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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DRAFT

January 11, 2000

Background Materials on the Pinnacles National Monument Expansion

Background Materials on the Pinnacles National Monument Expansion

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments "objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States...."

Objects of Historic or Scientific Interest

In 1908, President Theodore Roosevelt proclaimed, "Whereas, the natural formations, known as the Pinnacles Rocks, with a series of caves underlying them, which are situated on public lands, within the Pinnacles National Forest, in the State of California, are of scientific interest, and it appears that the public interest would be promoted by reserving these formations and caves as a National Monument, with as much land as may be necessary for the proper protection thereof..." (Proclamation No. 796), thereby establishing the 2,060 acre Pinnacles National Monument. The monument was expanded in 1923 by 562 acres (Proclamation No. 1660), by 326 acres in 1924 (Proclamation No. 1704), and by 1,926 acres in 1931 (Proclamation No. 1948). Substantial expansions also occurred in 1933 and 1941, adding 5,322 acres and 4,300 acres respectively (Proclamation Nos. 2050 and 2528). In 1976, Congress added 1,720 acres to the monument (90 Stat. 2693).¹ Each time the expansions included objects of scientific interest or were required for the proper care, management, and protection of the objects of scientific interest situated on lands within the monument.

The outer boundary of this monument expansion covers about 10,800 acres, of which 7,900 acres are managed by the Bureau of Land Management (BLM). These lands are located to the north, northwest, northeast, and south of the monument.² The remaining 2,900 acres are privately owned. There are no state owned lands within the boundaries.

The Proclamation describes objects in the area that warrant protection as a national monument. Much of the expansion area has remained isolated, relatively undisturbed, and largely roadless. These conditions have afforded protection for the fragile, biological resources on these lands. The wild character of the land provides an important habitat for raptor populations, amphibians, and reptiles who reside in and use the resources of the monument. In addition to containing pieces of the same faults that have created the tremendous geological formations throughout the monument, the expansion lands hold part of the headwaters that drain into the basin of the

¹The same act designated 13,270 acres, constituting eighty percent of the total monument, as wilderness (90 Stat. 2693).

²Recognizing their natural, scientific, and ecological importance, the Department of the Interior designated seventy five percent of the included federal lands as a Wilderness Study Area, called the Pinnacles Contiguous Wilderness Study Area.

monument. By expanding the monument, these unique biological and geological resources are afforded more complete protection that will maintain and enhance the ecosystems of the monument.

Congressman Sam Farr of California introduced legislation in June 1999 (H.R. 2279) to add approximately 3,000 acres of BLM land to the Pinnacles National Monument and designate them as wilderness. The bill would allow for the acquisition of private land as well. H.R. 2279, "To expand the boundaries of Pinnacles National Monument, and for other purposes," has been referred to the House Committee on Resources, but no hearings have been held.

Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of his declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431. The expansion area has been carefully delineated, based on a thorough review of available information, to meet the goals of effectively caring for and managing the objects within the monument in perpetuity. The area includes the geologic and biological objects identified in the Proclamation.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserves only the federal lands in the area, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States...." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the Proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundaries of the monument from entry, location, selection, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal prevents the location of new mining claims under the 1872 Mining Law, and prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, the Proclamation reserves, subject to valid existing rights and as of the date of the Proclamation, sufficient water to fulfill the purposes for which the monument is established.

ADMINISTRATION OF THE MONUMENT

Management by the National Park Service

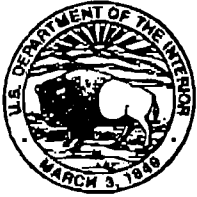
The federal lands described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. Pinnacles National Monument is currently managed by the National Park Service (NPS). The Proclamation transfers the expansion lands to the NPS to be managed in the same manner as the rest of the monument. Wilderness Study Areas will continue to be managed under section 603(c) of the Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1701 et seq.). The Wilderness Act of 1964 serves some values (e.g., outstanding opportunities for solitude and primitive and unconfined recreation) that are not addressed in the Antiquities Act of 1906 which, as noted earlier, serves to protect "objects of historic or scientific interest." Section 2(c) of the Wilderness Act expressly acknowledges that wilderness areas "may...contain ecological, geological, or other features of scientific, education...or historic value," and section 4(b) directs that wilderness areas "shall be devoted to the public purposes" of, among others, "scientific, educational, conservation, and historical use."

The designation of these lands as part of Pinnacles National Monument has no effect on the Wilderness Study Area status of the area, nor on any Congressional action to designate lands within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments, including other areas of the monument.

Impact of Monument Designation on Existing or Planned Activities in the Area

The expansion lands are currently lightly hunted, primarily by adjoining landowners. Hunting is generally prohibited in units of the National Park Service and will be eliminated with addition of this area to the monument. Grazing also currently occurs within the expanded area; the designation will not eliminate this use. There are no known mining claims in the area, and no outstanding oil, gas, or other mineral leases. Wilderness values within the Wilderness Study Areas will continue to be managed as specified above.

The area within the boundaries of the expansion area contains approximately 2,900 acres of private land. The monument designation does not apply to these lands, but the Proclamation provides that if any private lands within the outer boundaries of the monument are acquired into federal ownership in the future, they will become part of the monument. In the absence of acquisition, the laws applicable to the use of private lands prior to the establishment of the monument will continue to apply.



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Background Materials on the Agua Fria National Monument

Background Materials on the Agua Fria National Monument

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments "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 Government of the United States...."

Objects of Historic or Scientific Interest

The Agua Fria National Monument is located in central Arizona approximately forty miles north of central Phoenix. The 71,100 acres of federal land comprise two mesas (Perry Mesa and the adjacent, smaller Black Mesa), the public land to the north of these mesas, and the Agua Fria River Canyon. Elevations range from 600 feet above sea level along the Agua Fria Canyon to about 4,300 feet in the northern hills.

The map appended to the Proclamation sets out the boundaries of the land reserved for the monument. The outer boundaries of this area encompass 72,500 acres, of which 71,100 are federal lands managed by the Bureau of Land Management. The remaining 1,400 acres are privately owned. There are no state owned lands within the boundaries.

The Proclamation describes objects in the area that warrant protection as a national monument. The monument contains one of the most significant systems of late prehistoric sites in the American Southwest. Its ancient ruins offer insights into the lives of those who long ago inhabited this part of the desert southwest. Between A.D. 1250 and 1450, the area's pueblo communities were populated by up to several thousand people. At least 450 prehistoric sites are known to exist within the monument area and there are likely many more. There are at least four major settlements within the area, including Pueblo La Plata, Pueblo Pato, the Baby Canyon Ruin group, and the Lousy Canyon group. These consist of clusters of stone-masonry pueblos, some containing at least one hundred rooms. In addition, there are many intact petroglyphs, as well as remnants of prehistoric agricultural features. The monument also contains historic sites representing early Anglo-American history through the nineteenth century, including remnants of Basque sheep camps, historic mining features, and military activities.

In addition to its rich record of human history, the monument contains outstanding biological resources. The diversity of vegetative communities, pristine riparian habitat, topographical features, and relative availability of water provide habitat for a wide array of sensitive species and other wildlife.

The area included in the monument is relatively isolated and rugged. Currently, the federal lands in the area are used primarily for scientific study, primitive recreation, and livestock grazing.

In the last few decades, the area has received increased recognition as an outstanding archaeological resource. The majority of public land in the area was acquired around 1990 from the State of Arizona and in two private exchanges. The area contains most of a National Register of Historic Places District. Originally designated in 1975, the District was expanded in 1996 to encompass approximately 50,000 acres managed by the BLM and the Tonto National Forest. It is one of the largest prehistoric districts listed on the National Register of Historic Places. The area also contains all of the Perry Mesa Area of Critical Environmental Concern (ACEC), designated in 1987 to protect its cultural resource values. It also encompasses the Larry Canyon ACEC, which was designated in 1987 to protect a rare, pristine riparian deciduous forest within a desert ecosystem. The documentation supporting the nomination to the National Register and the ACEC designations identified many objects of scientific and historic interest within the monument area.

Increased recreational use of the monument associated with the burgeoning human population and urban expansion of the Phoenix metropolitan area poses a threat to the archaeological and biological resources of the area. Illegal excavation, artifact collecting, and other activities have damaged archaeological sites, some significantly, and remain a continuing threat to their integrity. Despite damage to some sites, there is abundant scientific information to be gained from the monument. Protective measures will help preserve the remaining research potential of this archaeologically rich area.

Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of a declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431. The area you reserved has been carefully delineated, based on a thorough review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the archaeological, historic, and biological objects identified in the Proclamation. The area of the monument is based on the conservation needs of these objects, some of which are present throughout the entire monument area and others of which are scattered within it. Many objects also overlap. Much of the scientific value of the archaeological objects has been retained because they have remained relatively undisturbed and unchanged. Preservation of them requires, among other things, protection of land surrounding them in order to maintain the relatively remote conditions that have made their continued existence possible.

Protection of land surrounding the archaeological objects is also important to preserve the relationships between objects. Current archaeological research suggests that the settlements throughout the monument interacted with one another for defense purposes. The area is intended to protect the totality of sites and agricultural systems in the area, allowing study of the interactions and relationships among these elements. Reservation of the aggregate area is necessary to protect the entire network of these sites. The same is true for biological objects

such as vegetative communities and wildlife species that rely upon the larger ecosystem, including the vital Agua Fria riparian system.

Even if it were possible to disaggregate the area, management of a patchwork of reserved lands would be impractical, as it would make it more difficult to care for the objects, reduce options for natural resource management and lead to inconsistent resource management standards for overlapping resources. Such a fragmentation of the monument would endanger many of the objects, undermine the purposes of the monument itself, and create substantial impediments to effective management of the monument. In short, our analysis indicates that reservation of a smaller area would undermine proper care and management of the monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserves only the federal lands in the area, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States...." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the Proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundaries of the monument from entry, location, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal prevents the location of new mining claims under the 1872 Mining Law, and prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, the Proclamation reserves, subject to valid existing rights and as of the date of the Proclamation, sufficient water to fulfill the purposes for which the monument is established.

ADMINISTRATION OF THE MONUMENT

Management by the Bureau of Land Management

The federal lands in the area described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.).

The Proclamation keeps the area under BLM management. This keeps the management of the federal land under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the Proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM; it limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument.

Impact of Monument Designation on Existing or Planned Activities in the Area

Currently permitted livestock grazing (including water impoundments and similar range improvements), hunting, fishing, and similar activities:

Grazing, hunting and other similar uses will generally not be affected except where (1) the BLM, through processes required by existing law, identifies places where such uses ought to be restricted or prohibited as necessary to protect the federal lands and resources, including the objects protected by the monument designation; or (2) where the BLM land manager finds a clear threat from such a use to the federal lands and resources including the objects protected by the monument designation and the circumstances call for swift protective action. Such uses will, of course, remain subject to applicable laws and regulations, and will therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the monument.

Use of existing rights-of-way (such as those established under R.S. 2477 or Title V of FLPMA):

The area covered by the Proclamation has very few roads; those that exist are primitive and tend to be rough and rutted much of the year. Use of existing rights-of-way will generally be subject to the same standards as described in the preceding paragraph. In some cases existing rights-of-way may include valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights.

Off road vehicle use:

For the purpose of protecting the objects identified in the Proclamation, it will prohibit motorized and mechanized vehicle travel off road, except for authorized administrative or emergency purposes. The current management plan already prohibits vehicle travel off road so there should be no change in actual practice.

Activities on private land:

The area within the boundaries of the monument contains approximately 1,440 acres of private land (mostly associated with ranch headquarters). The monument designation

does not apply to those lands, but the Proclamation provides that if any private lands within the outer boundaries of the monument are acquired in the future, they will become part of the monument. In the absence of acquisition, the laws applicable to the use of private lands prior to establishment of the monument will continue to apply.

Mining claims/oil and gas leases:

The area has no known potential for oil and gas development. There are no existing mineral leases. Although active mining claims and mineral material operations exist to the west of the monument in the Black Canyon area, none are known to exist within the monument. New mining claims will be prohibited as the Proclamation withdraws the area from the 1872 Mining Law.



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Background Materials on the California Coastal National Monument

Background Materials on the California Coastal National Monument

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments “objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States....”

Objects of Historic or Scientific Interest

The California Coastal National Monument covers all unappropriated and unreserved islands, rocks, exposed reefs, and pinnacles owned by the United States along the Pacific coastline of California. The Proclamation describes the land reserved along the entire 840 mile coastline. The number of islands, rocks, exposed reefs, and pinnacles has not been counted. There are no legal descriptions for most of these lands and no maps exist, other than navigation charts. This monument does not include submerged lands or territorial waters that are owned by the State of California.

The Proclamation describes objects in the area that warrant protection as a national monument. In particular, gulls, the endangered California least tern, the endangered brown pelican, and the snowy plover reside in and establish their nests on the islands, rocks, exposed reefs, and pinnacles that comprise the national monument. Studies as early as 1970 have noted that the rookeries on which these birds breed are unprotected and in danger. The number of breeding pairs for some of the species continues to decline as the century ends. The monument also provides forage and breeding habitat for several mammal species, including a number of threatened pinnipeds.

Recognizing their ecological importance, the Secretary of the Interior designated these islands, rocks, exposed reefs, and pinnacles as the “California Islands Wildlife Sanctuary” on April 11, 1983 (Public Land Order 6369). While the Bureau of Land Management (BLM) retains legal responsibility for the Sanctuary, the State of California’s Department of Fish and Game handles day-to-day management under a 1983 Memorandum of Understanding (MOU). On February 5, 1990, the BLM designated these islands, rocks, exposed reefs, and pinnacles an Area of Critical Environmental Concern pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.). In 1998, Representative Sam Farr introduced legislation to designate these islands, rocks, and pinnacles federal wilderness, as part of the National Wilderness Preservation System. He reintroduced the bill in June 1999 (H.R. 2279). No further action on this bill has been taken.

Other executive, administrative, and legislative actions to preserve federal lands off the Pacific coast have taken place over the last seventy years. In the State of Oregon, the United States Fish and Wildlife Service manages as the Oregon Coastal Refuge System over 1,400 islands, rocks, and reefs along 320 miles of coastline. In these protected places, sea lions and seabirds return

each year to breed on coastal rocks, as they have for thousands of years. The Oregon Coastal Refuges include the Threc Arch Rocks, Nestucca Bay, Oregon Islands, Bandon Marsh, Cape Meares, and Siletz Bay National Wildlife Refuges. In California, Congress reserved the islands, rocks, and pinnacles above mean high tide, extending one-quarter of a mile seaward, in the Point Reyes National Seashore (76 Stat. 538), Redwood National Park (82 Stat. 931), and Golden Gate National Recreation Area (86 Stat. 1299).

There is historical precedent for establishing a national monument encompassing coastal islands and rocks. In 1938, President Franklin Roosevelt issued Proclamation No. 2281 (52 Stat. 1541) which reserved Anacapa and Santa Barbara Islands as the Channel Islands National Monument. President Harry Truman enlarged the Channel Islands National Monument on February 9, 1949 (Presidential Proclamation 2825), by extending the boundary around Anacapa and Santa Barbara Islands for one nautical mile, thus including the islands, rocks, and pinnacles associated with the main islands. The purpose of the monument was to protect varied marine life, fossils and geology. See United States v. California, 436 U.S. 32, 36 (1978).

Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of his declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431. The area you reserved has been carefully delineated, based on a thorough review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The monument area includes the biological and geologic objects identified in the Proclamation, which are on the Federally owned islands, rocks, exposed reefs, and pinnacles under the jurisdiction of the BLM. The surrounding waters are not included.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserve only the federal lands, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States...." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights, the proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundary of the monument from entry, location, selection, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal supercedes, without time limit, the existing withdrawal and prevents the location of new mining claims under the 1872 Mining Law. It also prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, there are federal lands and interests not included in the monument because they have previously been appropriated or reserved, including: Santa Rosa Island, Santa Cruz Island, San Miguel Island, Prince Island (of Santa Barbara County), Anacapa Island, Cat Rock, San Clemente Island, San Nicholas Island, Santa Barbara Island, Santa Catalina Island, Deadman's Island, Morro Rock, Ano Nuevo Island, San Francisco Bay Islands, Farallon Islands, Preston's Island, Whaler Island, Flat Rock, Pelican Rock, Round Rock, Lighthouse Island, Prince Island (of Del Norte County), Hunter Rock, St. George Reef, and Castle Rock.

ADMINISTRATION OF THE MONUMENT

Management by the Bureau of Land Management

The federal lands in the area described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.).

The Proclamation specifies that the Secretary of the Interior manage the monument through the BLM. As a result, management of this federal land will continue under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the Proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM; it limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument. The BLM should inventory the islands, rocks, exposed reefs, and pinnacles of the monument, under the authority of FLPMA section 201.

Currently, the BLM retains legal responsibility for the area but the State of California's Department of Fish and Game handles day-to-day management under an existing Memorandum of Understanding. This arrangement continues following the establishment of the monument, and the memorandum should be reviewed and revised to ensure its consistency with the Proclamation.

As mentioned above, legislation has been introduced to designate parts of the monument as wilderness, as part of the National Wilderness Preservation System. The Wilderness Act of 1964

serves some values (e.g., outstanding opportunities for solitude and primitive and unconfined recreation) that are not addressed in the Antiquities Act of 1906, which, as noted earlier, serves to protect "objects of historic or scientific interest." However, wilderness designation is not incompatible with a national monument. Section 2(c) of the Wilderness Act expressly acknowledges that wilderness areas "may...contain ecological, geological, or other features of scientific, education...or historic value," and section 4(b) directs that wilderness areas "shall be devoted to the public purposes" of, among others, "scientific, educational, conservation, and historical use."

The designation of these lands as a national monument will have no effect on its wilderness suitability nor on any Congressional action to designate lands within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments.

Impact of Monument Designation on Existing or Planned Activities in the Area

A few mining claims exist in the monument area. Because of a 1983 withdrawal, no new mining claims or other general land law entries have occurred in the last sixteen years. As a matter of practice, oil and gas operators do not drill on islands, rocks, exposed reefs, or pinnacles. The monument does not enlarge or diminish the jurisdiction or authority of the state of California or the United States over submerged or other lands within the territorial waters off the coast of California, nor does it affect the rights or obligations of any state or federal oil or gas lessee within the territorial waters off the California coast. Recreational use will not be affected except where (1) the BLM (or the State via the MOU), through processes required by existing law, identifies places where such uses ought to be restricted or prohibited as necessary to protect federal lands and resources, including the objects protected by the monument designation; or (2) where the BLM (or the State via the MOU) finds a clear threat from such a use to the federal lands and resources, including the objects protected by the monument designation and the circumstances call for swift protective action.

No private lands will be affected, nor will islands and rocks already appropriated or reserved for other Federal uses.



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Background Materials on the Grand Canyon- Parashant National Monument

Background Materials on the Grand Canyon-Parashant National Monument

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments "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 Government of the United States...."

Objects of Historic or Scientific Interest

The Grand Canyon-Parashant National Monument is located on the Colorado Plateau in northwestern Arizona, within the drainage of the Colorado River. It borders Grand Canyon National Park to the south, the state of Nevada to the west, and encompasses a portion of Lake Mead National Recreation Area. Elevations within the monument range from 2,300 to 8,000 feet above sea level. The map appended to the Proclamation sets out the boundaries of the land reserved for the monument. The outer boundaries of the area encompass 1,014,000 acres of federal land, of which the Bureau of Land Management (BLM) manages approximately 808,000 acres and the National Park Service (NPS) manages approximately 206,000 acres. The Proclamation describes objects in the area that warrant protection as a national monument.

The monument contains valuable geological resources, including relatively undeformed and unobscured Paleozoic and Mesozoic sedimentary rock layers, offering a clear view to understanding the geologic history of the Colorado Plateau. Deep canyons, mountains and lonely buttes testify to the power of geological forces and provide colorful vistas. Fossils are abundant throughout the monument. Among these are large numbers of invertebrate fossils, including bryozoans and brachiopods located in the Calville limestone of the Grand Wash Cliffs, and brachiopods, pelecypods, fenestrate bryozoa, and crinoid ossicles in the Toroweap and Kaibab formations of Whitmore Canyon. There are also sponges in nodules and pectenoid pelecypods throughout the Kaibab formation of Parashant Canyon.

Archaeological evidence shows much human use of the area over the past centuries. Prehistoric use is documented by irreplaceable rock art images, quarries, villages, watchtowers, farms, burial sites, caves, rockshelters, trails and camps. Historic ranch structures and corrals, fences, water tanks and the ruins of sawmills are scattered across the monument, and tell the stories of the remote family ranches and the lifestyles of early homesteaders. There are several old mining sites dating from the 1870s, showing the history of mining during the late nineteenth and early twentieth centuries.

The monument also contains outstanding biological resources. Giant Mojave yucca, spread out in undisturbed conditions, are found in the monument. Diverse wildlife inhabit the monument, including a trophy-quality mule deer herd, Kaibab squirrels, and wild turkey. There are numerous threatened or endangered species as well, including the Mexican spotted owl, the California

Preservation of such objects requires, among other things, protection of enough land surrounding them to maintain the relatively remote conditions that have made their continued existence possible. Furthermore, the scientific value of many of the objects within the monument requires preservation of areas large enough to maintain the objects and their interactions. For example, species that exist because of the area's extraordinary geologic and environmental stability are distributed according to the geologic features to which they have adapted. Much of the biological and other scientific interest in the area results from the variety of geologic substrates across elevational gradients. Many species rely upon the entire area to maintain viable populations and their role in the ecosystem. Thus, protection of the aggregate area is necessary for proper care of the objects. Even if it were possible to disaggregate the area, management of a patchwork of reserved lands would be impractical, as it would make it more difficult to care for the objects, reduce options for natural resource management, and lead to inconsistent resource management standards for overlapping resources. Such a fragmentation of the monument would endanger many of the objects, undermine the purposes of the monument itself, and create substantial impediments to effective management of the monument. In short, our analysis indicates that reservation of a smaller area would undermine proper care and management of the monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserves only the federal lands in the area, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the Proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundaries of the monument from entry, location, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal prevents the location of new mining claims under the 1872 Mining Law, and prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, the Proclamation does not reserve water resources of the area under federal law pursuant to the so-called Winters doctrine. Most of the objects to be protected under the Proclamation

(e.g., archaeology and geology) do not require water. For protection of other monument resources, the Proclamation direct the Secretary of the Interior to work with appropriate state authorities to ensure that water resources needed for monument purposes are available.

ADMINISTRATION OF THE MONUMENT

Management by the Bureau of Land Management and the National Park Service

The federal lands in the area described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) and the National Park Service (NPS, within the boundaries of the Lake Mead National Recreation Area) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1702 et seq.). The Park Service manages its lands pursuant to the National Park Service Organic Act (16 U.S.C. § 1) and the act creating the Lake Mead National Recreation Area (16 U.S.C. § 460n).

The Proclamation keeps the area under the existing BLM and NPS management. This keeps the management of the federal land under these agencies' existing authorities, but subject to the overriding purpose of protecting the scientific and historic objects described in the Proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM or the NPS; it limits the management discretion that the BLM and NPS might otherwise have, by mandating protection of the historic and scientific objects within the national monument.

As elsewhere, the designated wilderness areas encompassed within the monument will continue to be managed in accordance with the Wilderness Act of 1964 and the legislation designating them as wilderness. Other monuments have Congressionally designated wilderness, such as the Badlands, Bandelier, Chiricahua, Craters of the Moon, Lava Beds, Misty Fjords, Organ Pipe Cactus, Pinnacles, and Saguaro.

Impact of Monument Designation on Existing or Planned Activities in the Area

Currently permitted livestock grazing (including water impoundments, and similar range improvements), hunting, and similar activities:

Grazing, hunting and other similar uses are generally not be affected except where (1) the BLM or NPS, through processes required by existing law, identifies places where such uses ought to be restricted or prohibited as necessary to protect the federal lands and resources, including the objects protected by the monument designation; or (2) where the BLM or NPS finds a clear threat from such a use to the federal lands and resources, including the objects protected by the monument designation and the circumstances call for swift protective action. Such uses will, of course, remain subject to applicable laws

and regulations, and will therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the monument.

Use of existing rights-of-way (such as those established under R.S. 2477 or Title V of FLPMA):

The area covered by the Proclamation has very few roads; those that exist are primitive and tend to be rough and rutted much of the year. Use of existing rights-of-way will generally be subject to the same standards as described in the preceding paragraph. In some cases existing rights-of-way may include valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights.

Off road vehicle use:

For purposes of protecting the objects identified in the Proclamation, it prohibits motorized and mechanized vehicle travel off road, except for authorized administrative or emergency purposes. The current management plan prohibits such vehicle travel off road in the monument area so there should be no change in actual practice.

Activities on state or private land:

The area within the boundaries of the monument contains approximately 23,000 acres of state land. It also contains approximately 9,000 acres of private land. The monument designation does not apply to those lands, but the Proclamation provides that if any of these lands within the outer boundaries of the monument are acquired into federal ownership in the future, they will become part of the monument. In the absence of acquisition, the laws applicable to the use of private or state lands prior to the establishment of the monument will continue to apply.

Mining claims:

New mining claims are prohibited. The Proclamation withdraws the area from the 1872 Mining Law (30 U.S.C. § 21 et seq.). Existing mining claims with a valid discovery of a valuable mineral deposit as of the date of the designation will contain valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights. Existing mining claims that lack a valid discovery of a valuable mineral deposit have no valid existing rights; activities on such claims may be regulated or prohibited to protect the purposes of the monument.

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The New York Times
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January 10, 2000

Mr. Clinton's Land Legacy

Forum

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Having lost to Ronald Reagan in the 1980 elections, Jimmy Carter was more or less on his way out the door when, on Dec. 2 of that year, he signed the Alaska Lands Act, protecting 100 million acres of Alaskan wilderness from commercial development. The act remains one of Mr. Carter's proudest achievements. Like Mr. Carter, President Clinton now finds himself headed for the exit, with one more year as a lame-duck president burdened by a hostile Congress. Yet he may find the legacy he seeks and needs just where Mr. Carter found it -- in the preservation of the American landscape.

This would be an unexpected outcome for a man who ranked environmental concerns near the bottom of his agenda when he came to office seven years ago. But the truth is that Mr. Clinton has a fighting chance to create more new protected open space than anyone since Mr. Carter and, before that, Theodore Roosevelt. Between 1901 and 1909, Roosevelt, one of Mr. Clinton's heroes, created 5 national parks, 50 wildlife reserves and 99 million acres of national forests. Bruce Babbitt, the secretary of the interior, believes that the beginning of the 21st century presents a similarly promising moment.

Mr. Clinton's opportunities lie in three areas. The first is his plan to prohibit the building of new roads in at least 40 million acres of national forests, in effect putting them off limits to logging and other commercial activities. The president can do this administratively and without Congressional approval. But the rule-making process, which includes extensive public hearings, will require nearly a year to complete, giving the plan's Congressional enemies plenty of time for mischief. Mr. Clinton must therefore be ready to fight legislative amendments and other devices aimed at extending the process into the next administration, when a president less hospitable to conservation could occupy the White House.

The second opportunity lies in the Antiquities Act of 1906, a little-known statute that allows presidents, by executive order, to

protect public lands by designating them as national monuments. Mr. Clinton, who has already set aside nearly two million acres in Utah, is now considering four new monument designations, and is expected to act on at least one of these -- a million-acre monument near the Grand Canyon -- tomorrow. Every president except Richard Nixon, Mr. Reagan and George Bush has used this device in the last 94 years, and not once have the designations been revoked by Congress.

The third opportunity lies, oddly enough, in Congress itself. This Congress has been largely unsympathetic to adding to the federal estate since the conservatives swept to power in 1994. But last year, two House members who rarely agree on anything co-wrote a bill that could dramatically strengthen the protection of America's natural resources. In one of the oddest Congressional couplings in years, George Miller, a liberal conservationist from California, and Don Young, a conservative property rights advocate from Alaska, cobbled together a measure that would provide a guaranteed financing stream of \$2.8 billion annually for the federal Land and Water Conservation Fund and other undernourished conservation programs. The bill has flaws, and Senate support is far from certain. But it is something on which the administration, which also wants a permanent financing stream for conservation, can build.

The administration has other environmental obligations this year besides land acquisition. The Environmental Protection Agency, for example, needs to strengthen its regulations governing water pollution originating on factory farms. It would be heartening -- astounding, actually -- if Mr. Clinton and Vice President Al Gore could persuade Congress to pass one meaningful piece of legislation on global warming. But a land legacy is clearly Mr. Clinton's best shot at environmental posterity.



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Deep divisions about canyon lands Arizonans differ whether monument status is desirable

By Traci Watson
USA TODAY

ABOVE MOHAVE COUNTY, Ariz. -- Remote, rugged and nearly uninhabited, the northwestern corner of Arizona is a remnant of the West as it once was. President Clinton hopes to ensure that the land stays that way forever.

As early as Tuesday, Clinton is expected to proclaim a million acres of this landscape the new Grand Canyon-Parashant National Monument, a step that will sharply divide the people who love this wild country.

Environmentalists such as Kim Crumbo are delighted by the impending announcement. Crumbo, who has lived in northern Arizona for 30 years as a river guide, park ranger and environmentalist, thinks the monument designation will save the land. "A wonderful move," he says happily.

But local ranchers, including men such as Tony Heaton, are in despair. They foresee trouble -- and perhaps an end to their way of life. "It seems we're becoming an endangered species," Heaton says.

It takes determination and a lot of driving on bad dirt roads to get to the plateaus and cliffs that are expected to be part of the designated new monument. But that won't keep tourists from flooding here, as they did to southern Utah after the Grand Staircase-Escalante National Monument was declared there in 1996.

Visitors to the Arizona wilds find an unforgiving landscape of rust-

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and ivory-striped ridges, high plateaus forested with pinyon trees, and deep, twisting canyons. In the summer, the western edge of the area can see temperatures in the 90s; in the winter, the higher elevations are snowy and bitterly cold. A few small springs offer the only year-round water source.

Standing in the pinyon-dotted valley that shelters the buildings of the Bar Ten Ranch, Heaton gestures toward the dun-colored hills to either side. "To us, it's great, just the best place on Earth," he says.

Heaton's grandfather, an orphan, came here in the late 19th century and became a millionaire selling cattle and mustangs. But cattle ranching is no longer the source of wealth that it used to be. Nowadays, Heaton earns much of his income feeding and housing tourists who visit the ranch after they've boated down the Colorado River.

Although he doesn't make much money on cattle, Heaton continues the work because it's part of his heritage and a chance to work outdoors with his family. He worries that his way of life could not survive a new monument, which would nearly surround his ranch. A monument, he says, would exploit the land, not preserve it. "With the public coming in, they're not going to stay on the roads. They'll cut gates. They'll leave trash. There'll be competition for water."

His biggest concern, he says, is the grass. Roughly 90% of the pasture his cattle graze is on public land. Officials have said that ranchers probably would be allowed to graze their herds on the monument lands. But Heaton is skeptical. Once ranching is no longer viable, he says, his neighbors will start to sell their land.

"Most of the ranchers are descendents of the early settlers," he says. "There aren't a lot of newcomers because people don't sell their land. This monument might force that to happen."

Environmentalists say they have sympathy for the ranchers. But they also say ranching can bring problems.

Crumbo, who works for the Flagstaff, Ariz.-based Southwest Forest Alliance, has hiked through and flown all over this land. Compared with the Grand Staircase park in Utah, the Grand Canyon-Parashant "is more austere, more forbidding to get into," Crumbo says.

Flying over a high plain known as the Shivwits Plateau, Crumbo points out the Cessna's window to a vast, empty square in the middle of the thick pinyon forest. It was scraped clear by "chaining" -- dragging a heavy chain between two bulldozers -- so more grass could grow for cows.

The growth of St. George, Utah, a booming resort and retirement community, also threatens the land, Crumbo says.

The land that would make up the monument is already owned by the Bureau of Land Management (BLM). Crumbo argues that federal ownership alone isn't enough.

Monument status would "force the BLM to say, 'Here's what we're

going to protect.' "

Crumbo believes that one thing will probably change if the expected monument is established: cattle grazing.

"These guys are hanging on by their teeth," Crumbo says of the ranchers. "I think there's not much future for cattle ranching (here)."

Only on that bitter point, and their affection for the land, do Crumbo and Heaton agree.



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Monumental Disagreement

Ariz. Officials Urge Clinton Against 'Unilateral Action'

By Ben White

Washington Post Staff Writer

Monday, January 10, 2000; Page A17

President Clinton's expected announcement Tuesday that he will create two new national monuments in Arizona has created a firestorm of controversy among officials concerned about its effect on economic development.

In a letter sent last week, Arizona's congressional delegation and governor, Republican Jane Hull, requested that Clinton refrain from establishing any new protected areas in the state without first consulting local communities.

"The people of our state have a long and distinguished record of working to preserve and protect some of the most beautiful natural wonders in the United States," the letter says. "We are writing to ask you to refrain from this unilateral action and instead work with us to develop a solution reflecting the wishes of the people of Arizona."

During a visit to Arizona on Tuesday, Clinton is expected to announce that he will use the 1906 "Antiquities Act" to declare as much as 1 million acres near the Grand Canyon in the northern part of the state to be the Grand Canyon-Parashant National Monument and thus off-limits to mining and other commercial development.

Administration officials said last week that Clinton also is likely to declare as a national monument an archaeological site 50 miles north of Phoenix. The site, to be called the Agua Fria National Monument, features hundreds of Indian sites dating to the 13th century, from small pits to a hundred-room pueblo.

In both cases, the land is already owned by the federal government and under no immediate threat from development. But the land is not currently protected from future commercial use and could be sold to private interests.

Presidents, especially Democrats, have traditionally used the Antiquities Act to bypass Congress and decree that certain areas are of such environmental or historical significance that they should be preserved for future generations.

Interior Secretary Bruce Babbitt last month recommended to Clinton that he declare the Arizona sites national monuments. Clinton is also expected to accept another Babbitt recommendation to expand the existing Pinnacles National Monument in California and create a new one along the California coast that would encompass thousands of

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small islands, rocks and reefs.

The expected Clinton announcement has thrilled environmentalists, who fear the Arizona areas could become compromised by the rapid pace of expansion in the Southwest.

"This is exactly what the Antiquities Act was supposed to allow the president to do, to look forward to the future and set some jewels aside," said Rob Smith, Southwest staff director for the Sierra Club.

"Hunting will still be allowed. Ranching will still be allowed. Access to recreational areas will still be allowed," Smith said. "This pretty much keeps [the land] as it is and precludes a future that no one really wants for the region."

That, however, has not satisfied officials like Hull, who was invited to the Clinton event tomorrow but will not attend.

Hull's office said the governor's opposition was less a matter of protecting public lands, which she supports, than one of a dictate coming down from Washington.

"She does not like people in Washington presenting these kind of actions as a fait accompli," said spokeswoman Francie Noyes.

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U.S. House of Representatives
Committee on Resources
Washington, DC 20515

FAX COVER SHEET

To: The Honorable John Podesta

Organization: Chief of Staff - The White House

Fax: 456-1907 Phone: 456-6797

Number of Pages (including this cover): 3

From: Doug Fuller

Date: 01/06/00

Fax: 202-225-7094 Phone: 226-3924

Comments: _____

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

January 5, 2000

cc: Beth Nolan ✓
Frampton

The Honorable John Podesta
Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. Podesta:

Over the past year, the Committee on Resources has issued to the Administration several requests for documents and other information about whether the Administration has been considering designating any new national monuments under the Antiquities Act of 1906. Administration officials have at various times indicated that no such decisions had been made or were being made, or you have refused to provide any information at all, notwithstanding the clear Congressional authority to oversee Administration activities under a statutory grant of authority.

Today, we were very disappointed to learn that the President plans to announce a new national monument including parts of the Shivwits Plateau on the North side of the Grand Canyon. Such a designation would have a devastating impact on ranching and mining families in Southern Utah and Northern Arizona. Nevertheless, the Administration has refused to work in a meaningful way with the Congressional Delegations of either state, nor have you agreed to hold on-the-record public meetings to record the views of the affected citizens of these two states. In fact, citizens at the few meetings you have held on the subject have been overwhelmingly opposed to any new monuments in their states, although you have refused to put their comments on the record.

Therefore, we are formally requesting copies of any and all records – defined as any documents, electronic or otherwise; letters; notes; memoranda; notes from meetings, teleconferences, or telephone calls; electronic mail (e-mail); files; computer discs, data, or records; telephone logs, records, or message slips; photographs; and video or audio tapes – in your possession or that of any of your staff, that meet the following descriptions:

- (1) records that relate in any way to any and all national monument designations, plans or proposals at any stage of the process under the Antiquities Act of 1906;
- (2) records that relate in any way to discussions, deliberations, or meetings regarding decisions on whether to designate any lands as National Monuments under the Antiquities Act of 1906;

Honorable John Podesta
Page Two

- (3) any letters from the President to Secretary Babbitt, and any other records that relate to such letters, including drafts, regarding designation of any lands as National Monuments under the Antiquities Act of 1906;
- (4) lists of any and all participants in any meetings or decisionmaking processes about such designations; and
- (5) lists of any persons outside of government who have been notified in any manner about the decision or the deliberations about such designations, along with copies of such notifications.

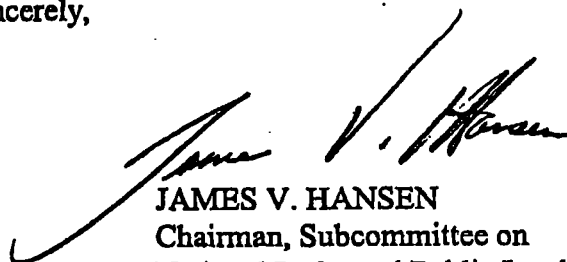
Please note that this is a serious request for information that is vital to a Congressional oversight review, which is being conducted as part of ongoing oversight of government activities that fall under the Committee's jurisdiction pursuant to Articles I and IV of the United States Constitution, Rules X and XI of the Rules of the House of Representatives, and Rule 6 of the Rules of the Committee on Resources. This information has been requested numerous times, and has yet to be provided. We are reluctant to take more formal action to compel its production, but we are prepared to do so if it proves to be necessary.

Please deliver the materials to the attention of Allen Freemyer at the Subcommittee on National Parks and Public Lands, 140 Cannon House Office Building, Washington, D.C. 20515, no later than 12:00 noon, January 14, 2000. If you have any questions, please contact Mr. Freemyer at (202) 226-7736.

Sincerely,



DON YOUNG
Chairman, Committee on Resources



JAMES V. HANSEN
Chairman, Subcommittee on
National Parks and Public Lands



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TRANSMISSION NOTICE

DATE: January 7, 2000

TO: Steven Reich

AGENCY: White House Counsel

FAX No.: 202/456-7931 PHONE: 202/

FROM: Molly McUsic, Counselor to the Secretary

PHONE: 202/208-6359 FAX: 202/208-2547

FAXED BY: Priscilla Foti TOTAL NUMBER OF PAGES: 3

REMARKS:

Our response to this request would include the attachments to Secretary Babbitt's memo to the President. We await guidance. Please contact Julie Falkner, 208-3181.

CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

January 5, 2000

The Honorable Bruce Babbitt
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Babbitt:

Over the past year, the Committee on Resources has issued to you several requests for documents and other information about whether the Administration has been considering designating any new national monuments under the Antiquities Act of 1906. You and other Administration officials have at various times indicated that no such decisions had been made or were being made, or you have refused to provide any information at all, notwithstanding the clear Congressional authority to oversee Administration activities under a statutory grant of authority.

Today, we were very disappointed to learn that the President plans to announce a new national monument including parts of the Shivwits Plateau on the North side of the Grand Canyon. Such a designation would have a devastating impact on ranching and mining families in Southern Utah and Northern Arizona. Nevertheless, you have refused to work in a meaningful way with the Congressional Delegations of either state, nor have you agreed to hold on-the-record public meetings to record the views of the affected citizens of these two states. In fact, citizens at the few meetings you have held on the subject have been overwhelmingly opposed to any new monuments in their states, although you have refused to put their comments on the record.

Therefore, we are formally requesting copies of any and all records – defined as any documents, electronic or otherwise; letters; notes; memoranda; notes from meetings, teleconferences, or telephone calls; electronic mail (e-mail); files; computer discs, data, or records; telephone logs, records, or message slips; photographs; and video or audio tapes – in your possession or that of any of your staff, that meet the following descriptions:

- (1) records that relate in any way to any and all national monument designations, plans or proposals at any stage of the process under the Antiquities Act of 1906;
- (2) records that relate in any way to discussions, deliberations, or meetings regarding decisions on whether to designate any lands as National Monuments under the Antiquities Act of 1906;

Honorable Bruce Babbitt

Page Two

(3) any letters from the President to Secretary Babbitt, and any other records that relate to such letters, including drafts, regarding designation of any lands as National Monuments under the Antiquities Act of 1906;

(4) lists of any and all participants in any meetings or decisionmaking processes about such designations; and

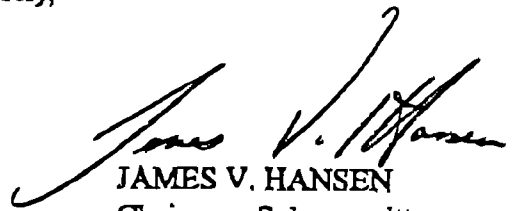
(5) lists of any persons outside of government who have been notified in any manner about the decision or the deliberations about such designations, along with copies of such notifications.

Please note that this is a serious request for information that is vital to a Congressional oversight review, which is being conducted as part of ongoing oversight of government activities that fall under the Committee's jurisdiction pursuant to Articles I and IV of the United States Constitution, Rules X and XI of the Rules of the House of Representatives, and Rule 6 of the Rules of the Committee on Resources. This information has been requested numerous times, and has yet to be provided. We are reluctant to take more formal action to compel its production, but we are prepared to do so if it proves to be necessary.

Please deliver the materials to the attention of Allen Freemyer at the Subcommittee on National Parks and Public Lands, 140 Cannon House Office Building, Washington, D.C. 20515, no later than 12:00 noon, January 14, 2000. If you have any questions, please contact Mr. Freemyer at (202) 226-7736.

Sincerely,


DON YOUNG
Chairman, Committee on Resources


JAMES V. HANSEN
Chairman, Subcommittee on
National Parks and Public Lands

THE WHITE HOUSE

OFFICE OF LEGISLATIVE AFFAIRS

FAX COVER SHEET

NOTE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS
CONFIDENTIAL AND INTENDED FOR THE RECIPIENT ONLY.

DATE: 11/3/99

TO: STEVEN REICH

FAX: 6-7931

FROM: ✓ COURTNEY CROUCH - DEVAN PATEL

456-7500 (TEL)

456-6221 (FAX)

RE: FBI - LETTER FROM REPS YOUNG + HANSEN
REQUESTING DOCUMENTS FOR THIS FRIDAY, NOV. 5

PAGE 1 OF 4

If there are any problems with this transmission, please
call (202) 456-7500.

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

October 27, 1999

The Honorable William J. Clinton
Office of the President
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

On December 22, 1998, the Committee on Resources issued to you a request for documents necessary to a review of administration policies and proposals under the Antiquities Act of 1906. Receiving no response, the Committee sent a follow-up letter reiterating the request and finally received a response from Secretary Babbitt indicating that no final decisions on Monuments had yet been made. The representation by Secretary Babbitt that "no final decisions" have been made was not the productive interactive type of exchange that we hoped to elicit. Being notified of a final decision, with little or no time to have a meaningful dialogue in an oversight capacity, would be worth very little.

On Tuesday, April 13, 1999, the Committee on Resources heard testimony from George Frampton, the acting Chairman of the Council on Environmental Quality. Mr. Frampton was asked whether there were any discussions anywhere in the administration about possible new monument designations. Mr. Frampton's response, again, was that no final decisions had been made, and the only monument under consideration was a proposal for Northern Arizona. Mr. Frampton assured the Committee, under oath, that the administration was working with the Arizona delegation in an effort to ensure that their concerns were addressed in the process. On April 15, 1999, the Committee issued a follow-up request for information and was again told that no final decisions had been made.

On October 17, however, the Subcommittee on National Parks and Public Lands heard testimony from Interior Secretary Bruce Babbitt on the issue of planned National Monuments. In response to a request from Subcommittee Member John Shadegg (R-Ariz.), Secretary Babbitt refused to provide a list of, or any information about, Monuments under consideration by this Administration.

This is exactly the type of callous, partisan behavior the Administration exhibited the last time it designated a monument; in the weeks immediately before the official designation of the Grand Staircase-Escalante National Monument, the Administration assured the Utah delegation that no final decisions had been made -- while the plans for the public announcement of the already final decision

The Honorable William J. Clinton
Office of the President
October 27, 1999
Page 2

were in fact well under way. Then, in the wee hours of the morning the day of the public announcement, the Governor was officially notified. It is imperative that the people of Arizona and other states are not treated in this process the way the people of Utah were treated.

For this reason, once again, you are requested to provide full and complete copies of any and all records -- defined as any documents, electronic or otherwise; letters; notes; memoranda; notes from meetings, teleconferences, or telephone calls; electronic mail (e-mail); files; computer discs, data, or records; telephone logs, records, or message slips; photographs; and video or audio tapes -- in your possession or that of any of your staff, that meet the following descriptions:

- (1) records that relate in any way to any and all national monument designations, plans or proposals at any stage of the process under the Antiquities Act of 1906;
- (2) records that relate in any way to discussions, deliberations, or meetings regarding decisions on whether to designate any lands as National Monuments under the Antiquities Act of 1906; and
- (3) any letters from the President to Secretary Babbitt, and any other records that relate to such letters, including drafts, regarding designation of any lands as National Monuments under the Antiquities Act of 1906.

This review is being conducted as part of ongoing oversight of government activities that fall under the Committee's jurisdiction pursuant to Articles I and IV of the United States Constitution. Rules X and XI of the Rules of the House of Representatives, and Rule 6(a) of the Rules of the Committee on Resources. You have been asked to provide materials about proposed monuments on numerous occasions, by the Committee on Resources, by the Subcommittee on National Parks and Public Lands, and by various state Congressional Delegations, yet very little has been forthcoming. We are reluctant to take more formal action to secure production of the requested materials, because we wish to take a more cooperative approach, but we are prepared to take such action if it proves to be necessary.

In addition, due to strong concerns over the Administration's mishandling and misrepresentation of Monument designation decisions, we request that you and those in your Administration refrain from making any final monument designations anywhere while the process is under review.

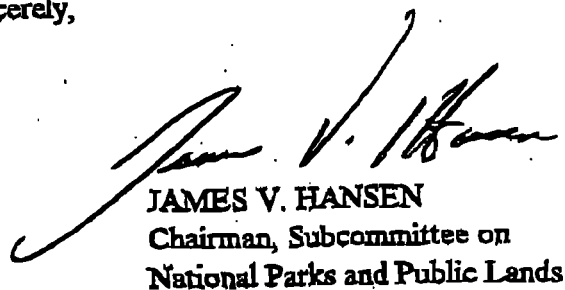
The Honorable William J. Clinton
Office of the President
October 27, 1999
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We will be happy to discuss these or other matters with you further if necessary. Please direct your staff to deliver the materials no later than 4:00 p.m., Friday, November 5, 1999, to the attention of Allen Freemyer at the Subcommittee on National Parks and Public Lands, 814 O'Neill House Office Building. If you have any questions, please contact Mr. Freemyer at (202) 226-7736.

Sincerely,



DON YOUNG
Chairman, Committee on Resources



JAMES V. HANSEN
Chairman, Subcommittee on
National Parks and Public Lands

210719

THE WHITE HOUSE

WASHINGTON

November 10, 1998

The Honorable Bruce Babbitt
Secretary of the Interior
Washington, D.C. 20240

Dear Bruce:

Some of the most gratifying accomplishments of my Administration have come from the work we have done together to preserve America's great natural legacy for future generations. I am especially proud of our efforts to preserve Yellowstone National Park by acquiring the New World Mine, to protect the old growth redwoods of California's Headwaters Forest, and to recognize the priceless resources of Utah's Grand Staircase-Escalante region through their designation as a national monument.

As we approach the next century, I would appreciate any recommendations you may have for further appropriate exercise of my authority under the Antiquities Act to protect objects of historic or scientific interest on federal lands. I will seriously consider and weigh any such proposals in the context of our overall efforts to save the most valuable, unique, and threatened places in America as a legacy for our children and grandchildren.

I look forward to receiving your guidance.

Sincerely,



Clinton to reserve land despite Arizona protests

By Audrey Hudson
THE WASHINGTON TIMES

President Clinton today is expected to announce a new million-acre national monument in Arizona, despite pleas from the state's congressional delegation to leave protection of the area to local officials.

The Arizona congressional delegation has asked President Clinton on numerous occasions to forgo "unilateral federal action" by using his emergency powers to subject the land near the south rim of the Grand Canyon to federal regulations.

When the delegation learned last week the president would make a major environmental announcement at the Grand Canyon — the same site where he announced the designation of the controversial Escalante Grand Staircase National Monument during the 1996 election — fears escalated that he would be designating a new monument.

"Since we have been given no other information, we can only assume that you intend to announce the creation of one or more national monuments in our state," they wrote.

The Washington Times first reported last year the administration was planning to designate the area known as Shivwits Plateau a national monument before the 2000 election.

Republicans on Capitol Hill immediately criticized the plan as political in nature, saying the land was not under any threat and was undeserving of the emergency designation.

The administration momentarily retreated while Republican Rep. Bob Stump, whose congressional district includes the af-

fected land, introduced legislation to provide state and local protection for the area. Republican Sen. Jon Kyl of Arizona was pushing similar legislation through the Senate.

However, Interior Secretary Bruce Babbitt last month said the legislation did not go far enough and formally requested Mr. Clinton designate the area a national monument.

"My hunch is that the president is using this to help [Vice President Al] Gore's sagging support among environmentalists at the expense of the people," said Rep. George P. Radanovich, California Republican and chairman of the Western Caucus.

Sen. Frank H. Murkowski, Alaska Republican and chairman of the Energy and Natural Resources Committee, agreed the move was political and said there was no real emergency situation requiring protective status.

"The only emergency may be Vice President Al Gore's slippage in the polls," Mr. Murkowski said. "These lands become endangered every four years; coincidentally, an election year," said Rep. James V. Hansen, chairman of the House Resources subcommittee on national parks and public lands.

Mr. Gore is losing support among his environmental base and has already lost one major endorsement from Friends of the Earth to his Democratic opponent, Bill Bradley.

Mr. Babbitt last month asked President Clinton to use a 1906 law to stop mining and protect the area from urban sprawl. He has also asked Mr. Clinton to designate another monument containing 40,000 acres north of Phoenix.

Background Materials on the Agua Fria National Monument

U.S. Department of the Interior
January 11, 2000

Background Materials on the Agua Fria National Monument

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments "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 Government of the United States...."

Objects of Historic or Scientific Interest

The Agua Fria National Monument is located in central Arizona approximately forty miles north of central Phoenix. The 71,100 acres of federal land comprise two mesas (Perry Mesa and the adjacent, smaller Black Mesa), the public land to the north of these mesas, and the Agua Fria River Canyon. Elevations range from 600 feet above sea level along the Agua Fria Canyon to about 4,300 feet in the northern hills.

The map appended to the Proclamation sets out the boundaries of the land reserved for the monument. The outer boundaries of this area encompass 72,500 acres, of which 71,100 are federal lands managed by the Bureau of Land Management. The remaining 1,400 acres are privately owned. There are no state owned lands within the boundaries.

The Proclamation describes objects in the area that warrant protection as a national monument. The monument contains one of the most significant systems of late prehistoric sites in the American Southwest. Its ancient ruins offer insights into the lives of those who long ago inhabited this part of the desert southwest. Between A.D. 1250 and 1450, the area's pueblo communities were populated by up to several thousand people. At least 450 prehistoric sites are known to exist within the monument area and there are likely many more. There are at least four major settlements within the area, including Pueblo La Plata, Pueblo Pato, the Baby Canyon Ruin group, and the Lousy Canyon group. These consist of clusters of stone-masonry pueblos, some containing at least one hundred rooms. In addition, there are many intact petroglyphs, as well as remnants of prehistoric agricultural features. The monument also contains historic sites representing early Anglo-American history through the nineteenth century, including remnants of Basque sheep camps, historic mining features, and military activities.

In addition to its rich record of human history, the monument contains outstanding biological resources. The diversity of vegetative communities, pristine riparian habitat, topographical features, and relative availability of water provide habitat for a wide array of sensitive species and other wildlife.

The area included in the monument is relatively isolated and rugged. Currently, the federal lands in the area are used primarily for scientific study, primitive recreation, and livestock grazing.

In the last few decades, the area has received increased recognition as an outstanding archaeological resource. The majority of public land in the area was acquired around 1990 from the State of Arizona and in two private exchanges. The area contains most of a National Register of Historic Places District. Originally designated in 1975, the District was expanded in 1996 to encompass approximately 50,000 acres managed by the BLM and the Tonto National Forest. It is one of the largest prehistoric districts listed on the National Register of Historic Places. The area also contains all of the Perry Mesa Area of Critical Environmental Concern (ACEC), designated in 1987 to protect its cultural resource values. It also encompasses the Larry Canyon ACEC, which was designated in 1987 to protect a rare, pristine riparian deciduous forest within a desert ecosystem. The documentation supporting the nomination to the National Register and the ACEC designations identified many objects of scientific and historic interest within the monument area.

Increased recreational use of the monument associated with the burgeoning human population and urban expansion of the Phoenix metropolitan area poses a threat to the archaeological and biological resources of the area. Illegal excavation, artifact collecting, and other activities have damaged archaeological sites, some significantly, and remain a continuing threat to their integrity. Despite damage to some sites, there is abundant scientific information to be gained from the monument. Protective measures will help preserve the remaining research potential of this archaeologically rich area.

Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of a declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431. The area reserved has been carefully delineated, based on a thorough review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the archaeological, historic, and biological objects identified in the Proclamation. The area of the monument is based on the conservation needs of these objects, some of which are present throughout the entire monument area and others of which are scattered within it. Many objects also overlap. Much of the scientific value of the archaeological objects has been retained because they have remained relatively undisturbed and unchanged. Preservation of them requires, among other things, protection of land surrounding them in order to maintain the relatively remote conditions that have made their continued existence possible.

Protection of land surrounding the archaeological objects is also important to preserve the relationships between objects. Current archaeological research suggests that the settlements throughout the monument interacted with one another for defense purposes. The area is intended to protect the totality of sites and agricultural systems in the area, allowing study of the interactions and relationships among these elements. Reservation of the aggregate area is necessary to protect the entire network of these sites. The same is true for biological objects

such as vegetative communities and wildlife species that rely upon the larger ecosystem, including the vital Agua Fria riparian system.

Even if it were possible to disaggregate the area, management of a patchwork of reserved lands would be impractical, as it would make it more difficult to care for the objects, reduce options for natural resource management and lead to inconsistent resource management standards for overlapping resources. Such a fragmentation of the monument would endanger many of the objects, undermine the purposes of the monument itself, and create substantial impediments to effective management of the monument. In short, reservation of a smaller area would undermine proper care and management of the monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserves only the federal lands in the area, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States...." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the Proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundaries of the monument from entry, location, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal prevents the location of new mining claims under the 1872 Mining Law, and prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, the Proclamation reserves, subject to valid existing rights and as of the date of the Proclamation, sufficient water to fulfill the purposes for which the monument is established.

ADMINISTRATION OF THE MONUMENT

Management by the Bureau of Land Management

The federal lands in the area described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.).

The Proclamation keeps the area under BLM management. This keeps the management of the federal land under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the Proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM; it limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument.

Impact of Monument Designation on Existing or Planned Activities in the Area

Currently permitted livestock grazing (including water impoundments and similar range improvements), hunting, fishing, and similar activities:

Grazing, hunting and other similar uses will generally not be affected except where (1) the BLM, through processes required by existing law, identifies places where such uses ought to be restricted or prohibited as necessary to protect the federal lands and resources, including the objects protected by the monument designation; or (2) where the BLM land manager finds a clear threat from such a use to the federal lands and resources including the objects protected by the monument designation and the circumstances call for swift protective action. Such uses will, of course, remain subject to applicable laws and regulations, and will therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the monument.

Use of existing rights-of-way (such as those established under R.S. 2477 or Title V of FLPMA):

The area covered by the Proclamation has very few roads; those that exist are primitive and tend to be rough and rutted much of the year. Use of existing rights-of-way will generally be subject to the same standards as described in the preceding paragraph. In some cases existing rights-of-way may include valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights.

Off road vehicle use:

For the purpose of protecting the objects identified in the Proclamation, it will prohibit motorized and mechanized vehicle travel off road, except for authorized administrative or emergency purposes. The current management plan already prohibits vehicle travel off road so there should be no change in actual practice.

Activities on private land:

The area within the boundaries of the monument contains approximately 1,440 acres of private land (mostly associated with ranch headquarters). The monument designation does not apply to those lands, but the Proclamation provides that if any private lands within the outer boundaries of the monument are acquired in the future, they will become part of the monument. In the absence of acquisition, the laws applicable to the use of private lands prior to establishment of the monument will continue to apply.

Mining claims/oil and gas leases:

The area has no known potential for oil and gas development. There are no existing mineral leases. Although active mining claims and mineral material operations exist to the west of the monument in the Black Canyon area, none are known to exist within the monument. New mining claims will be prohibited as the Proclamation withdraws the area from the 1872 Mining Law.

Attachment: Bibliography, Agua Fria National Monument

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Agua Fria National Monument

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Background Materials on the California Coastal National Monument

U.S. Department of the Interior
January 11, 2000

Background Materials on the California Coastal National Monument

THE ANTIQUITIES ACT

Section 2 of the Antiquities Act, 16 U.S.C. § 431, authorizes the President to establish as national monuments “objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States....”

Objects of Historic or Scientific Interest

The California Coastal National Monument covers all unappropriated and unreserved islands, rocks, exposed reefs, and pinnacles owned by the United States along the Pacific coastline of California. The Proclamation describes the land reserved along the entire 840 mile coastline. The number of islands, rocks, exposed reefs, and pinnacles has not been counted. There are no legal descriptions for most of these lands and no maps exist, other than navigation charts. This monument does not include submerged lands or territorial waters that are owned by the State of California.

The Proclamation describes objects in the area that warrant protection as a national monument. In particular, gulls, the endangered California least tern, the endangered brown pelican, and the snowy plover reside in and establish their nests on the islands, rocks, exposed reefs, and pinnacles that comprise the national monument. Studies as early as 1970 have noted that the rookeries on which these birds breed are unprotected and in danger. The number of breeding pairs for some of the species continues to decline as the century ends. The monument also provides forage and breeding habitat for several mammal species, including a number of threatened pinnipeds.

Recognizing their ecological importance, the Secretary of the Interior designated these islands, rocks, exposed reefs, and pinnacles as the “California Islands Wildlife Sanctuary” on April 11, 1983 (Public Land Order 6369). While the Bureau of Land Management (BLM) retains legal responsibility for the Sanctuary, the State of California’s Department of Fish and Game handles day-to-day management under a 1983 Memorandum of Understanding (MOU). On February 5, 1990, the BLM designated these islands, rocks, exposed reefs, and pinnacles an Area of Critical Environmental Concern pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.). In 1998, Representative Sam Farr introduced legislation to designate these islands, rocks, and pinnacles federal wilderness, as part of the National Wilderness Preservation System. He reintroduced the bill in June 1999 (H.R. 2279). No further action on this bill has been taken.

Other executive, administrative, and legislative actions to preserve federal lands off the Pacific coast have taken place over the last seventy years. In the State of Oregon, the United States Fish and Wildlife Service manages as the Oregon Coastal Refuge System over 1,400 islands, rocks, and reefs along 320 miles of coastline. In these protected places, sea lions and seabirds return

each year to breed on coastal rocks, as they have for thousands of years. The Oregon Coastal Refuges include the Three Arch Rocks, Nestucca Bay, Oregon Islands, Bandon Marsh, Cape Meares, and Siletz Bay National Wildlife Refuges. In California, Congress reserved the islands, rocks, and pinnacles above mean high tide, extending one-quarter of a mile seaward, in the Point Reyes National Seashore (76 Stat. 538), Redwood National Park (82 Stat. 931), and Golden Gate National Recreation Area (86 Stat. 1299).

There is historical precedent for establishing a national monument encompassing coastal islands and rocks. In 1938, President Franklin Roosevelt issued Proclamation No. 2281 (52 Stat. 1541) which reserved Anacapa and Santa Barbara Islands as the Channel Islands National Monument. President Harry Truman enlarged the Channel Islands National Monument on February 9, 1949 (Presidential Proclamation 2825), by extending the boundary around Anacapa and Santa Barbara Islands for one nautical mile, thus including the islands, rocks, and pinnacles associated with the main islands. The purpose of the monument was to protect varied marine life, fossils and geology. See United States v. California, 436 U.S. 32, 36 (1978).

Land Area Reserved for the Proper Care and Management of the Objects to be Preserved

The Antiquities Act authorizes the President, as part of his declaration of a national monument, to reserve land, "the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." 16 U.S.C. § 431. The area reserved has been carefully delineated, based on a thorough review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The monument area includes the biological and geologic objects identified in the Proclamation, which are on the Federally owned islands, rocks, exposed reefs, and pinnacles under the jurisdiction of the BLM. The surrounding waters are not included.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the Proclamation. First, it reserve only the federal lands, because the Antiquities Act applies only to objects of historic or scientific interest "that are situated upon the lands owned or controlled by the Government of the United States...." 16 U.S.C. § 431.

Second, the Proclamation is subject to valid existing rights. Thus, to the extent a person or entity has valid existing rights, the proclamation respects their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the Proclamation appropriates and withdraws the federal lands and interests in lands within the boundary of the monument from entry, location, selection, sale, leasing, or other disposition under the public land laws, including but not limited to withdrawal 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. This withdrawal supercedes, without time limit, the existing withdrawal and prevents the location of new mining claims under the 1872 Mining Law. It also prevents the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals within the boundaries of the monument.

Fourth, there are federal lands and interests not included in the monument because they have previously been appropriated or reserved, including: Santa Rosa Island, Santa Cruz Island, San Miguel Island, Prince Island (of Santa Barbara County), Anacapa Island, Cat Rock, San Clemente Island, San Nicholas Island, Santa Barbara Island, Santa Catalina Island, Deadman's Island, Morro Rock, Ano Nuevo Island, San Francisco Bay Islands, Farallon Islands, Preston's Island, Whaler Island, Flat Rock, Pelican Rock, Round Rock, Lighthouse Island, Prince Island (of Del Norte County), Hunter Rock, St. George Reef, and Castle Rock.

ADMINISTRATION OF THE MONUMENT

Management by the Bureau of Land Management

The federal lands in the area described in the Proclamation are currently under the jurisdiction of the Bureau of Land Management (BLM) in the Department of the Interior. BLM manages the land pursuant to its basic organic authorities, the primary one being the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. § 1701 et seq.).

The Proclamation specifies that the Secretary of the Interior manage the monument through the BLM. As a result, management of this federal land will continue under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the Proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM; it limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument. The BLM should inventory the islands, rocks, exposed reefs, and pinnacles of the monument, under the authority of FLPMA section 201.

Currently, the BLM retains legal responsibility for the area but the State of California's Department of Fish and Game handles day-to-day management under an existing Memorandum of Understanding. This arrangement continues following the establishment of the monument, and the memorandum will be reviewed and revised to ensure its consistency with the Proclamation.

As mentioned above, legislation has been introduced to designate parts of the monument as wilderness, as part of the National Wilderness Preservation System. The Wilderness Act of 1964

serves some values (e.g., outstanding opportunities for solitude and primitive and unconfined recreation) that are not addressed in the Antiquities Act of 1906, which, as noted earlier, serves to protect “objects of historic or scientific interest.” However, wilderness designation is not incompatible with a national monument. Section 2(c) of the Wilderness Act expressly acknowledges that wilderness areas “may...contain ecological, geological, or other features of scientific, education...or historic value,” and section 4(b) directs that wilderness areas “shall be devoted to the public purposes” of, among others, “scientific, educational, conservation, and historical use.”

The designation of these lands as a national monument will have no effect on its wilderness suitability nor on any Congressional action to designate lands within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments.

Impact of Monument Designation on Existing or Planned Activities in the Area

A few mining claims exist in the monument area. Because of a 1983 withdrawal, no new mining claims or other general land law entries have occurred in the last sixteen years. As a matter of practice, oil and gas operators do not drill on islands, rocks, exposed reefs, or pinnacles. The monument does not enlarge or diminish the jurisdiction or authority of the state of California or the United States over submerged or other lands within the territorial waters off the coast of California, nor does it affect the rights or obligations of any state or federal oil or gas lessee within the territorial waters off the California coast. Recreational use will not be affected except where (1) the BLM (or the State via the MOU), through processes required by existing law, identifies places where such uses ought to be restricted or prohibited as necessary to protect federal lands and resources, including the objects protected by the monument designation; or (2) where the BLM (or the State via the MOU) finds a clear threat from such a use to the federal lands and resources, including the objects protected by the monument designation and the circumstances call for swift protective action.

No private lands will be affected, nor will islands and rocks already appropriated or reserved for other Federal uses.

Attachment: Bibliography, California Coastal National Monument

Bibliography

California Coastal National Monument

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