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THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum to the President

Date: June 6, 2000

From: Secretary Babbitt

Discussion of the Canyons of the Ancients National Monument Proposal

Attached is a draft proclamation, with an accompanying map,¹ to establish the Canyons of the Ancients National Monument in southwest Colorado. This memorandum describes (a) the basis for my recommendation that you establish the Canyons of the Ancients National Monument, (b) the draft proclamation, and (c) the resources, ownership patterns, and management issues present in the area. After careful review of the record, I am convinced that the objects satisfy the criteria for establishment of a national monument pursuant to the Antiquities Act, and that the boundaries of the land reserved represent the smallest area compatible with the proper care and management of those objects.

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...."

A. Objects of Historic or Scientific Interest

The proposed Canyons of the Ancients National Monument is located in southwest Colorado. Elevations within the proposed monument range from about 4,900 feet to about 7,500 feet above sea level. The map appended to the draft proclamation sets out the boundaries of the land that would be reserved in the monument. The outer boundaries of the area encompass approximately

¹The boundaries of the proposed monument are drawn on the map entitled "Canyons of the Ancients National Monument," which would be attached to, and made a part of, your proclamation. It is not practicable, as of this date, to describe the boundaries of the land reserved as a part of the monument either by metes and bounds or by reference to designated subdivisions on official surveys shown on publicly recorded plats or maps. The BLM will produce a description conforming to the BLM Specifications for Descriptions of Tracts of Land for Use in Land Orders and Proclamations as soon as practicable should you decide to proceed.

183,000 acres of land, approximately 164,000 acres of which are in federal ownership and managed by the Bureau of Land Management (BLM). The draft proclamation attached to this memo describes objects in the area that warrant protection as a monument. Attachment A is a bibliography of the principal sources of information relied upon in making this recommendation.

Containing the highest known density of archaeological sites in the Nation, the proposed Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The proposed monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the proposed Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird Mesa area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the proposed monument area increased. Dwellings tended to be small, with three or four rooms. Then during Pueblo II (about 900-1150 A.D.), settlements were diminished and highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the proposed monument, typically at large sites at the heads of canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a

great kiva, and a plaza, covering more than ten acres in all. These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Puebloans expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Puebloans left the proposed monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the proposed monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the proposed monument help explain why past and present cultures have chosen to live in the area. The geology of the proposed monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the proposed monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The proposed monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the proposed monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the proposed monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

The area within the proposed monument was established as the Anasazi Area of Critical Environmental Concern in the BLM's 1985 San Juan-San Miguel Resource Management Plan because of its internationally significant cultural resources. Several sites that are similar in character and cultural affiliation to sites within the proposed monument were previously designated as Hovenweep National Monument in 1923 (Proclamation 1654 of March 2, 1923, Proclamation 2924 of April 26, 1951, and Proclamation 2998 of November 20, 1952).

The area has been evaluated for its wilderness characteristics under the Federal Land Policy and Management Act of 1976. Approximately 25,000 acres within the proposed monument are

within the Cahone Canyon, Cross Canyon, and Squaw/Papoose Wilderness Study Areas. The documentation of this area assembled in the wilderness inventory and study process has identified many of the objects of scientific and historic interest within the proposed monument area.

B. 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 proposed for reservation has been carefully delineated, based on review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the archaeological, geological, and biological objects identified in the draft proclamation and Attachment A accompanying this letter. The area of the proposed monument is based on the conservation needs of the objects to be protected. Some of these objects, such as the biological resources, are present throughout the entire proposed monument, while the archaeological resources are in discrete locations throughout the proposed monument. Many objects, particularly the archaeological resources, depend for their scientific value on their location at various sites or elevations.

Preservation of such objects requires, among other things, protection of enough land to maintain the conditions that have made their continued existence possible. The scientific value of many of the objects within the proposed monument requires preservation of areas large enough to maintain the objects and their interactions. For example, while archaeological sites are by definition identifiable discrete concentrations on the landscape, most of their significance stems from the relationships of such sites when considered in a much larger comparative context. Individual sites are viewed as elements in community patterns, settlement patterns, or regional populations of sites. Evaluation of specific sites requires adequate knowledge of these larger local and regional patterns on the landscape. Thus, protection of the aggregate area is necessary for proper care of the objects. Management of a patchwork of reserved lands would be impractical, as it would make it more difficult to adequately care for the objects, reduce options for resource management and lead to inconsistent resource management standards for overlapping resources. In sum, our analysis indicates that reservation of a smaller area would undermine proper care and management of the proposed monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the draft proclamation. First, it would reserve 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 draft proclamation would be subject to valid existing rights, including any relevant rights the Ute Indians may have under the Brunot Agreement of 1874 (April 29, 1874). Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the draft proclamation would respect their rights. The exercise of such rights, however, could be regulated in order to protect the purposes of the proposed monument.

Third, the draft proclamation would appropriate and withdraw the federal lands and interests in lands within the boundaries of the proposed monument from entry, location, sale, 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 leasing, other than by exchange that furthers the protective purposes of the proposed monument, and except for oil and gas (including carbon dioxide) leasing as described below. This withdrawal would prevent the location of new mining claims under the 1872 Mining Law, and would prevent the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals, except for oil and gas as described below, within the boundaries of the proposed monument.

Approximately eighty-five percent of the federal lands within the proposed monument have already been leased for oil and gas (including carbon dioxide) and development is already occurring. This development has had some impacts on the landscape, but it has not been sufficient to disqualify the objects of scientific and historic interest from protection under the Antiquities Act. Monument lands would remain open to continued oil and gas (including carbon dioxide) development under existing leases, under current lease restrictions and BLM regulations. The draft proclamation would allow new leases to be issued, but only for the purpose of either protecting against drainage, or promoting conservation of oil and gas resources in a common reservoir now being produced under existing leases. Also, the draft proclamation directs the Secretary to manage development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by the proclamation.

Fourth, the draft proclamation would not reserve water resources of the area under federal law pursuant to the so-called Winters doctrine. The proclamation would direct the Secretary of the Interior to work with appropriate state authorities to ensure that any water resources needed for monument purposes are available.

ADMINISTRATION OF THE MONUMENT

A. Management by the Bureau of Land Management

The federal lands in the area described in the attached draft 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).

I believe the area is best left under BLM management, and the attached draft proclamation would have the Secretary of the Interior manage the proposed monument through this agency, under its existing authorities, but subject to the overriding purpose of protecting the objects described in the draft 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 designation of these lands as part of the Canyons of the Ancients National Monument would have no effect on the Wilderness Study Area status of the area. For example, any new mineral leases in Wilderness Study Areas would continue to contain surface occupancy restrictions as required by Section 603 of the Federal Land Policy and Management Act. It would also have no effect on Congressional action to designate lands within the proposed monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments. 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.”

There are four units of the Hovenweep National Monument (approximately 400 acres) scattered within the proposed monument’s boundary. These sites would not be included in the proposed monument and would continue to be managed by the National Park Service.

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

1. Currently permitted livestock grazing, recreation, hunting, and similar activities

Grazing, recreation and other similar uses would 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) the BLM finds a clear threat from such a use to the federal lands and resources, including the objects protected by the proposed monument designation, and the circumstances call for swift protective action. Such uses would, of course, remain subject to applicable laws and regulations, and would therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the monument. Hunting would continue to be governed under applicable laws.

2. Use of existing rights-of-way (such as those established under Title V of FLPMA)

Use of existing rights-of-way would generally be subject to the same standards as described in section B.1. addressing currently permitted uses. Some 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 proposed monument, but any regulation must respect such rights.

3. Indian Rights

The draft proclamation would not affect any treaty or other rights of any Indian nation.

4. Access

For purposes of protecting the objects identified in the draft proclamation, it would prohibit motorized and mechanized vehicle travel off road, except for authorized administrative or emergency purposes. The current management plan prohibits travel off road in approximately 25% of the area. Although the extremely rugged terrain in the area has been a limiting factor for this use in the past, the draft proclamation would curtail use of vehicles off road in the remainder of the monument. The draft proclamation also directs the Secretary to develop a transportation plan that addresses road closures or travel restrictions as necessary to protect the objects identified in this proclamation.

5. Activities on private land and lands managed by other federal agencies

The area within the boundaries of the proposed monument contains approximately 19,000 acres of private land and approximately 400 acres of federal land managed by the National Park Service as Hovenweep National Monument. The proposed monument designation would not apply to private lands, but the draft proclamation provides that if any of these lands within the outer boundaries are acquired into federal ownership in the future, they would become part of the proposed monument. In the absence of acquisition, the laws applicable to the use of private lands prior to the establishment of the monument would continue to apply. Hovenweep National Monument is not included in the proposed monument, and its management would be unaffected.

6. Mining claims

There are two existing mining claims in the proposed monument. To the extent these claims contain a valid discovery of a valuable mineral deposit as of the date of the designation, they would be respected as 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. New mining claims would be prohibited as the draft proclamation withdraws the area from the 1872 Mining Law.

7. Oil and gas leasing

The proposed monument covers the Paradox basin. Approximately 85% of the monument is currently leased for oil and gas, and there is extensive oil and gas development throughout the

area. Production comes primarily from the McElmo Dome field (containing carbon dioxide reserves) and the overlying Island Butte II, Cutthroat, and Canyon units (producing natural gas, condensate, and oil). Carbon dioxide production is generally over 200 million cubic feet per year, with oil production of over 700,000 barrels and gas production of over 3 million cubic feet per year.

Because of the extensive amount of development and the established industry in the area, the monument will remain open to authorized oil and gas (including carbon dioxide) development, provided the Secretary of the Interior manages development, subject to valid existing rights, so as not to create any new impacts that would interfere with the proper care and management of the objects protected by the proclamation. However, new leasing will only be permitted where a lessee makes a discovery on an existing lease and efficient recovery of the oil and gas resources requires drilling under additional acreage, or where necessary to protect oil and gas resources on federal lands against drainage.

It is not expected that these measures will have any effect on current levels of carbon dioxide or oil and gas production, because operators will be able to fully utilize the resources that have been discovered. However, as production is completed, the area will be reclaimed and new development will not occur. Current estimates are that production from current leases will continue for thirty to forty years.

CONCLUSION

Establishing the Canyons of the Ancients National Monument would be an exemplary exercise of Presidential authority under the Antiquities Act, well in keeping with past practice through which many notable objects of historic and scientific interest have been preserved, to the Nation's great and lasting benefit. I strongly recommend you sign the proclamation.

A handwritten signature in black ink, appearing to read "Re Bullitt", is positioned above the title of the Secretary of the Interior.

The Secretary of the Interior

DRAFT

Presidential Proclamation #####

Establishment of the Canyons of the Ancients National Monument

By the President of The United States of America

A PROCLAMATION

Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird Mesa area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into

smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the monument area increased. Dwellings tended to be small, with three or four rooms. Then during Pueblo II (about 900-1150 A.D.), settlements were diminished and highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the monument, typically at large sites at the heads of canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a great kiva, and a plaza, covering more than ten acres in all. These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Puebloans expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Puebloans left the monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the monument help explain why past and present cultures have chosen to live in the area. The geology of the monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Canyons of the Ancients National Monument:

NOW, THEREFORE, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. § 225, 16 U.S.C. § 431), do proclaim that there are hereby set apart and reserved as the Canyons of the Ancients National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Canyons of the Ancients National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 164,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, 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 leasing, other than by exchange that furthers the protective purposes of the monument, and except for oil and gas leasing as prescribed herein.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

Because most of the federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by this proclamation; and provided further, the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases, or to protect against drainage.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Colorado with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Bureau of Land Management shall work with appropriate state authorities to ensure that any water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

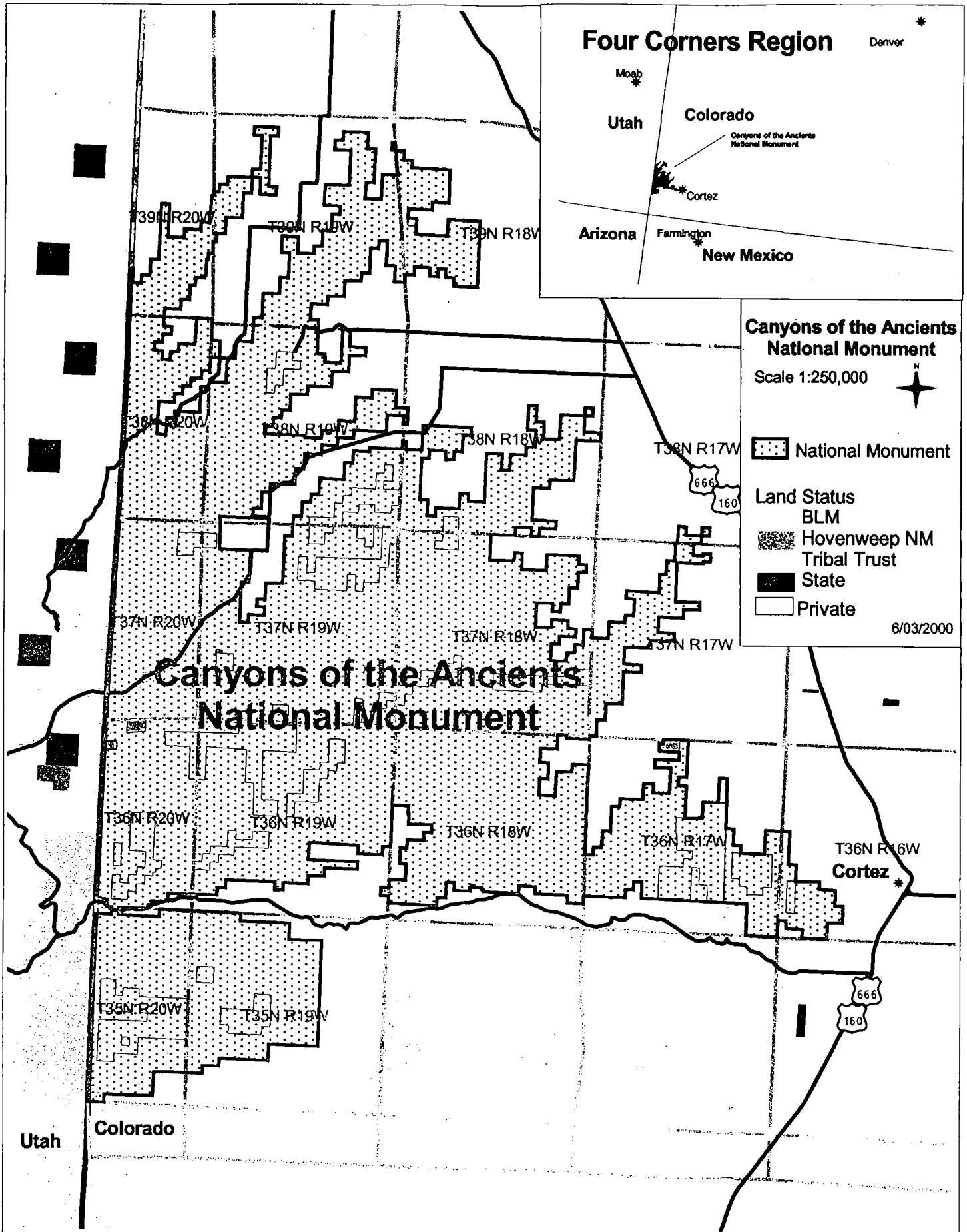
Nothing in this proclamation shall be deemed to affect the management of Hovenweep National Monument by the National Park Service (Proclamation 1654 of March 2, 1923, Proclamation 2924 of May 1, 1951, and Proclamation 2998 of November 26, 1952).

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this xxxxx day of xxxx, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton



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THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum to the President

Date: June 8, 2000

From: Secretary Babbitt

Discussion of the Hanford Reach National Monument Proposal

Attached is a draft proclamation, with an accompanying map,¹ to establish the Hanford Reach National Monument in southeastern Washington. This memorandum describes (a) the basis for my recommendation that you establish the Hanford Reach National Monument, (b) the draft proclamation, and (c) the resources, ownership patterns, and management issues present in the area. After careful review of the record, I am convinced that the scientific and historic objects satisfy the criteria for establishment of a national monument pursuant to the Antiquities Act, and that the boundaries of the land reserved represent the smallest area compatible with the proper care and management of those objects.

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...."

A. Objects of Historic or Scientific Interest

The Hanford Reach National Monument is a unique and biologically diverse landscape, encompassing an array of scientific and historic objects. This magnificent area contains an irreplaceable natural and historic legacy, preserved by unusual circumstances. Maintained as a buffer area in a Federal reservation conducting nuclear weapons development and, more recently, environmental cleanup activities, with limits on development and human use for the past 50

¹The boundaries of the proposed monument are drawn on the map entitled "Hanford Reach National Monument," which would be attached to, and made a part of, your proclamation. It is not practicable, as of this date, to describe the boundaries of the land reserved as a part of the proposed monument either by metes and bounds or by reference to designated subdivisions on official surveys shown on publicly recorded plats or maps. The BLM will produce a description conforming to the BLM Specifications for Descriptions of Tracts of Land for Use in Land Orders and Proclamations as soon as practicable should you decide to proceed.

years, the proposed monument is now a haven for important and increasingly scarce objects of scientific and historic interest. Bisected by the stunning Hanford Reach of the Columbia River, the proposed monument contains the largest remnant of the shrub-steppe ecosystem that once blanketed the Columbia River Basin. The proposed monument is also one of the few remaining archaeologically rich areas in the western Columbia Plateau, containing well-preserved remnants of human history spanning more than 10,000 years. The proposed monument is equally rich in geologic history, with dramatic landscapes that reveal the creative forces of tectonic, volcanic, and erosive power.

The proposed monument is a biological treasure, embracing important riparian, aquatic, and upland shrub- steppe habitats which are rare or in decline in other areas. Within its mosaic of habitats, the proposed monument supports a wealth of increasingly uncommon native plant and animal species, the size and diversity of which is unmatched in the Columbia Basin. Migrating salmon, birds and hundreds of other native plant and animal species rely on its natural ecosystems.

The proposed monument includes the 51-mile long "Hanford Reach," the last free-flowing, non-tidal stretch of the Columbia River. The Reach contains islands, riffles, gravel bars, oxbow ponds, and backwater sloughs that support some of the most productive spawning areas in the Northwest, where approximately 80 percent of the upper Columbia Basin's fall chinook salmon spawn. It also supports healthy runs of naturally-spawning sturgeon and other highly-valued fish species. The loss of other spawning grounds on the Columbia and its tributaries has increased the importance of the Hanford Reach for fisheries.

The proposed monument contains one of the last remaining large blocks of shrub-steppe ecosystems in the Columbia River Basin, supporting an unusually high diversity of native plant and animal species. A large number of rare and sensitive plant species are found dispersed throughout the proposed monument. A recent inventory resulted in the discovery of two plant species new to science, the Umtanum desert buckwheat and the White Bluffs bladderpod. Fragile microbiotic crusts, themselves of biological interest, are well developed in the proposed monument and play an important role in stabilizing soils and providing nutrients to plants.

The proposed monument contains significant breeding populations of nearly all steppe and shrub-steppe dependent birds, including the loggerhead shrike, the sage sparrow, the sage thrasher, and the ferruginous hawk. The Hanford Reach and surrounding wetlands provide important stop-over habitat for migratory birds, as well as habitat for many resident species. The area is important wintering habitat for bald eagles, white pelicans and many species of waterfowl such as mallards, green-winged teal, pintails, goldeneye, gadwall, and buffleheads. The proposed monument's bluff habitats provide valuable nesting sites for several bird species, including prairie falcons, and important perch sites for raptors such as peregrine falcons.

Many species of mammals are also found within the proposed monument, including elk, beaver, badgers, and bobcats. Insect populations, though less conspicuous, include species that have been lost elsewhere due to habitat conversion, fragmentation and application of pesticides. A

recent biological inventory uncovered forty-one species, and two subspecies of insects new to science and many species not before identified in the state of Washington. Such rich and diverse insect populations are important to supporting the fauna in the proposed monument.

In addition to its vital biological resources, the proposed monument contains significant geological and paleontological objects. The late-Miocene to late-Pliocene Ringold Formation, known as the White Bluffs, was formed from river and lake sediments deposited by the ancestral Columbia River and its tributaries. These striking cliffs form the eastern bank of the Columbia for nearly half of the length of the Reach, and are significant for the mammalian fossils that they contain. Fossil remains from rhinoceros, camel, and mastodon, among others, have been found within these bluffs.

The Hanford Dune Field, located on the western shore of the Columbia in the southeastern part of the proposed monument, is also of geologic significance. This active area of migrating barchan dunes and partially stabilized transverse dunes rises ten to sixteen feet above the ground, creating sandy habitats ranging from two to several hundred acres in size.

The proposed monument also contains important archaeological and historic information. More than 10,000 years of human activity in this largely arid environment have left extensive archaeological deposits. Areas upland from the river show evidence of concentrated human activity, and recent surveys indicate extensive use of arid lowlands for hunting. Hundreds of prehistoric archaeological sites have been recorded, including the remains of pithouses, graves, spirit quest monuments, hunting camps, game drive complexes, quarries, and hunting and kill sites. A number of Native American groups still have cultural ties to the proposed monument. The proposed monument also contains some historic structures and other remains from more recent human activities, including homesteads from small towns established along the riverbanks in the early 20th century.

The area in the proposed monument was identified for preservation by the U.S. Department of Energy (DOE) in its Preferred Alternative in the Final Hanford Comprehensive Land-Use Plan EIS issued in September of 1999. Specific portions of this land are already subject to agreements that provide the U.S. Fish and Wildlife Service (FWS) with the responsibility to protect the wildlife and other natural resources. These lands are managed by the FWS under permits and agreements with the DOE. Currently, the FWS manages the 89,000 acre Wahluke Slope area under a 1971 permit from the DOE. The FWS also manages the 77,000 acre Arid Lands Ecology Reserve Unit under a 1997 permit from the DOE.

B. 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 proposed for reservation has been carefully delineated, based on review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the biological, geological, and historic objects identified in the draft proclamation and Attachment A accompanying this memorandum. The area of the proposed monument is based on the conservation needs of the objects to be protected. Some of these objects, such as the biological resources, are present throughout the entire proposed monument area. Others, such as the historic sites, are confined to smaller areas. The scientific value of many objects, including the biological resources, derives in part from their location at various sites or elevations throughout the proposed monument.

Preservation of such objects requires, among other things, protection of enough land to maintain the conditions that have made their continued existence possible. The scientific value of many of the objects within the proposed monument requires preservation of areas large enough to maintain the objects and their interactions. The biological objects in the area result from the fact that extensive sections of the Columbia Basin shrub-steppe ecosystem have been preserved by the lack of development and land conversion on the Hanford site. Many species must range within and through the area to maintain viable populations and their role in the ecosystem. This is especially important because of the loss of the shrub-steppe ecosystem and aquatic habitat in other parts of the Columbia Basin. 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. For these reasons, the reservation of a smaller area would undermine the proper care and management of the objects to be protected by the proposed monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the draft proclamation. First, it would reserve 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 draft proclamation would be 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 would respect those rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the monument.

Third, the draft 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 proposed monument.

Fourth, the draft proclamation would reserve in the portion of the Columbia River within the boundaries of the proposed monument, 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.

Fifth, nothing in the draft proclamation revokes any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation. Therefore, the federal agencies with existing management responsibilities for the land within the monument boundaries would continue to have such responsibilities, subject to the dominant reservation, as provided for in the draft proclamation. The reference in the draft proclamation to the national monument being the dominant reservation makes clear that, in the event of a conflict between this reservation and an existing withdrawal, reservation or appropriation, this reservation controls. The particular provisions of this draft proclamation, such as the specific reservations of rights and responsibilities of the Department of Energy, are part of this draft monument reservation.

Sixth, nothing in the draft proclamation would interfere with the operation and maintenance by the Bureau of Reclamation of existing Columbia Basin Reclamation Project facilities located within the monument; however, the monument designation precludes new agricultural irrigation within the boundaries.

Seventh, nothing in the draft proclamation affects DOE's authority to manage lands within the proposed monument as necessary to carry out the environmental cleanup mission or other environmental compliance within the proposed monument. This includes the right to regulate or restrict public access, maintain security, impose safety requirements, install and maintain environmental monitoring facilities, and implement emergency preparedness. Such matters remain the responsibility of the DOE. Likewise, nothing in the draft proclamation affects the application of federal environmental laws regarding the remediation of hazardous substances or the restoration of natural resources injured by hazardous substances on proposed monument lands. Nothing in the draft proclamation imposes any liability upon the Department of the Interior for the remediation of hazardous substances or the restoration of natural resources at the Hanford facility, nor transfer to the Department of the Interior any of the DOE's responsibility to take measures for environmental remediation, monitoring, security, safety or emergency preparedness purposes. Further, nothing in the draft proclamation imposes any limitations or restrictions on the DOE activities conducted upon lands that are not included in the proposed monument.

ADMINISTRATION OF THE MONUMENT

A. Management of the monument

The federal lands in the area described in the attached draft proclamation are currently under the jurisdiction of the U.S. Bureau of Land Management (BLM), the U.S. Bureau of Reclamation (BOR), and the U.S. Department of Energy (DOE). In addition to acquiring privately held land, the DOE created the Hanford Site by withdrawing public land and entering into an agreement with the Bureau of Reclamation to obtain management responsibility for certain withdrawn and acquired lands held by Reclamation as part of the Columbia Basin Project, north of the Columbia River. The DOE has a similar arrangement with the Bureau of Land Management. The FWS manages some of the lands within the proposed monument area under permits and agreements with the Department of Energy. For example, in the Wahluke Slope Area, the Saddle Mountain National Wildlife Refuge was created by the terms of a 1971 permit with the DOE; this Refuge includes Reclamation acquired lands managed by the DOE as part of the Hanford Site. These arrangements would not be altered by the draft proclamation, but all agreements should be reviewed to ensure consistency with the draft proclamation. The FWS and the DOE are expected to extend the agreements to other lands included in the monument that are not now managed by the FWS.

The DOE manages the Hanford site pursuant to the Atomic Energy Act of 1946, as amended. The BLM manages public lands pursuant to its organic authorities, primarily the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1702 et seq. The BOR holds lands for the Columbia Basin Project Act under that project's authorizing statute, at 16 U.S.C. § 835c, as amended. The FWS manages lands under its management jurisdiction pursuant to the National Wildlife Refuge System Administration Act, 16 U.S.C. § 668dd-ee and in accordance with agreements with the DOE.

The attached draft proclamation would have the Secretary of the Interior manage the proposed monument through the FWS under its existing authorities and existing agreements with the DOE, and under future agreements with the DOE as lands within the monument subject to DOE cleanup responsibilities are determined by the DOE and the FWS to be suitable for transfer of management responsibility. The DOE would manage lands within the draft monument that are not subject to management agreements with the FWS (primarily the land bordering the south side of the Hanford Reach) under its existing authorities and consistent with the purposes of the monument.

The draft proclamation would not affect the operation and maintenance by the BOR of Columbia Basin Project facilities located within the monument, including a water supply canal, wasteways, and hydrologic monitoring facilities.

The establishment of the proposed monument would constitute an overlay on the management regime otherwise applicable to these lands.

B. Impact of monument designation on existing or planned activities in the area

1. Hazardous waste clean-up and restoration

The proposed monument designation will have no effect on hazardous waste clean-up or restoration of natural resources, as provided for in the seventh paragraph in the section on Legal Effects of the Proclamation, above. The DOE would continue to be responsible for the clean up of hazardous waste and for any related restoration of natural resource injuries. Cleanup decisions by the DOE would continue to be coordinated with the appropriate federal and state regulatory agencies. Restoration of any injured natural resources would continue to be undertaken by the DOE under the direction of state, federal, and tribal natural resource trustees. Cleanup and restoration activities should be planned and accomplished in a cooperative manner among the agencies to facilitate the determination that specific areas are suitable for transfer of management responsibility to the FWS.

2. Agricultural activities

No grazing currently occurs within the proposed monument boundaries. Therefore, the prohibition on grazing included in the proclamation have not changed the status quo. The DOE has issued a license (#R006-94LI12799.000) to the S. Martinez Livestock Inc. for a road right of way to herd livestock across the monument along what is commonly known as the Wanapum Road. This license is a valid existing right that is protected by the preservation of valid existing rights in the proclamation.

3. Recreation, hunting, fishing and similar activities

Much of the proposed monument has been off limits to recreation and public access. However, wildlife dependent recreation (hunting, fishing, environmental education, wildlife observation, interpretation, and photography) does occur on the Wahluke Wildlife Recreation Unit on the Wahluke Slope. Such recreation would generally not be affected except where (1) the land managing agency, 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 agency finds a clear threat from such a use to the federal lands and resources, including the objects protected by the proposed monument designation, and the circumstances call for swift protective action. Such uses would, of course, remain subject to applicable laws and regulations, and would therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the proposed monument.

Nothing in this proclamation shall affect the application of environmental laws regarding the remediation of hazardous substances or the restoration of natural resources at the Hanford facility, nor affect the Department of Energy's sole authority to control public access or take other measures for environmental remediation, monitoring, security, safety, or emergency

preparedness purposes, nor affect any Department of Energy activities on lands not included within the monument.

4. Use of existing rights-of-way (such as those established under Title V of FLPMA)

Use of existing rights-of-way would generally be subject to the same standards as described in the preceding section. Some 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 proposed monument, but any regulation must respect such rights.

5. Access

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 Department of Energy retains its authority to control access to the monument for security, safety or emergency preparedness purposes. Because of the very limited public access to the site, off road vehicle use is already limited.

6. Mineral activities

Although exploration for gas has occurred in the area, deposits have proven to be small. Oil exploration was conducted in the Rattlesnake Mountain and Rattlesnake Hills area in the 1920s and 1930s, but useful deposits were not found. Big Bend Alberta Mining Company asserts an interest in minerals on approximately 1,200 acres within the proposed monument. To the extent that rights exist, they would be treated as valid existing rights.

7. Indian Rights

To the extent that Indian Tribes have rights pursuant to the Stevens Treaties of 1855 or any other federal law, those rights would be unaffected.

8. Hydroelectric Operations

Instream flows in this stretch of the Columbia River are governed by the terms of the "Vernita Bar agreement" (agreement). That agreement, among several public utility districts, federal agencies and Indian tribes, provides an instream flow regime to protect salmon. Nothing in the proclamation abrogates the agreement.

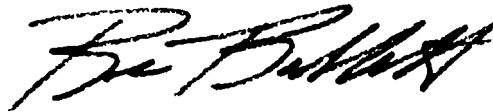
9. Bonneville Power Association

The Bonneville Power Association (BPA) operates the Federal Columbia River Transmission System, which is partially located within the proposed monument. The System is important to the Pacific Northwest, and includes facilities in and around the proposed monument. BPA has in

various planning stages a number of projects to upgrade and expand transmission facilities that could be affected by the proposed monument, including rebuilding the Benton-Franklin Nos. 1 and 2 115 kilovolt (KV) transmission lines, and building a new 500 KV transmission line to parallel an existing (Schultz-Vantage-Hanford) 500 KV line. Replacement, modification and expansion of existing Federal Columbia River Transmission System facilities, and construction of any new facilities, within the proposed monument, as authorized by other applicable law, may be carried out in a manner consistent with the proper care and management of the objects identified in the draft proclamation, as determined in accordance with the management arrangements set out in the draft proclamation.

CONCLUSION

Establishing the Hanford Reach National Monument would be an exemplary exercise of Presidential authority under the Antiquities Act, well in keeping with past practice through which many notable objects of historic and scientific interest have been preserved, to the Nation's great and lasting benefit. I strongly recommend you sign the proclamation.

A handwritten signature in black ink, appearing to read "Bruce Babbitt", written in a cursive style.

The Secretary of the Interior

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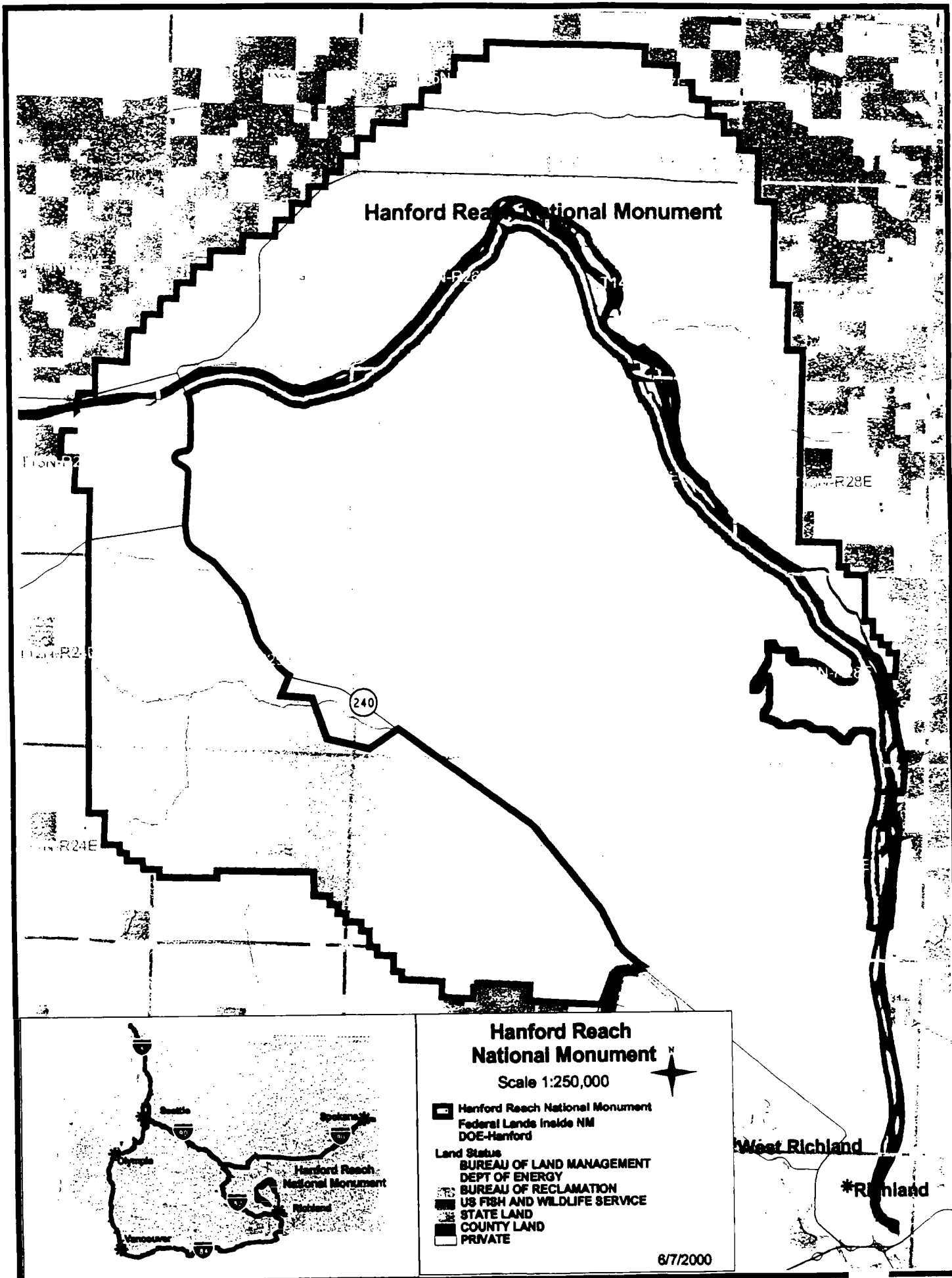
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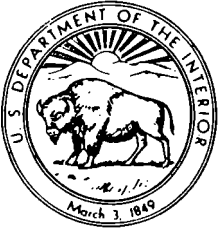
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THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum to the President

Date: June 6, 2000

From: Secretary Babbitt

Discussion of the Canyons of the Ancients National Monument Proposal

Attached is a draft proclamation, with an accompanying map,¹ to establish the Canyons of the Ancients National Monument in southwest Colorado. This memorandum describes (a) the basis for my recommendation that you establish the Canyons of the Ancients National Monument, (b) the draft proclamation, and (c) the resources, ownership patterns, and management issues present in the area. After careful review of the record, I am convinced that the objects satisfy the criteria for establishment of a national monument pursuant to the Antiquities Act, and that the boundaries of the land reserved represent the smallest area compatible with the proper care and management of those objects.

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...."

A. Objects of Historic or Scientific Interest

The proposed Canyons of the Ancients National Monument is located in southwest Colorado. Elevations within the proposed monument range from about 4,900 feet to about 7,500 feet above sea level. The map appended to the draft proclamation sets out the boundaries of the land that would be reserved in the monument. The outer boundaries of the area encompass approximately

¹The boundaries of the proposed monument are drawn on the map entitled "Canyons of the Ancients National Monument," which would be attached to, and made a part of, your proclamation. It is not practicable, as of this date, to describe the boundaries of the land reserved as a part of the monument either by metes and bounds or by reference to designated subdivisions on official surveys shown on publicly recorded plats or maps. The BLM will produce a description conforming to the BLM Specifications for Descriptions of Tracts of Land for Use in Land Orders and Proclamations as soon as practicable should you decide to proceed.

183,000 acres of land, approximately 164,000 acres of which are in federal ownership and managed by the Bureau of Land Management (BLM). The draft proclamation attached to this memo describes objects in the area that warrant protection as a monument. Attachment A is a bibliography of the principal sources of information relied upon in making this recommendation.

Containing the highest known density of archaeological sites in the Nation, the proposed Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The proposed monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the proposed Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird Mesa area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the proposed monument area increased. Dwellings tended to be small, with three or four rooms. Then during Pueblo II (about 900-1150 A.D.), settlements were diminished and highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the proposed monument, typically at large sites at the heads of canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a

great kiva, and a plaza, covering more than ten acres in all. These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Puebloans expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Puebloans left the proposed monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the proposed monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the proposed monument help explain why past and present cultures have chosen to live in the area. The geology of the proposed monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the proposed monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The proposed monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the proposed monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the proposed monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

The area within the proposed monument was established as the Anasazi Area of Critical Environmental Concern in the BLM's 1985 San Juan-San Miguel Resource Management Plan because of its internationally significant cultural resources. Several sites that are similar in character and cultural affiliation to sites within the proposed monument were previously designated as Hovenweep National Monument in 1923 (Proclamation 1654 of March 2, 1923, Proclamation 2924 of April 26, 1951, and Proclamation 2998 of November 20, 1952).

The area has been evaluated for its wilderness characteristics under the Federal Land Policy and Management Act of 1976. Approximately 25,000 acres within the proposed monument are

within the Cahone Canyon, Cross Canyon, and Squaw/Papoose Wilderness Study Areas. The documentation of this area assembled in the wilderness inventory and study process has identified many of the objects of scientific and historic interest within the proposed monument area.

B. 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 proposed for reservation has been carefully delineated, based on review of available information, to meet the goals of effectively caring for and managing the objects in perpetuity.

The area includes the archaeological, geological, and biological objects identified in the draft proclamation and Attachment A accompanying this letter. The area of the proposed monument is based on the conservation needs of the objects to be protected. Some of these objects, such as the biological resources, are present throughout the entire proposed monument, while the archaeological resources are in discrete locations throughout the proposed monument. Many objects, particularly the archaeological resources, depend for their scientific value on their location at various sites or elevations.

Preservation of such objects requires, among other things, protection of enough land to maintain the conditions that have made their continued existence possible. The scientific value of many of the objects within the proposed monument requires preservation of areas large enough to maintain the objects and their interactions. For example, while archaeological sites are by definition identifiable discrete concentrations on the landscape, most of their significance stems from the relationships of such sites when considered in a much larger comparative context. Individual sites are viewed as elements in community patterns, settlement patterns, or regional populations of sites. Evaluation of specific sites requires adequate knowledge of these larger local and regional patterns on the landscape. Thus, protection of the aggregate area is necessary for proper care of the objects. Management of a patchwork of reserved lands would be impractical, as it would make it more difficult to adequately care for the objects, reduce options for resource management and lead to inconsistent resource management standards for overlapping resources. In sum, our analysis indicates that reservation of a smaller area would undermine proper care and management of the proposed monument.

LEGAL EFFECTS OF THE PROCLAMATION

There are several significant aspects of the draft proclamation. First, it would reserve 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 draft proclamation would be subject to valid existing rights, including any relevant rights the Ute Indians may have under the Brunot Agreement of 1874 (April 29, 1874). Thus, to the extent a person or entity has valid existing rights in the federal lands or resources within the area, the draft proclamation would respect their rights. The exercise of such rights, however, could be regulated in order to protect the purposes of the proposed monument.

Third, the draft proclamation would appropriate and withdraw the federal lands and interests in lands within the boundaries of the proposed monument from entry, location, sale, 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 leasing, other than by exchange that furthers the protective purposes of the proposed monument, and except for oil and gas (including carbon dioxide) leasing as described below. This withdrawal would prevent the location of new mining claims under the 1872 Mining Law, and would prevent the Secretary of the Interior from exercising discretion under the mineral leasing acts and related laws to lease or sell federal minerals, except for oil and gas as described below, within the boundaries of the proposed monument.

Approximately eighty-five percent of the federal lands within the proposed monument have already been leased for oil and gas (including carbon dioxide) and development is already occurring. This development has had some impacts on the landscape, but it has not been sufficient to disqualify the objects of scientific and historic interest from protection under the Antiquities Act. Monument lands would remain open to continued oil and gas (including carbon dioxide) development under existing leases, under current lease restrictions and BLM regulations. The draft proclamation would allow new leases to be issued, but only for the purpose of either protecting against drainage, or promoting conservation of oil and gas resources in a common reservoir now being produced under existing leases. Also, the draft proclamation directs the Secretary to manage development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by the proclamation.

Fourth, the draft proclamation would not reserve water resources of the area under federal law pursuant to the so-called Winters doctrine. The proclamation would direct the Secretary of the Interior to work with appropriate state authorities to ensure that any water resources needed for monument purposes are available.

ADMINISTRATION OF THE MONUMENT

A. Management by the Bureau of Land Management

The federal lands in the area described in the attached draft 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).

I believe the area is best left under BLM management, and the attached draft proclamation would have the Secretary of the Interior manage the proposed monument through this agency, under its existing authorities, but subject to the overriding purpose of protecting the objects described in the draft 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 designation of these lands as part of the Canyons of the Ancients National Monument would have no effect on the Wilderness Study Area status of the area. For example, any new mineral leases in Wilderness Study Areas would continue to contain surface occupancy restrictions as required by Section 603 of the Federal Land Policy and Management Act. It would also have no effect on Congressional action to designate lands within the proposed monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments. 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."

There are four units of the Hovenweep National Monument (approximately 400 acres) scattered within the proposed monument's boundary. These sites would not be included in the proposed monument and would continue to be managed by the National Park Service.

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

1. Currently permitted livestock grazing, recreation, hunting, and similar activities

Grazing, recreation and other similar uses would 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) the BLM finds a clear threat from such a use to the federal lands and resources, including the objects protected by the proposed monument designation, and the circumstances call for swift protective action. Such uses would, of course, remain subject to applicable laws and regulations, and would therefore remain subject to regulation and limitation under such provisions for reasons other than establishment of the monument. Hunting would continue to be governed under applicable laws.

2. Use of existing rights-of-way (such as those established under Title V of FLPMA)

Use of existing rights-of-way would generally be subject to the same standards as described in section B.1. addressing currently permitted uses. Some 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 proposed monument, but any regulation must respect such rights.

3. Indian Rights

The draft proclamation would not affect any treaty or other rights of any Indian nation.

4. Access

For purposes of protecting the objects identified in the draft proclamation, it would prohibit motorized and mechanized vehicle travel off road, except for authorized administrative or emergency purposes. The current management plan prohibits travel off road in approximately 25% of the area. Although the extremely rugged terrain in the area has been a limiting factor for this use in the past, the draft proclamation would curtail use of vehicles off road in the remainder of the monument. The draft proclamation also directs the Secretary to develop a transportation plan that addresses road closures or travel restrictions as necessary to protect the objects identified in this proclamation.

5. Activities on private land and lands managed by other federal agencies

The area within the boundaries of the proposed monument contains approximately 19,000 acres of private land and approximately 400 acres of federal land managed by the National Park Service as Hovenweep National Monument. The proposed monument designation would not apply to private lands, but the draft proclamation provides that if any of these lands within the outer boundaries are acquired into federal ownership in the future, they would become part of the proposed monument. In the absence of acquisition, the laws applicable to the use of private lands prior to the establishment of the monument would continue to apply. Hovenweep National Monument is not included in the proposed monument, and its management would be unaffected.

6. Mining claims

There are two existing mining claims in the proposed monument. To the extent these claims contain a valid discovery of a valuable mineral deposit as of the date of the designation, they would be respected as 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. New mining claims would be prohibited as the draft proclamation withdraws the area from the 1872 Mining Law.

7. Oil and gas leasing

The proposed monument covers the Paradox basin. Approximately 85% of the monument is currently leased for oil and gas, and there is extensive oil and gas development throughout the

area. Production comes primarily from the McElmo Dome field (containing carbon dioxide reserves) and the overlying Island Butte II, Cutthroat, and Canyon units (producing natural gas, condensate, and oil). Carbon dioxide production is generally over 200 million cubic feet per year, with oil production of over 700,000 barrels and gas production of over 3 million cubic feet per year.

Because of the extensive amount of development and the established industry in the area, the monument will remain open to authorized oil and gas (including carbon dioxide) development, provided the Secretary of the Interior manages development, subject to valid existing rights, so as not to create any new impacts that would interfere with the proper care and management of the objects protected by the proclamation. However, new leasing will only be permitted where a lessee makes a discovery on an existing lease and efficient recovery of the oil and gas resources requires drilling under additional acreage, or where necessary to protect oil and gas resources on federal lands against drainage.

It is not expected that these measures will have any effect on current levels of carbon dioxide or oil and gas production, because operators will be able to fully utilize the resources that have been discovered. However, as production is completed, the area will be reclaimed and new development will not occur. Current estimates are that production from current leases will continue for thirty to forty years.

CONCLUSION

Establishing the Canyons of the Ancients National Monument would be an exemplary exercise of Presidential authority under the Antiquities Act, well in keeping with past practice through which many notable objects of historic and scientific interest have been preserved, to the Nation's great and lasting benefit. I strongly recommend you sign the proclamation.

A handwritten signature in black ink, appearing to read "B. B. B.", is positioned above the title of the Secretary of the Interior.

The Secretary of the Interior

DRAFT

Presidential Proclamation #####

Establishment of the Canyons of the Ancients National Monument

By the President of The United States of America

A PROCLAMATION

Containing the highest known density of archaeological sites in the Nation, the Canyons of the Ancients National Monument holds evidence of cultures and traditions spanning thousands of years. This area, with its intertwined natural and cultural resources, is a rugged landscape, a quality that greatly contributes to the protection of its scientific and historic objects. The monument offers an unparalleled opportunity to observe, study, and experience how cultures lived and adapted over time in the American Southwest.

The complex landscape and remarkable cultural resources of the Canyons of the Ancients National Monument have been a focal point for archaeological interest for over 125 years. Archaeological and historic objects such as cliff dwellings, villages, great kivas, shrines, sacred springs, agricultural fields, check dams, reservoirs, rock art sites, and sweat lodges are spread across the landscape. More than five thousand of these archaeologically important sites have been recorded, and thousands more await documentation and study. The Mockingbird area has over forty sites per square mile, and several canyons in that area hold more than three hundred sites per square mile.

People have lived and labored to survive among these canyons and mesas for thousands of years, from the earliest known hunters crossing the area 10,000 years ago or more, through Ancestral Puebloan farmers, to the Ute, Navajo, and European settlers whose descendants still call this area home. There is scattered evidence that Paleo-Indians used the region on a sporadic basis for hunting and gathering until around 7500 B.C. During the Archaic period, generally covering the next six thousand years, occupation of the Four Corners area was dominated by hunters and gatherers.

By about 1500 B.C., the more sedentary Basketmakers spread over the landscape. As Ancestral Northern Puebloan people occupied the area around 750 A.D., farming began to blossom, and continued through about 1300 A.D., as the area became part of a much larger prehistoric cultural region that included Mesa Verde to the southeast. Year-round villages were established, originally consisting of pit house dwellings, and later evolving to well-recognized cliff-dwellings. Many archaeologists now believe that throughout this time span, the Ancestral Northern Puebloan people periodically aggregated into larger communities and dispersed into

smaller community units. Specifically, during Pueblo I (about 700-900 A.D.) the occupation and site density in the monument area increased. Dwellings tended to be small, with three or four rooms. Then during Pueblo II (about 900-1150 A.D.), settlements were diminished and highly dispersed. Late in Pueblo II and in early Pueblo III, around 1150 A.D., the size and number of settlements again increased and residential clustering began. Later pueblos were larger multi-storied masonry dwellings with forty to fifty rooms. For the remainder of Pueblo III (1150-1300 A.D.), major aggregation occurred in the monument, typically at large sites at the heads of canyons. One of these sites includes remains of about 420 rooms, 90 kivas, a great kiva, and a plaza, covering more than ten acres in all. These villages were wrapped around the upper reaches of canyons and spread down onto talus slopes, enclosed year-round springs and reservoirs, and included low, defensive walls. The changes in architecture and site planning reflected a shift from independent households to a more communal lifestyle.

Farming during the Puebloan period was affected by population growth and changing climate and precipitation patterns. As the population grew, the Ancestral Puebloans expanded into increasingly marginal areas. Natural resources were compromised and poor soil and growing conditions made survival increasingly difficult. When dry conditions persisted, Pueblo communities moved to the south, southwest, and southeast, where descendants of these Ancestral Puebloan peoples live today.

Soon after the Ancestral Puebloans left the monument area, the nomadic Ute and Navajo took advantage of the natural diversity found in the variable topography by moving to lower areas, including the monument's mesas and canyons, during the cooler seasons. A small number of forked stick hogans, brush shelters, and wickiups are the most obvious remnants of this period of occupation.

The natural resources and spectacular land forms of the monument help explain why past and present cultures have chosen to live in the area. The geology of the monument evokes the very essence of the American Southwest. Structurally part of the Paradox Basin, from a distance the landscape looks deceptively benign. From the McElmo Dome in the southern part of the monument, the land slopes gently to the north, giving no indication of its true character. Once inside the area, however, the geology becomes more rugged and dissected. Rising sharply to the north of McElmo Creek, the McElmo Dome itself is buttressed by sheer sandstone cliffs, with mesa tops rimmed by caprock, and deeply incised canyons.

The monument is home to a wide variety of wildlife species, including unique herpetological resources. Crucial habitat for the Mesa Verde nightsnake, long-nosed leopard lizard, and twin-spotted spiny lizard can be found within the monument in the area north of Yellow Jacket Canyon. Peregrine falcons have been observed in the area, as have golden eagles. American kestrels, red-tailed hawks, and northern harriers. Game birds like Gambel's quail and mourning dove are found throughout the monument both in dry, upland habitats, and in lush riparian habitat along the canyon bottoms.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of 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.

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Canyons of the Ancients National Monument:

NOW, THEREFORE, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. § 225, 16 U.S.C. § 431), do proclaim that there are hereby set apart and reserved as the Canyons of the Ancients National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Canyons of the Ancients National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 164,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, 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 leasing, other than by exchange that furthers the protective purposes of the monument, and except for oil and gas leasing as prescribed herein.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes.

Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

Because most of the federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by this proclamation; and provided further, the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases, or to protect against drainage.

The Secretary of the Interior shall prepare a transportation plan that addresses the actions, including road closures or travel restrictions, necessary to protect the objects identified in this proclamation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Colorado with respect to fish and wildlife management.

This proclamation does not reserve water as a matter of Federal law. Nothing in this reservation shall be construed as a relinquishment or reduction of any water use or rights reserved or appropriated by the United States on or before the date of this proclamation. The Bureau of Land Management shall work with appropriate state authorities to ensure that any water resources needed for monument purposes are available.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights of any Indian tribe.

Laws, regulations, and policies followed by the Bureau of Land Management in issuing and administering grazing permits or leases on all lands under its jurisdiction shall continue to apply with regard to the lands in the monument.

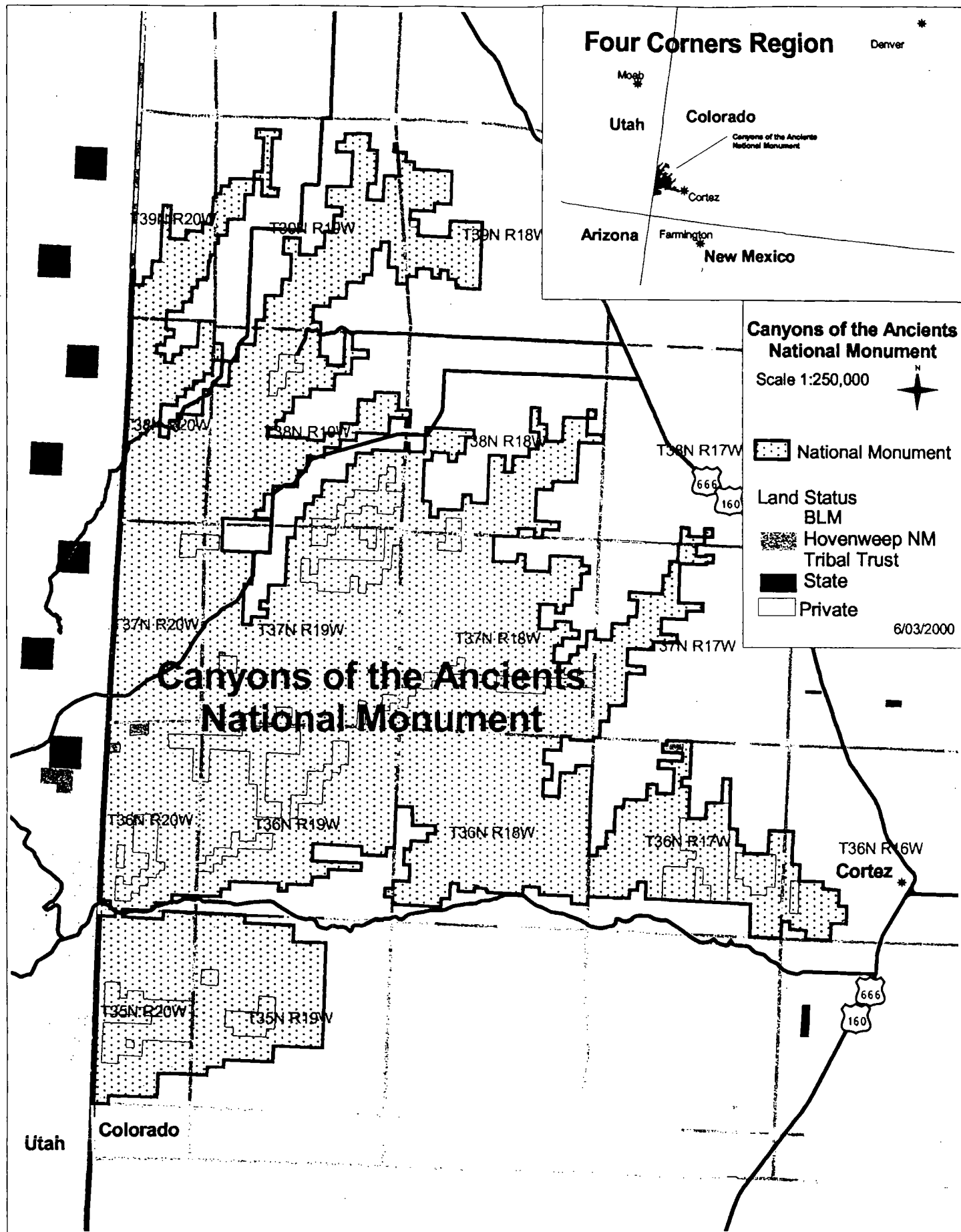
Nothing in this proclamation shall be deemed to affect the management of Hovenweep National Monument by the National Park Service (Proclamation 1654 of March 2, 1923, Proclamation 2924 of May 1, 1951, and Proclamation 2998 of November 26, 1952).

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this xxxxx day of xxxx, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

William J. Clinton



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