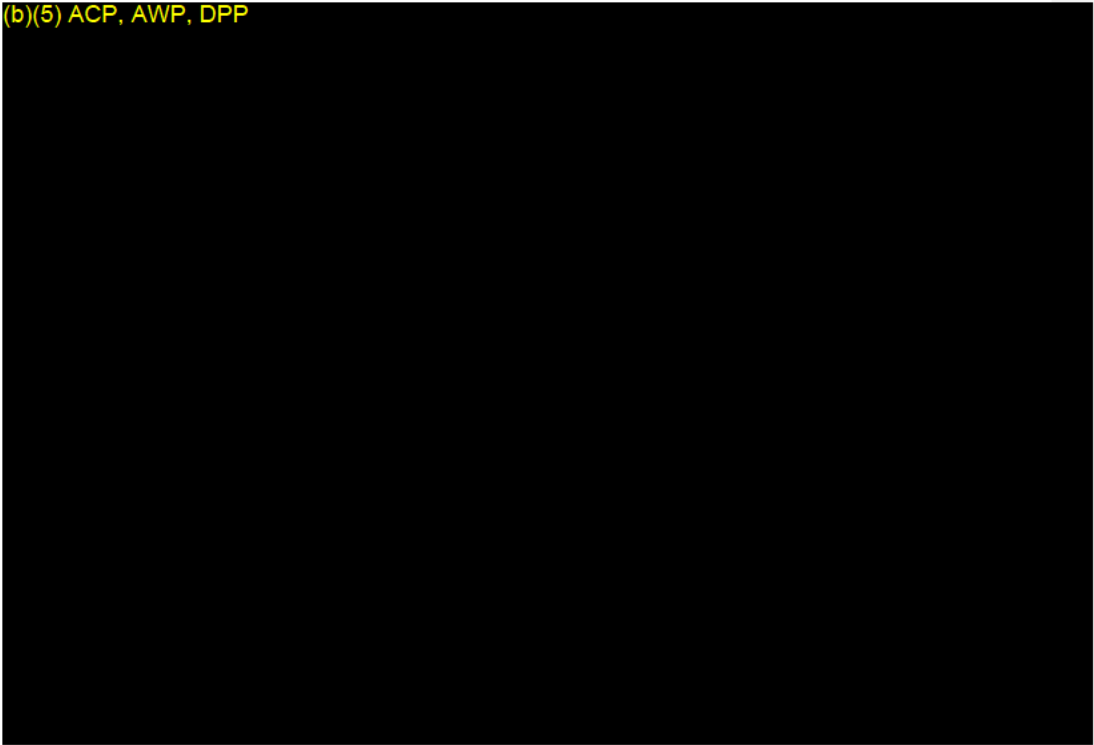
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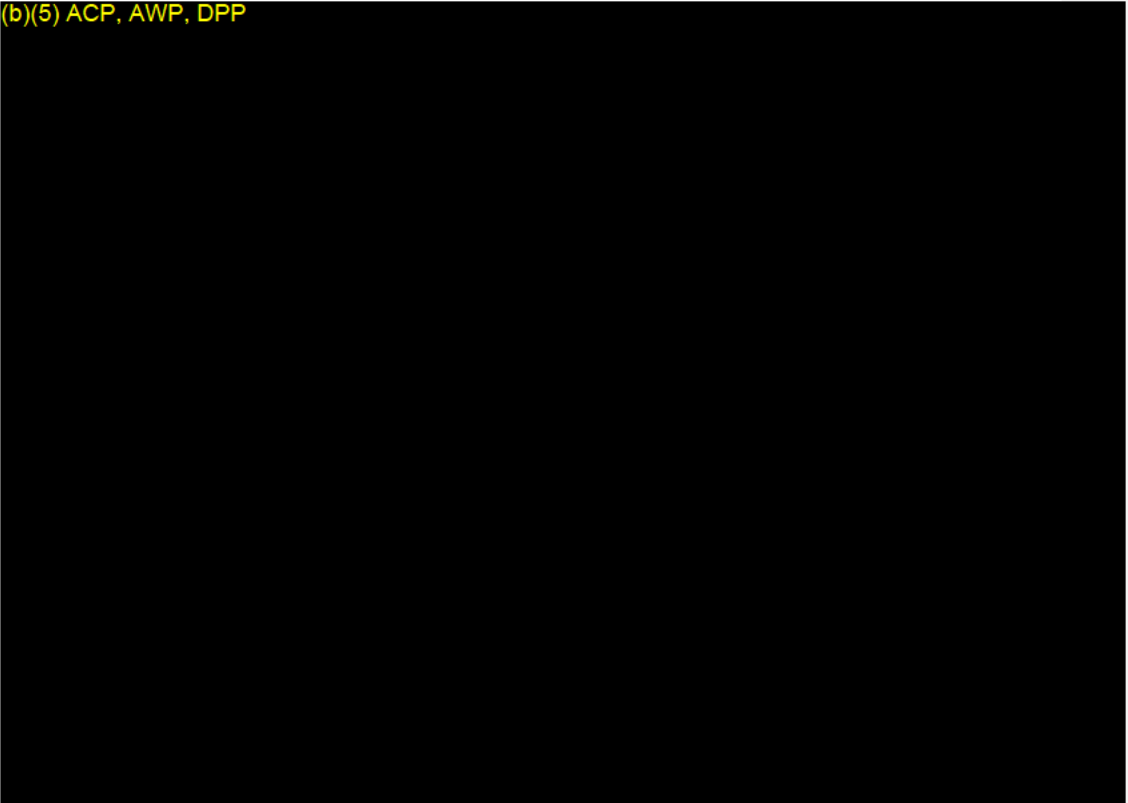
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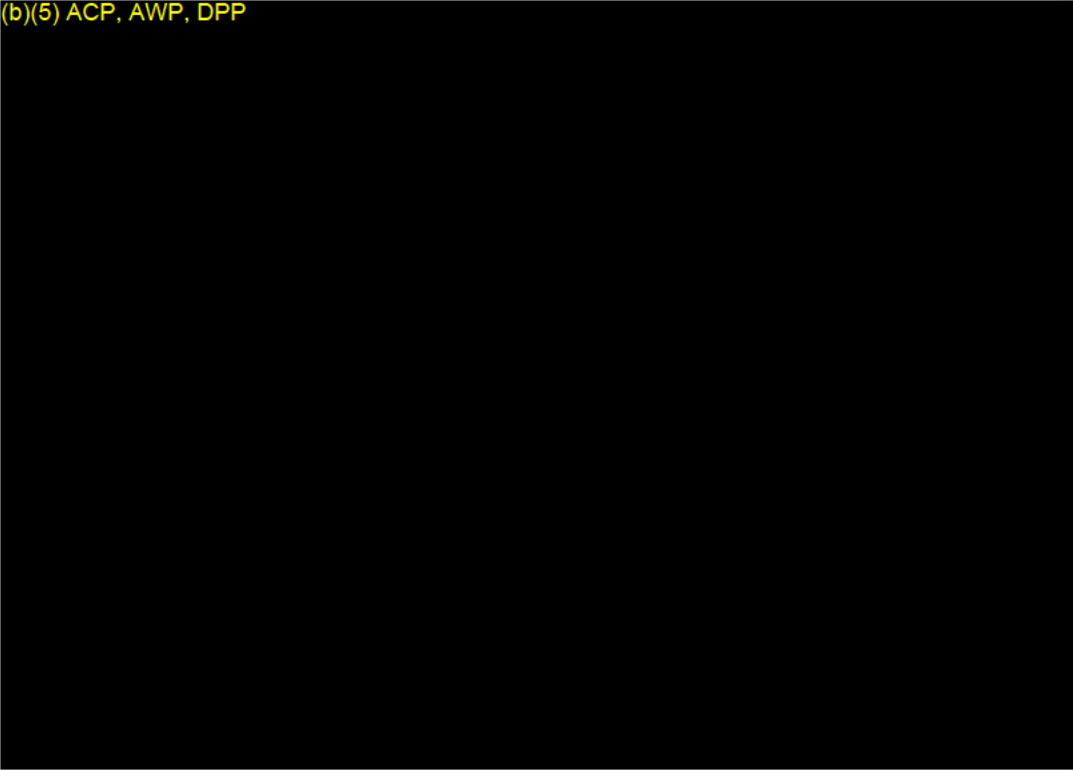
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11/17/17

Objects Summary - GSENM

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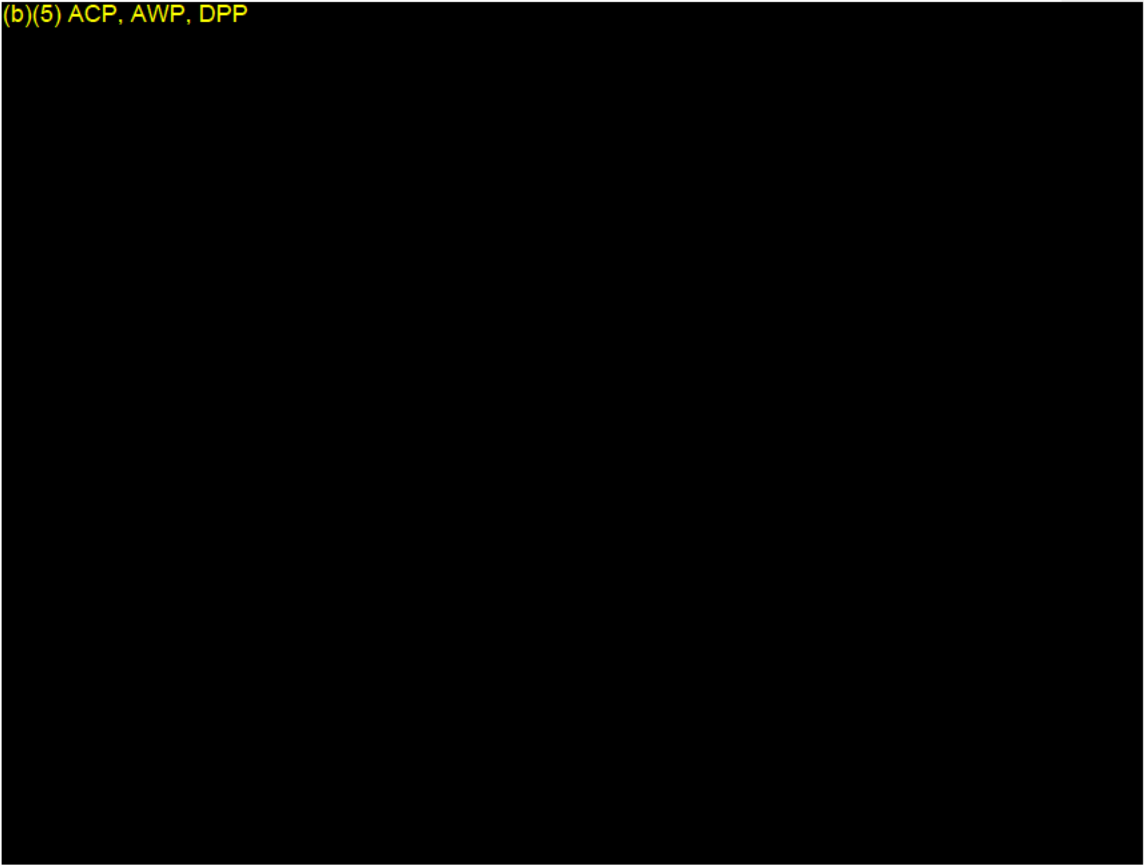
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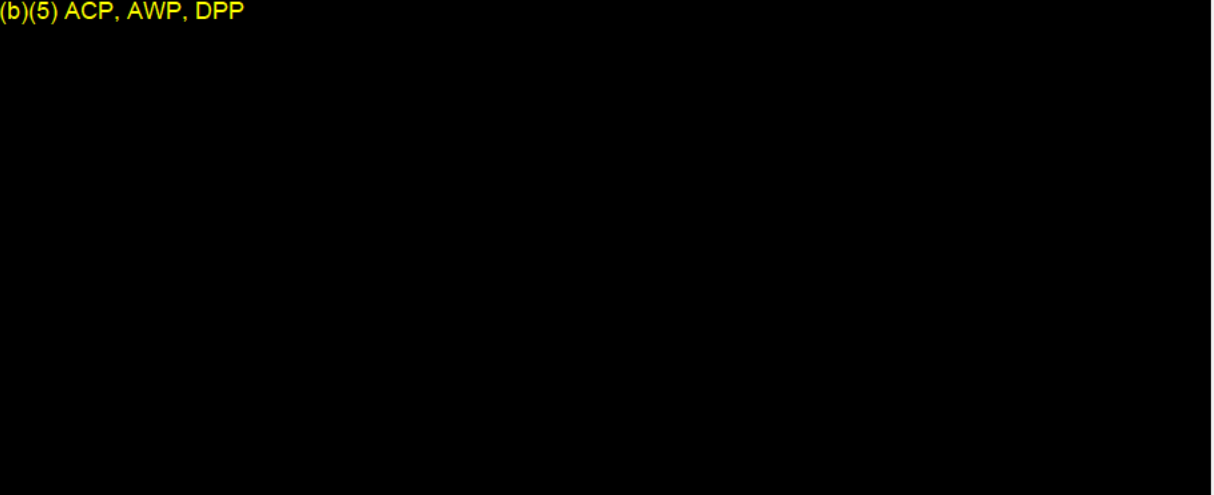
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Statements Made by Governors or Other State Officials on Selected National Monument Designations

State	Monument	Date	Acres	Governor / Time in Office	Notes
Arizona	Grand Canyon-Parashant	01/11/2000	1,014,000	Hull, Jane Dee (Sept 5, 1997-Jan 6, 2003)	See attached PDF.
	Ironwood Forest	06/09/2000	128,917		
	Sonoran Desert	01/17/2001	486,149		
	Vermilion Cliffs	11/09/2000	293,000		
California	Carrizo Plain	01/17/2001	204,107	Davis, Gray (Jan 4, 1999-Nov 17, 2003)	No statements identified.
	Giant Sequoia	04/15/2000	327,769		
	Berryessa Snow Mountain	07/10/2015	330,780	Brown, Jerry (Jan 3, 2011-)	CA Sec. Laird statement on Berryessa CA Sec. Laird statement on Mojave Trails and Sand to Snow No San Gabriel Mountains statements identified
	Mojave Trails	02/12/2016	1,600,000		
	San Gabriel Mountains	10/10/2014	346,177		
	Sand to Snow	02/12/2016	154,000		
Colorado	Canyons of the Ancients	06/09/2000	164,000	Owens, Bill (Jan 12, 1999-Jan 9, 2007)	See attached PDF.
Hawaii - Alaska - California	World War II Valor in the Pacific	12/05/2008	4,038,400	HI - Lingle, Linda (Dec 2, 2002-Dec 6, 2010)	No statements identified.

	Results
1.	Court upholds Clinton creation of 7 monuments, 3 in Arizona <i>Arizona Daily Star (Tucson)</i> , October 19, 2002 Saturday, TUCSON/REGION; Pg. B8, (660 words), Howard Fischer, Capitol Media Services
2.	Arizona has much at stake when Interior Secretary makes decisions <i>The Associated Press State & Local Wire</i> , State and Regional, (575 words), By GIOVANNA DELL'ORTO, Associated Press Writer
3.	Hull wants to alter new monuments <i>Arizona Daily Star (Tucson)</i> , May 22, 2001 Tuesday, NEWS; Pg. A4, (830 words), Tony Davis
4.	The Washington Post Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States, Charles Babington, Washington Post Staff Writer, January 12, 2000, Wednesday, Final Edition, A SECTION; Pg. A03, (875 words)
5.	GOP TELLS CLINTON TO BUTTE OUT OF NATIONAL MONUMENTS <i>Congressional Quarterly Daily Monitor</i> , January 7, 2000, (639 words), Mary Dalrymple, CQ Staff Writer
6.	WESTERN LAWMAKERS WARY OF CLINTON PLAN ON MONUMENTS <i>Congressional Quarterly Daily Monitor</i> , December 14, 1999, (601 words), Suzanne Dougherty, CQ Staff Writer

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1 of 6 DOCUMENTS

Arizona Daily Star (Tucson)

October 19, 2002 Saturday
Final Edition

Court upholds Clinton creation of 7 monuments, 3 in Arizona

BYLINE: Howard Fischer, Capitol Media Services

SECTION: TUCSON/REGION; Pg. B8

LENGTH: 660 words

Former President Clinton did not exceed his legal authority in creating a host of new national monuments in Arizona and elsewhere in the West, a federal appeals court ruled Friday.

In a unanimous decision, the District of Columbia Circuit Court of Appeals threw out two separate challenges to Clinton's actions. The judges said the president has broad authority under the law.

Among the monuments that were challenged was the Ironwood Forest National Monument, about 25 miles northwest of Tucson. Ironwood has one of the richest stands of Ironwood trees in the Sonoran Desert and has several mountain ranges including the Silver Bell, Waterman and Sawtooth, according to the Arizona Bureau of Land Management Web site.

Friday's rulings say that those who want to challenge presidential proclamations to create national monuments have a difficult legal burden.

Friday's ruling provides no relief to Gov. Jane Hull, who objected to Clinton's creation of the Arizona monuments and has been working to redraw the boundaries and lift some restrictions.

Clinton created 18 national monuments and expanded two others before leaving office.

Mountain States Legal Foundation challenged six of them, including the Desert Sonoran National Monument southwest of Phoenix, Ironwood and the

Grand Canyon-Parashant National Monument in northwest Arizona. Attorneys for the Denver-based organization charged that the proclamations exceeded any legal authority Congress gave the president.

A separate lawsuit was filed by Tulare County, Calif., challenging the creation of the Sequoia National Forest in south-central California.

At the heart of the dispute is the Antiquities Act, approved by Congress in 1906. That law allows the president "in his discretion" to declare "historic landmarks; and other objects of historic or scientific interest; situated upon (federal) lands; to be national monuments." The statute also requires the monuments to be the "smallest area compatible with the proper care and management of the objects to be protected."

Mountain States attorneys said Congress intended only to preserve ruins, artifacts and other man-made objects situated on public lands, with only minimal acreage included in the monuments.

The three Arizona monuments constitute more than 2 million acres.

Judge Judith Rogers said Clinton's actions appear to meet all legal conditions.

"Each proclamation identifies particular objects or sites of historic or scientific interest and recites grounds for the designation," she wrote. For example, Rogers said, the proclamation for Ironwood Forest states it holds "abundant rock sites and other archeological objects of scientific interest."

Rogers also rejected arguments that the proclamations must include a certain level of detail.

"No such requirement exists," she wrote. Rogers also said the president is entitled to ecosystems and scenic vistas in the list of things that qualify land for

Court upholds Clinton creation of 7 monuments, 3 in Arizona Arizona Daily Star (Tucson) October 19, 2002
Saturday

protection.

The judge also rejected arguments that too much land was included in the monuments. Rogers said that, in both cases, the challengers made only general assertions without spelling out which lands they believed were inappropriate for inclusion.

Last year Hull wrote to Interior Secretary Gale Norton, seeking a change in the boundaries of the new national monuments Clinton created.

The governor said she was not trying to repeal the proclamations nor even reduce the size of the monuments. She said, though, the boundaries threaten future use of rights of way for roads and power lines as well as tie up a potential \$100 million in mineral rights.

Hull also wants permission for certain activities

within monument boundaries, including chaining or burning of vegetation for wildlife management, research or ecological restoration. She has proposed giving the state the authority to manage wildlife within the monuments.

Nick Simonetta, a spokesman for the state Land Department, said negotiations have been ongoing with the Bush administration.

LOAD-DATE: June 6, 2007

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

JOURNAL-CODE: TUCS

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The Associated Press State & Local Wire

August 7, 2001, Tuesday, BC cycle

Arizona has much at stake when Interior Secretary makes decisions

BYLINE: By GIOVANNA DELL'ORTO, Associated Press Writer

SECTION: State and Regional

LENGTH: 575 words

DATELINE: PHOENIX

Environmentalists have a list of issues they plan to spotlight Wednesday when U.S. Interior Secretary Gale Norton visits Arizona.

Norton plans to tour a forest health rehabilitation project near Flagstaff and dedicate a new section of trail at the Grand Canyon. She will be in Phoenix Thursday to meet state water officials.

The Sierra Club in Phoenix and other groups said Tuesday they want Norton to take a stand on the new national monuments that former President Bill Clinton created in Arizona.

The Bush administration has suggested it might scale back the more than 3 million acres that Clinton put under protection to explore public lands for energy resources. In March, Norton, whose agency oversees the National Park Service, asked officials from several states to suggest boundary and other changes to the new national monuments.

Environmentalists, however, worry that might open the door to logging, mining and development on lands where even power lines should not be placed, said Phoenix Sierra Club spokesman Rob Smith.

Three out of four Arizonans support the monuments, according to a poll released Tuesday by the Behavior Research Center. The poll was commissioned by the Sierra Club and other environmental groups. It surveyed 602 registered voters last month and had a margin of error is 4.1

percent.

Gov. Jane Hull, however, suggested that some boundaries should be redrawn.

In an April letter to Norton, Hull said the monuments created problems with energy transmission, cut into the state's long-term water supply, prohibited essential roads and diminished the use of thousand of acres of private property.

"National monuments are a great opportunity, not a problem," Smith countered on Tuesday.

The five monuments, covering nearly 2 million acres, are: Grand Canyon Parashant, on the canyon's northern rim; Agua Fria, off I-17 near Black Canyon City; Ironwood Forest, near Tucson; Sonoran Desert, west of Phoenix; Vermilion Cliffs, near Lake Powell.

Public land management is also within Norton's discretion and some environmentalists have pledged to protest various thinning and burning treatments employed in a forest experiment near Flagstaff.

Proponents of the Fort Valley Restoration Project say the forest needs some thinning because years of wildfire suppression have left it too prone to large fires. Critics, including the Southwest Forest Alliance, argue that the project only amounts to extensive logging.

"It causes such a drastic reduction in the number of trees that the current ecosystem is being sacrificed," said Southwest Forest Alliance spokesman Brian Nowicki.

Norton also has a say on Arizona wildlife because she oversees the U.S. Fish & Wildlife Service, which is involved in determining where development should be restricted to protect endangered or threatened species.

Last month, a federal appeals court directed Norton to reconsider her decision not to list the flat-tailed

Arizona has much at stake when Interior Secretary makes decisions The Associated Press State & Local
Wire August 7, 2001, Tuesday, BC cycle

horned lizard for protection as a threatened species.
Its habitat is in southwestern Arizona.

Ecological Restoration Institute:
<http://www.eri.nau.edu/gpnar.htm>

Norton and Hull also will discuss negotiations with
tribes about water rights, Hull's spokeswoman
Francie Noyes said.

Sierra Club: <http://www.sierraclub.org/>

Southwest Forest Alliance: <http://www.swfa.org>

On the Net:

LOAD-DATE: August 8, 2001

Interior Secretary: <http://www.doi.gov/>

LANGUAGE: ENGLISH

National Park
<http://www.nps.gov/parks.html>

Service:

GRAPHIC: AP Photos UTSG501 and PN102

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Arizona Daily Star (Tucson)

May 22, 2001 Tuesday

Hull wants to alter new monuments

BYLINE: Tony Davis

SECTION: NEWS; Pg. A4

LENGTH: 830 words

Republican Gov. Jane Hull has asked the Bush administration to redraw the boundaries of Arizona's five newest national monuments and to delay both the Sonoran Desert Conservation Plan and the federal pygmy owl recovery plan.

Pima County supervisors and environmentalists contend that the governor's actions are escalating conflicts between the state and county over growth and the environment.

While the governor says she wants the state to have more say over these plans, county supervisors say they've given the state many chances to cooperate with them.

"We've always had an open door. Maybe it wasn't always the most welcome, but it's unfortunate to try to circumvent local government rather than to try to deal directly with the people who are working and voting here," Republican Supervisor Ray Carroll said.

Last month the governor wrote separate letters to Interior Secretary and fellow Republican Gale Norton asking for:

* New boundaries for the Ironwood Forest National Monument and four other monuments that ex-President Bill Clinton and former Interior Secretary Bruce Babbitt approved for the state before Clinton left office on Jan. 20.

Hull also proposed that the Interior Department allow certain kinds of vegetation disturbance such

as chaining or burning that's needed to maintain wildlife management, research and ecological restoration on the monuments. Her proposal would give Arizona authority to manage the monuments' wildlife and require that the state Game and Fish Department sign off on road closures, travel restrictions and other transportation plans for the monuments.

* A delay in decisions on Pima County's million-acre Desert Conservation Plan and the new owl recovery plan. She asked the Interior Department to provide an "appropriate state role" in shaping them.

Norton's office didn't reply Monday to questions about the governor's letters. Her department must approve the county's conservation plan and is currently reviewing the owl recovery plan, now more than 2 1/2 years behind its federally required release date. The plan would bring 175,000 acres of private and state-owned land under federal development limits to protect the endangered bird.

Hull wrote that she wasn't trying to repeal or downsize the monuments but did want to change their boundaries. The Ironwood Monument threatens future use of up to 14 rights of way for roads or power lines and up to \$100 million in mineral rights, Hull wrote.

"We have monuments with boundaries that do not protect the best of the terrain, do not give due consideration to wildlife management, do not allow vital energy transmission to cross into regions of the state, prohibit essential roads, create uncertainty in the state's long-term water supply and diminish the use of thousands of acres of private property," Hull's April 6 letter said.

The Ironwood monument spans the Silver Bell, Waterman and Roskrige mountains north of the Avra Valley. The Sonoran Desert National Monument covers a rugged, hilly area 30 miles southwest of Phoenix. The Vermilion Cliffs Monument contains the Paria Plateau and Paria River Canyon in Northern Arizona. The Grand

Hull wants to alter new monuments Arizona Daily Star (Tucson) May 22, 2001 Tuesday

Canyon-Parashant Monument lies on the Shivwits Plateau near the Canyon's North Rim. The Agua Fria monument, 40 miles north of Phoenix, includes an extensive area of Indian ruins dating back to 1250 to 1450.

Julie Sherman, a Sierra Club activist in Phoenix, said the various monument areas have long been considered for protection and pointed out that Ironwood and two of the other new monuments will be "much more permissive" than typical national monuments. Existing grazing, hunting, road and trail use, and existing mineral leases will be protected, she said.

"We don't understand her concerns that they can't be used," Sherman said.

Francie Noyes, Hull's press secretary, said the governor's staff has recently tried to improve communications with Pima County by holding a meeting with two county supervisors.

"The fact is that state agencies already, by statute and the constitution, have these responsibilities," Noyes said. "We simply want to be able to do our jobs."

Environmentalists and county officials said that state officials have had plenty of opportunities to participate. Officials from two state agencies sit on

two committees involved in advising the federal government on drafting the pygmy owl recovery plan.

"What Hull really wants is veto power over anything to do with protecting the pygmy owl and the Sonoran Desert," said Kieran Suckling, science director of the environmentalist Center for Biological Diversity.

Democratic Supervisors Raul Grijalva and Sharon Bronson and Republican Carroll disagreed with the governor's stance. Grijalva said the conservation plan is fighting one hurdle after another: "It's not only private interests that will be a bone of contention: We now have the state with Hull's access to the Interior Department that makes it a much bigger issue."

* Contact Tony Davis at 807-7790 or at verdin@azstarnet.com

LOAD-DATE: June 6, 2007

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

JOURNAL-CODE: TUCS

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The Washington Post

washingtonpost.com

The Washington Post

January 12, 2000, Wednesday, Final Edition

Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States

Charles Babington, Washington Post Staff Writer

SECTION: A SECTION; Pg. A03

LENGTH: 875 words

DATELINE: GRAND CANYON NATIONAL PARK, Ariz., Jan. 11

With this panoramic canyon as a backdrop, President Clinton today vigorously defended his decision to broaden federal protections for more than a million acres in the West as necessary to preserve scenic areas for generations to come.

After touring the Grand Canyon's northern rim by helicopter, the president signed documents creating two new national monuments in Arizona and one in California, and expanding an existing monument in California. Then, speaking to a few hundred supporters at Hopi Point on the south rim, he repeatedly invoked the name of Theodore Roosevelt, the president who gave federal protection to the Grand Canyon on this date in 1908.

He noted that Roosevelt used the federal Antiquities Act to protect the canyon, the same law that several other presidents have invoked and the one Clinton

used today to create the new monuments.

"This is not about locking lands up; it is about freeing them from the pressures of development and the threat of sprawl, for all Americans, for all time," said Clinton, who wore a leather jacket in the clear but chilly and breezy late morning. Addressing a frequent criticism, Clinton said local authorities and residents will have a voice in the uses of the lands, which generally will allow for recreation such as hiking and fishing but will limit amenities such as roads.

"In managing the new monuments," he said, "we will continue to work closely with the local communities to ensure that their views are heard and their interests are respected."

Several Arizona Republicans, including Gov. Jane Hull, declined to join Clinton today, complaining that the federal government uses too heavy a hand in western states in controlling the rights to mining, grazing, road-building and water use. Today's ceremonies, and the criticisms by those who did not attend, are but the latest example of long-running tensions regarding the extent to which this part of the country should be protected and controlled by politicians who see it only on occasional vacations.

In many ways, today's debate centers more on process and pride than on any likelihood that the newly declared monuments would fall prey to development. Nearly all the land in question is already federally owned, and the White House said existing mining and water rights "will be maintained." But no new mining claims will be allowed, and "the current prohibition on off-road vehicles will be made permanent" at the two new Arizona monuments, according to the White House.

Clinton Creates, Expands Four National Monuments; Arizona Officials Complain About Federal Government Controls on Use of Land in Western States The Washington Post January 12, 2000, Wednesday, Final Edition

Hull and other Arizona Republicans have been careful to criticize Clinton's procedures without attacking the notion of preserving scenic lands.

"The governor is not opposed to protecting this land," said Hull's press secretary, Francie Noyes. "She's disappointed that the people of Arizona were completely bypassed in making this decision." She said Hull is not "trying to protect business interests" because few business enterprises are practical in the rugged and remote areas in question.

Speaking with reporters before his speech, Clinton said administration officials consulted closely with local citizens and officials before making his decision. "We've tried to be, and will always be, sensitive to the concerns and the legitimate interests of local people, but I think we've done a good job with this," he said.

He also pointed to a recent statewide poll that found most Arizona voters support federal protection of scenic or historic sites. Still marked by vast open and arid tracts, Arizona nonetheless has gained 1.3 million new residents in the past decade, creating pressures for new developments and sprawl. Only 17 percent of Arizona land is privately owned. The federal government owns 42 percent, the state owns 13 percent, and Indian reservations cover the remaining 28 percent.

Clinton's actions added 7,900 acres to the Pinnacles National Monument south of San Jose. He also created these three monuments:

* Grand Canyon-Parashant National Monument, more than a million acres on the northern rim of the Grand Canyon.

* Agua Fria National Monument, a 71,100-acre site 40 miles north of Phoenix. It includes rock pueblos that were inhabited centuries ago.

* California Coastal National Monument, which comprises thousands of islands, rocks and reefs

along 840 miles of California coast.

Clinton was joined today by Interior Secretary Bruce Babbitt, a former Arizona governor who long has championed expanding the zone of protection around the Grand Canyon. Speaking before the president, Babbitt said Clinton "has written a full, final chapter to the protection of this canyon."

Protected Land

President Clinton today declared three new national monuments and expanded a fourth.

1. Coastal National Monument

Thousands of small islands, reefs and rocks off the California Coast.

2. Pinnacles National Monument

To be expanded.

3. Grand Canyon-Parashant National Monument

1,500 square miles of desert.

4. Agua Fria National Monument

71,000 acres filled with Indian ruins.

SOURCE: White House Council on Environmental Quality

President Clinton, with hiker Ann Weiler Walka, speaks at Grand Canyon, Ariz., after signing proclamations creating national monuments.

LOAD-DATE: January 12, 2000

LANGUAGE: ENGLISH

GRAPHIC: IG,,TWP; MAP,,TWP

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The Denver Post

July 12, 2000 Wednesday 2D EDITION

Owens axes federal land swap Cites Clinton's high-handed tactics in creating national monuments

BYLINE: By Mike Soraghan, Denver Post
Washington Bureau,

SECTION: DENVER & THE WEST; Pg. B-01

LENGTH: 731 words

WASHINGTON - Gov. Bill Owens, angered by what he considers the high-handed tactics of President Clinton in his drive for a 'lands legacy,' has called off a land swap involving 180,000 acres in 20 counties.

Owens' top lieutenant for public lands, Department of Natural Resources head Greg Walcher, put the kibosh on the swap that state and federal managers had been working on for more than six months.

The Owens administration said that Clinton and Interior Secretary Bruce Babbitt created the Canyons of the Ancients National Monument in southwest Colorado without regard for what local residents thought of it.

And Owens is worried that Clinton will do the same thing in northwest Colorado near Craig. Some environmental groups have proposed creating a Vermillion National Monument there.

'We're concerned that they're kind of having their way with us without any consent or any public input,' said Susan Wadhams, spokeswoman for Walcher.

Officials with the state Land Board and the U.S. Bureau of Land Management had been working on the massive exchange.

State officials say Babbitt had suggested the swap to streamline ownership, eliminating 'inholdings' on each other's lands.

The land that would have been exchanged is scattered across the state, but much of it is in northwest Colorado, Grand County and the San Luis Valley. It didn't involve land in the new Canyons monument or the proposed Vermillion.

But after Clinton designated Canyon of the Ancients in June, Walcher sent a memo to the Land Board saying the administration did not want to proceed with the land bartering. A spokesman for Owens said the governor has not been directly involved in the land swap, but wholeheartedly approves of what Walcher is doing.

'We don't want to deal with someone who's not dealing with the public,' Susan Wadhams said.

That's fine with Babbitt, according to his spokeswoman.

'The Bureau of Land Management is continuing to do technical work on this proposal,' said Stephanie Hanna of the Department of the Interior. 'It will continue to work with the state at whatever pace the state chooses.'

It was to have been done as a 'legislative land exchange,' which bypasses some of the usual federal appraisal procedures by having a member of Congress get it passed.

Some environmentalists have bitterly fought such deals in other states, saying they're a bad deal for federal taxpayers. They say that state land boards in the West, which manage their land to raise money for schools, usually get a sweetheart deal. So they're surprised to see a state blocking such a swap.

'I can't understand why Owens would oppose it,' said Janine Blaeloch, director of the Western Land Exchange Project. 'The states are making out so well.'

Owens axes federal land swap Cites Clinton's high-handed tactics in creating national monuments The
Denver Post July 12, 2000 Wednesday

A General Accounting Office report critical of such land exchanges, including some in Colorado, is expected to be released next week in Washington.

But in Colorado, environmentalists support land exchanges as a way to separate state land, which generally must be managed to raise the most money for schools, from federal land, which can be used purely for conservation purposes. Pam Eaton, the Denver-based regional director for the Wilderness Society, expressed some disappointment that Owens is stopping the swap.

'It's unfortunate that this process would be scuttled for political reasons,' Eaton said. 'These exchanges can be very productive.'

In his drive to create a federal lands legacy before he leaves office in January, Clinton has designated eight new monuments this year.

Monument status can restrict mining and oil and

gas exploration at a site, along with other activities, depending on how the government's management plan is drafted.

Owens says he fears that Clinton will create another monument, Vermillion, in northwestern Colorado near Craig and Dinosaur National Monument, because the National Wildlife Federation and other environmental groups have proposed it to Babbitt. But Babbitt has expressed no support for the proposal.

Owens also showed his dislike for Clinton's tactics by pulling together nine other Republican governors in the West to demand that the administration seek public input before creating any new monuments.

LOAD-DATE: July 12, 2000

LANGUAGE: ENGLISH

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DOW JONES

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Mont. may sit tight on exchange of lands

FAITH BREMNER
Gannett News Service
799 words
11 July 2002
Gannett News Service
GNS
English
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WASHINGTON -- As private landowners clamor to have their property removed from the Upper Missouri River Breaks National Monument, the state of Montana is in no hurry to yank its land from the controversial new monument.

The House Resources Committee approved a bill Wednesday that would remove 81,000 acres of privately owned land from the monument and redraw its boundaries. The bill, introduced by Rep. Dennis Rehberg, R-Mont., says nothing about the 39,000 acres of land in the monument that belongs to the Montana Division of School Trust Lands.

President Clinton created the 377,000-acre monument shortly before leaving office. Although Gov. Judy Martz has been one of the monument's loudest critics, she hasn't asked Congress or the federal government to have the state's lands removed from its boundaries.

That's a position the state land board would have to take, and it has not yet discussed the issue, said Todd O'Hair, Martz's natural resource policy adviser. The state land board is made up of three Democrats and two Republicans -- the governor, attorney general, auditor, secretary of state and superintendent of public instruction. The board's job is to manage the state's 5.1 million acres of trust lands in a way that generates the most money for the state's schools.

"It's a very controversial issue, and a lot of time these issues have a tendency to fall along party lines," O'Hair said. "If Congressman Rehberg can get the legislation through for the private landowners, that will be good."

The state will gain more financially by leaving the land in the monument, for now, and then trading it for other federal land later, said Janine Blaeloch, a Seattle-based critic of federal land exchange programs. That's because the Bureau of Land Management has a history of giving away the store when it exchanges its land for state lands in national monuments and wilderness areas, especially when development is mentioned, she said.

"The state is going to make out like crazy," said Blaeloch, director of the Western Land Exchange Project. "Montana must be rubbing their hands knowing they own this valuable historic land. All they have to do is threaten to build a road, and everybody will go nuts."

The BLM would not be interested in doing a land exchange with the state if its lands are removed from the monument's boundaries, Monument Manager Gary Slagel said.

"We can't enlarge the monument; only Congress can," Slagel said.

The state of Utah is making a ton of money off BLM lands it received in exchange for a lot of low-value land it owned in the Grand Staircase-Escalante National Monument, Blaeloch said.

In 1999, Utah received 200,000 acres of BLM land, which included the Ferron Coalbed Methane Trend in central Utah, plus \$50 million cash. In exchange, the federal government received 177,000 acres of state land in the national monument plus an additional 200,000 acres of state lands that were scattered around wilderness areas, national forests, parks and reservations in Utah.

Before the exchange, Utah received about \$100,000 a year off the land it owned in the national monument. Since the exchange, it has earned \$10 million off the land it received from the BLM on its coal-bed methane leases, according to the Utah Trust Lands' Web site. Within two years, Utah expects to receive \$10 million a year for 20 years on this land with residual revenues continuing for a century.

Dave Hebertson, spokesman for Utah Trust Lands, said the state gave up very valuable coal deposits in the national monument. The coal is low in sulfur and would be easy to mine. Even though it's in a national monument, he predicted that it will be mined someday, "five days after the hot tubs in California go cold."

"(The exchange) has been very lucrative for us," Hebertson said. "It's really wrong to believe the federal government got hoodwinked."

"They're smart people. They drove as hard a bargain as anyone."

BLM spokeswoman Celia Boddington said her agency does a good job of appraising lands involved in exchanges, and that taxpayers get good value for lands they get in exchange. BLM appraisers are licensed and certified and follow professional standards, she said. In Las Vegas, where the BLM has congressional authority to auction its lands rather than exchange them, the agency's appraised values come in very close to the actual selling prices, she said.

"Clearly, it's a very different market in Las Vegas, but if we can get it right in Las Vegas, we can get it right in most places," Boddington said.

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Features

Montana's Missouri Breaks: Undaunted Stewards

By Clint Peck Senior Editor

2,573 words

1 January 2002

BEEF

BEEF

Volume 38; Number 5; ISSN Number 00057738

English

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The area is known simply as "the breaks." It's a rugged, remote slice of north-central Montana cradling the upper reaches of the Missouri River as it zig zags through the badlands. By most assessments, the breaks have changed little since Lewis and Clark ventured into this frontier nearly 200 years ago.

By design, their journey (see sidebar on page 19) opened a growing country's eyes to the vast potential this and other places in the West held for American expansion.

Over the decades, scores of ranching families have grown into the fabric of the breaks. They have stewarded the land, water and wildlife -- working with government land managers assigned to oversee the public resources that characterize the area. For nearly 20 years though, there's been an undercurrent of resentment over the designation of a 149-mile stretch of the Missouri River as "Wild and Scenic."

Public interest in the breaks intensified after publication of historian Stephen Ambrose's book "Undaunted Courage" -- one of the more popular chronicles of the Lewis and Clark expedition. Then in 1999, Interior Secretary Bruce Babbitt floated through the river breaks with Ambrose, Montana Sen. Max Baucus and a cadre of environmental activists. There was no question Babbitt wanted the area preserved.

So last January, President Clinton, using his powers under the U.S. Antiquities Act, created the Upper Missouri River Breaks National Monument.

Now, this designation and attention to the Lewis and Clark expedition's upcoming bicentennial is haunting people and communities that have become dependent on the resources in and around the breaks. Comprised mainly of land managed by the Bureau of Land Management (BLM), the nearly half-million-acre monument also includes 40,000 acres of state land and 81,000 acres of privately owned land. It's estimated that ranchers graze nearly 10,000 head of cattle on land they own and/or lease within the monument boundaries.

So Where's My Hug?

"There's no question that, in time, this designation is going to affect our grazing uses as well as the value of our ranches," says rancher Matt Knox, Winifred, MT. He and his wife Karla feel their lives will change in what is now designated as national monument area.

"It happened when we got the Wild and Scenic designation, and it will happen again," Matt Knox says. "We think it's the next step in phasing out ranching in this area."

The Knoxs have demonstrated that grazing systems on both their private land and leased allotments have helped protect the environment. But, they now feel they'll be held to a higher standard with the monument.

Wendy Whitehorn, Dutton, MT, is a member of Friends of the Missouri Breaks Monument. She emphasizes that the vast majority of land in the monument is public land, and the designation will not affect ranchers' private property.

"The BLM will continue to manage the public land as it always has," Whitehorn says. "And, the public has every right to know what is happening on public land."

Knox, though, gets a little tired of people telling him what a great thing monument status will be for ranchers.

"We'll see more interference into our lifestyles. It won't happen overnight -- but it will happen," he says. "They say there's good 'karma' coming with this designation. And, they think we'll all have a big group hug when it's finished -- well that's just not going to happen."

In Neon Lights

While the Knoxs look down the road at long-term threats to the livestock business, they and others are also keeping an eye on what monument status means in the short run. And they shake their heads at what Clinton and Babbitt thought they were accomplishing.

"This remote location retains unspoiled, natural settings that form a backdrop for outstanding recreational and cultural tourism opportunities," stated Babbitt after his trip down the river. He noted the "remote location offers opportunities for solitude not commonly found today."

"Babbitt effectively built a giant neon sign saying the breaks are 'open for business' -- so to speak," says outdoor enthusiast Ron Poertner of Winifred. He's a retired military officer with family ties in central Montana.

He says Babbitt supported his arguments for monument designation by predicting as many as 2,000 people/day would float portions of the breaks during the height of the Lewis and Clark bicentennial set to begin in 2003.

"Monument designation is a death wish for the preservation of the breaks," Poertner explains. "Now there is potential for resource damage in the breaks."

Whitehorn says this is exactly the reason for monument status.

"We all believe the monument needs to stay intact," she says. "We're not thrilled about seeing millions of visitors, but we need to be prepared for them when they come." She says monument designation is the best way to prepare for the inevitable attention to the breaks.

Whitehorn explains that monument status gives the BLM "line-item" budgets for the breaks. And funding will come in time to for monument managers to plan ahead.

Poertner believes ranchers should be given more credit for preserving the breaks -- and not be penalized for living there. He says ranchers have the most to lose with monument designation.

"I just can't see what the upside is here. You can't tell me traditional uses won't be affected," Poertner says. "This country is in better shape than it's ever been because these ranchers have figured out how to live here. They certainly can't do it by abusing the land."

Promises, Promises...

Last winter the Bush administration, through Interior Secretary Gale Norton, promised to assess the impact of monument designation. Norton criticized Clinton and Babbitt for fostering conflict and hardship -- instead of environmental stewardship.

"They didn't work with local property owners, elected officials and other people whose lives were affected," Norton said in a March 2001 statement. "We're committed to building on the principle of respect for property rights."

Whitehorn argues, though, that there was an extensive public process that occurred prior to designation.

"The BLM held many public hearings and took hundreds of comments," she explains. "Babbitt gave our congressional delegation a chance to come up with their own plan to protect the breaks. They didn't do it."

Nevertheless, Norton looked for alternatives to undo what she called an "11th-hour action by the Clinton administration." She sent letters last summer asking Montana Gov. Judy Martz and other local officials for input into monument boundaries and an interim management plan. Martz appointed a task force charged with soliciting input on those two points.

But with the events of Sept. 11, national priorities changed. Attention to things like monument designations eroded. Some believe it's a convenient excuse to sidestep controversy and cop-out on the issue.

"I think the secretary reneged on her earlier commitment -- saying she really doesn't have the authority to make these changes," says Steve Pilcher, executive secretary of the Montana Stockgrowers Association. "I think it's

unfortunate Secretary Norton put Gov. Martz and a lot of other Montanans through all that agony -- and let me tell you, the arguments were very brutal."

Others think Martz could have been more insistent with Norton. There was consensus during one task force meeting that the governor failed to give her full support to task force recommendations.

"From the very beginning she had steadfastly opposed monument designation," adds Pilcher. "Personally, I'm surprised she's taking the secretary's change in direction as well as she is."

A Legislative Approach?

So, with executive branch attention to the breaks shut down -- monument opponents are looking into the legislative arena for help.

Even as early as July, legislation (H.R. 2114, the National Monument Fairness Act) was drafted recognizing there was virtually no time for opposing sides to negotiate a compromise over monument land use or boundaries. But, H.R. 2114 was also shelved after Sept. 11.

Now it appears the ranchers' best hope for relief is legislation that would exclude private property from the monument boundaries. With Gov. Martz's blessing, Rep. Denny Rehberg (R-MT) says he'll draft legislation removing private land from monument boundaries.

Whitehorn is not sure this legislation is necessary, though. She says access to private property and traditional grazing uses are already protected by Clinton's proclamation.

"I don't know what the purpose would be to take the private property out of the monument," she says, adding that no one is telling anyone what can or cannot be done with private property.

"We want to keep those guys on the land," Whitehorn explains. "The proclamation and the Interim Management Plan both state that grazing can continue."

Welcome To The Breaks

Some ranchers aren't so sure about Rehberg's legislation -- but for different reasons. They feel it only scratches the surface of the problems they're facing.

"There's a lot spelled out in the monument resolution and the Antiquities Act that really bothers us," says Knox. "It just leaves too much room for interpretation. These things will come back to haunt us."

Wording of particular concern is over water rights. Monument status assures, "a quantity of water... sufficient to fulfill the purposes for which this monument is established."

"That's a Trojan Horse for government water rights," says Poertner. "Who's going to decide how much water is needed from the river's tributaries 'for the purposes' of the monument?"

Consideration for species thought to be potentials for the Endangered Species list -- like sage grouse and prairie dogs -- also concerns ranchers. They fear perching and nesting habitat for many species of falcons, eagles, hawks and shore birds could become the next spotted owl issue.

The coulees and breaks contain archeological and historical sites, from teepee rings and remnants of historic trails to abandoned homesteads. Warning has already been given by the BLM to all "unauthorized" persons not to injure, destroy or remove any feature of the monument.

An Old Story

"Monument designation changes the way the government looks at all the animals, features and all uses in the breaks," says Karla Knox. "We just can't say where they will draw the line."

For example, predator control will be left in the hands of the monument manager. And a "transportation plan," including road closures or travel restrictions, will be implemented by the BLM to protect the "objects" identified in the monument proclamation.

And Poertner says the designation opens the door for more government land grabs.

"The proclamation states that lands within the proposed monument not owned by the government shall be reserved as a part of the monument upon acquisition of title by the U.S.," he says.

But, the BLM has no hidden agenda for the private lands within this boundary, says Dave Mari, Lewistown, MT, field manager for the BLM. However, he says if a willing landowner approaches the BLM about an acquisition, easement or an exchange, the BLM would manage the acquired lands just as other public land within the monument.

Poertner doesn't buy it. And he wonders aloud why, with all the local opposition to monument designation, so much land had to be set aside.

"I just can't see why they need so much land," he says. "There's just more to this than meets the eye."

Whitehorn says there's tremendous public support for the monument, and boundaries were carefully drawn.

"Several opinion polls showed support for the monument. All the major Montana newspapers and some of the smaller ones came out in support of the monument," she points out. "So, how can the designation be 'haunting' Montana?"

For Pilcher, it's the fear of the unwritten.

"It isn't the changes implemented today that the people fear as much the 'vehicle' monument designation provides for future changes," explains Pilcher. "The agencies and their supporters are smart enough not to make dramatic changes immediately, as the backlash would be overwhelming. It's an old story to say there will be no change."

But, the proclamation clearly states that the designation applies only to public land, emphasizes Mari.

Knox isn't being swayed by what he thinks are hollow promises.

"Everyone is telling us this is something we're going to have to live with," he concludes. "I don't know about that -- I guess we'll see. If it is, it's a tough pill to swallow."

The History Of "The Breaks"

On April 30, 1803, a single pen stroke by President Thomas Jefferson doubled the geographical area of the U.S.

Napoleon Bonaparte, preparing for another war with England, had announced he'd sell the port of New Orleans to the U.S. if Jefferson would also take the entire 820,000-square-mile Louisiana Territory for \$15 million or about 3cents/acre.

While New Orleans was strategically important to Jefferson, he viewed westward expansion equally key to the future of the young country. He convinced Congress the commercial and agricultural possibilities of the region were crucial to the nation's growth.

First, the Louisiana Purchase had to be explored and charted. On July 5, 1803, the president's aide, Meriwether Lewis, left Washington, D.C., to begin assembling an expedition to survey the headwaters of the Missouri River and to search for a waterway connecting it with the Pacific Ocean.

Over the next four years, Lewis and his friend William Clark would lead the Corps of Discovery. They explored lands and rivers and experienced peoples previously enigmatic to 19th Century Americans. They spent three weeks -- May 24 through June 13, 1805 -- exploring what is now the Upper Missouri National Wild and Scenic River. Today, this portion is considered to be the premier component of the Lewis and Clark National Historic Trail.

Earlier depictions of the land and creatures in the West had often come from the imaginations of people who had never been there. Many reports told of Western terrain spotted with unicorns, woolly mastodons, seven-foot-tall beavers, Peruvian llamas and blue-eyed, Welsh-speaking Indians.

Lewis and Clark dispelled many of those myths and made numerous assessments of the region's potential.

Of the Missouri Breaks, or "badlands," Captain Clark wrote: "This country may with propriety, I think, be termed the Deserts of America, as I do not conceive any part can ever be settled, as it is deficient in water, timber, and too steep to be tilled." History has shown, of course, that Clark was only partly correct in his appraisal of the region's agrarian potential.

But, he knew that as a route of Western expansion, the Missouri River would have few equals. The fur trade era stimulated the first extensive use of the river as an avenue of transportation. Then, steamboats began braving the treacherous Missouri in 1859, arriving just in time to supply the gold camps in southwest Montana and northern Idaho. Supplies unloaded in Fort Benton, MT, were freighted as far west as Washington and north to Canada's Northwest Territories.

The railroad reached Fort Benton in 1887. The last commercial steamboat arrived there in 1890. By then, the buffalo had disappeared from the Plains -- replaced by livestock. Fort Benton changed from a river port to an agricultural supply center, and homesteaders began arriving in large numbers around 1910.

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Montana panel backs smaller monument

Associated Press

177 words

19 August 2001

The Milwaukee Journal Sentinel

MLWK

Final

14

English

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A task force appointed by Republican Gov. Judy Martz has recommended scaling back the size of the Upper Missouri River Breaks National Monument, established by then President Bill Clinton.

The panel recommended shrinking the 497,000-acre monument by more than 80% by removing 81,000 acres of private property and a significant chunk of public land. The move was praised by landowners but condemned by environmentalists.

"It basically just makes the monument (status) meaningless," said Mark Good, field organizer for the Montana Wilderness Association.

National monument status protects areas from new natural gas leases and mining but keeps existing rights. Off-road vehicle travel also is forbidden.

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