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THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum to the President

Date: June 6, 2000

From: Secretary Babbitt

Discussion of the Ironwood Forest National Monument Proposal

Attached is a draft proclamation, with an accompanying map,¹ to establish the Ironwood Forest National Monument in southern Arizona. This memorandum describes (a) the basis for my recommendation that you establish the Ironwood Forest 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 Ironwood Forest National Monument is located outside Tucson, Arizona. Elevations within the proposed monument range from about 1,800 feet to about 4,261 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 "Ironwood Forest 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.

189,564 acres of land, approximately 128,917 acres of which are owned by the federal government 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.

The landscape of the proposed Ironwood Forest National Monument is swathed with the rich, drought-adapted vegetation of the Sonoran Desert. The proposed monument contains objects of scientific interest throughout its desert environment. Stands of ironwood, palo verde, and saguaro blanket the proposed monument floor beneath the rugged mountain ranges, including the Silver Bell Mountains, and Ragged Top Mountain is a biological and geological crown jewel amid the depositional plains in the proposed monument.

The proposed monument presents a quintessential view of the Sonoran Desert with ancient legume and cactus forests. The geologic and topographic variability of the proposed monument contributes to the area's high biological diversity. Ironwoods, which can live in excess of 800 years, generate a chain of influences on associated understory plants, affecting their dispersal, germination, establishment, and rates of growth. Ironwood is the dominant nurse plant in this region, and the Silver Bell Mountains support the highest density of ironwood trees recorded in the Sonoran Desert. Ironwood trees provide, among other things, roosting sites for hawks and owls, forage for desert bighorn sheep, protection for saguaro against freezing, burrows for tortoises, flowers for native bees, dense canopy for nesting of white-winged doves and other birds, and protection against sunburn for night blooming cereus.

The ironwood-bursage habitat in the Silver Bell Mountains is associated with more than 674 species, including 64 mammalian and 57 bird species. Within the Sonoran Desert, Ragged Top Mountain contains the greatest richness of species. The proposed monument is home to species federally listed as threatened or endangered, including the Nichols turk's head cactus and the lesser long-nosed bat, and contains historic and potential habitat for the cactus ferruginous pygmy-owl. The desert bighorn sheep in the proposed monument may be the last viable population indigenous to the Tucson basin.

In addition to the biological and geological resources, the area holds abundant rock art sites and other archeological objects of scientific interest. Humans have inhabited the area for more than 5,000 years. More than 200 sites from the prehistoric Hohokam period (600 A.D. to 1450 A.D.) have been recorded in the area. Two areas within the proposed monument have been listed on the National Register of Historic Places, the Los Robles Archeological District and the Cocoraque Butte Archeological District. The archeological artifacts include rhyolite and brown chert chipped stone, plain and decorated ceramics, and worked shell from the Gulf of California. The area also contains the remnants of the Mission Santa Ana, the last mission constructed in Pimeria Alta.

The proposed monument area includes the Waterman Mountains Area of Critical Environmental Concern and the Silver Bell Resource Conservation Area, both designated under the BLM's

Phoenix Area Resource Management Plan (1988), because of the unique ecological and biological characteristics.

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 and archeological 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. Others, such as the archaeological resources, are scattered 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. For example, while archaeological sites are by definition identifiable discrete concentrations on the landscape, much of their scientific significance stems from interrelationships among 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. Protection of the aggregate area is necessary for proper care of the objects. For these reasons, our analysis indicates that reservation of a smaller area would undermine proper care and management of the objects to be protected by this 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 their 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 not reserve new water resources under federal law pursuant to the so-called Winters doctrine, but would not relinquish or abandon any existing federal rights. For protection of monument resources, the proclamation would direct the Secretary of the Interior to work with appropriate state authorities to ensure that water resources needed for monument purposes are available.

ADMINISTRATION OF THE MONUMENT

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 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.

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. 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 confines vehicular traffic to existing roads, but does not designate particular roads. Although the extremely rugged terrain in part of the area is a limiting factor for this use, the draft proclamation would curtail use of vehicles off road. The draft proclamation 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.

4. Activities on private and state land

The area within the boundaries of the proposed monument contains approximately 54,653 acres of state land and 6,011 acres of private land. The monument designation would not apply to those lands, but the draft proclamation provides that if any state or private lands within the outer boundaries of the monument are acquired in the future, they would become part of the monument. In the absence of acquisition, the laws applicable to the use of state or private lands prior to establishment of the monument would continue to apply.

5. Mining claims/oil and gas leases

The area has no known potential for oil and gas development. There are no existing mineral leases. Asarco has an existing mining operation near the proposed monument, but the monument boundaries have been drawn to exclude it. The proposed monument contains 372 mining claims, 235 of which are held by Asarco Mining Company. To the extent their claims contain a valid discovery of a valuable mineral deposit as of the date of this 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 regulations 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.

CONCLUSION

Establishing the Ironwood Forest 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". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

The Secretary of the Interior

DRAFT

Presidential Proclamation #####

Establishment of the Ironwood Forest National Monument

By the President of The United States of America

A PROCLAMATION

The landscape of the Ironwood Forest National Monument is swathed with the rich, drought-adapted vegetation of the Sonoran Desert. The monument contains objects of scientific interest throughout its desert environment. Stands of ironwood, palo verde, and saguaro blanket the monument floor beneath the rugged mountain ranges, including the Silver Bell Mountains. Ragged Top Mountain is a biological and geological crown jewel amid the depositional plains in the monument.

The monument presents a quintessential view of the Sonoran Desert with ancient legume and cactus forests. The geologic and topographic variability of the monument contributes to the area's high biological diversity. Ironwoods, which can live in excess of 800 years, generate a chain of influences on associated understory plants, affecting their dispersal, germination, establishment, and rates of growth. Ironwood is the dominant nurse plant in this region, and the Silver Bell Mountains support the highest density of ironwood trees recorded in the Sonoran Desert. Ironwood trees provide, among other things, roosting sites for hawks and owls, forage for desert bighorn sheep, protection for saguaro against freezing, burrows for tortoises, flowers for native bees, dense canopy for nesting of white-winged doves and other birds, and protection against sunburn for night blooming cereus.

The ironwood-bursage habitat in the Silver Bell Mountains is associated with more than 674 species, including 64 mammalian and 57 bird species. Within the Sonoran Desert, Ragged Top Mountain contains the greatest richness of species. The monument is home to species federally listed as threatened or endangered, including the Nichols turk's head cactus and the lesser long-nosed bat, and contains historic and potential habitat for the cactus ferruginous pygmy-owl. The desert bighorn sheep in the monument may be the last viable population indigenous to the Tucson basin.

In addition to the biological and geological resources, the area holds abundant rock art sites and other archeological objects of scientific interest. Humans have inhabited the area for more than 5,000 years. More than 200 sites from the prehistoric Hohokam period (600 A.D. to 1450 A.D.) have been recorded in the area. Two areas within the monument have been listed on the National Register of Historic Places, the Los Robles Archeological District and the Cocoraque Butte

Archeological District. The archeological artifacts include rhyolite and brown chert chipped stone, plain and decorated ceramics, and worked shell from the Gulf of California. The area also contains the remnants of the Mission Santa Ana, the last mission constructed in Pimeria Alta.

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 Ironwood Forest 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 Ironwood Forest 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 "Ironwood Forest National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 128,917 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 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.

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.

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 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 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 Arizona 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 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 xxxxx, 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

Ironwood Forest National Monument

Scale 1:300,000



 Ironwood Forest National Monument

Land Status

BLM

BOR

Indian Lands

Military

NPS

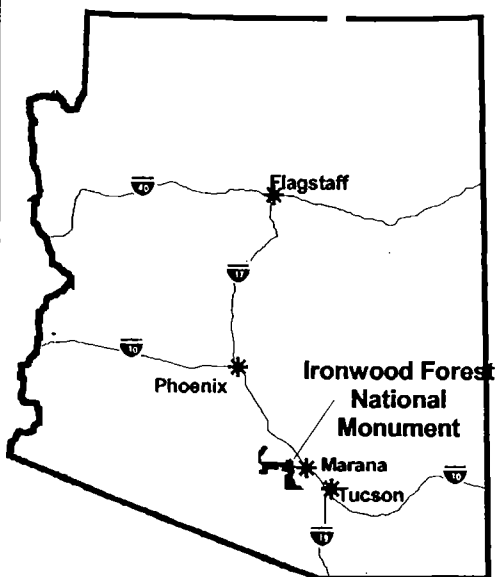
State

Private

6/5/2000

Ironwood Forest National Monument

Marana *



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THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum to the President

Date: June 6, 2000

From: Secretary Babbitt

Discussion of the Cascade-Siskiyou National Monument Proposal

Attached is a draft proclamation, with an accompanying map,¹ to establish the Cascade-Siskiyou National Monument in southern Oregon. This memorandum describes (a) the basis for my recommendation that you establish the Cascade-Siskiyou 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 proposed Cascade-Siskiyou National Monument is located in southern Oregon, at the intersection of the Klamath and Cascade Mountains. Elevations within the proposed monument range from 2,300 to 6,000 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

¹The boundaries of the proposed monument are drawn on the map entitled "Cascade-Siskiyou 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.

the area encompass approximately 86,000 acres of land, approximately 52,000 acres of which are owned by the federal government 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.

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the proposed Cascade-Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.

The proposed monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scablands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The proposed monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam.

The proposed monument supports an exceptional range of fauna, including one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the proposed monument is a significant center of fresh water snail diversity, and is home to three endemic fish species including a long-isolated stock of redband trout. The proposed monument contains important populations of small mammals, reptile and amphibian species, and ungulates, including important winter habitat for deer. It also contains old growth habitat crucial to the threatened Northern spotted owl, and numerous other bird species such as the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl, and the pygmy nuthatch.

The proposed monument's geology contributes substantially to its spectacular biological diversity. The majority of the proposed monument is within the Cascade Mountain Range. The western edge of the proposed monument lies within the older Klamath Mountain geologic province. The dynamic plate tectonics of the area, and the mixing of igneous, metamorphic, and sedimentary geological formations, have resulted in diverse lithologies and soils. Along with periods of geological isolation and a range of environmental conditions, the complex geologic history of the area has been instrumental in producing the diverse vegetative and biological richness seen today.

One of the most striking features of the Western Cascades in this area is Pilot Rock, located near the southern boundary of the proposed monument. The rock is a volcanic plug, a remnant of a feeder vent left after a volcano eroded away, leaving an outstanding example of the inside of a

volcano. Pilot Rock has sheer, vertical basalt faces up to four hundred feet above the talus slope at its base, with classic columnar jointing created by the cooling of its andesite composition.

The Siskiyou Pass in the southwest corner of the proposed monument contains portions of the Oregon/California Trail, the region's main north/south travel route first established by Native Americans in prehistoric times, and used by Peter Skene Ogden in his 1827 exploration for the Hudson's Bay Company.

Much of the area within the proposed monument was designated as the Cascade Siskiyou Ecological Emphasis Area in the 1994 Northwest Forest Plan and the 1995 Medford District Resource Management Plan (RMP) because of its unique, diverse ecological and biological characteristics. The Medford RMP also established other special designations in the area based on important resource values: two Resource Natural Areas, two Areas of Critical Environmental Concern, and a Late-Successional Reserve (LSR).

The area has been evaluated for its wilderness characteristics under the Federal Land Policy and Management Act of 1976. Approximately 5,867 acres, known as the Soda Mountain Wilderness Study Area, were recommended to Congress for wilderness designation in 1991. No Congressional action has been taken on this recommendation. 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.

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 trail, are confined to a smaller area. Many objects, including the biological 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. Many of the biologic objects in the area result from

the extraordinary geology and blending of ecoregions, which provides habitat for a high diversity of species. The proposed monument also provides an important link for migration and dispersal of species between habitats in the Northwest. Many species must range within and through the area to maintain viable populations and their role in the ecosystem. Thus, protection of the aggregate area is necessary for proper care of the objects. 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 proper care and management of the objects to be protected by this 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 draft proclamation would respect their rights. The exercise of such rights could, however, be regulated in order to protect the purposes of the proposed monument.

Third, the draft proclamation appropriates and withdraws the federal lands and interests in lands within the boundaries of the proposed 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 proposed 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, subject to valid existing rights and as of the date of the proclamation, sufficient water to fulfill the purposes for which the monument would be established.

Fifth, the draft proclamation prohibits the commercial harvest of timber or other vegetative material, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. The draft proclamation also states that no portion of the monument shall be within the timber base or used in a calculation or basis for a sustained yield of timber. The Act of August 28, 1937, as amended (43 U.S.C. 1181a-1181j), commonly known as the “O&C Act,” provides that certain federal lands within the

monument shall be managed for “permanent forest production” and that the timber thereon “shall be sold, cut, and removed in conformity with the principal [sic] of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities [sic]....” The Secretary may, if necessary, amend land use plans of the Bureau of Land Management to assure that the total productive capacity of harvestable timber for all lands subject to the O&C Act is not diminished by implementation of this proclamation.

Sixth, the draft proclamation directs the Secretary of the Interior to study the impacts of livestock grazing on the objects of biological interest in the monument with specific attention to sustaining the natural ecosystem dynamics. Existing authorized permits or leases would continue with appropriate terms and conditions under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the Secretary would retire the grazing allotments pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary would not reallocate the forage available under such permits or for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

Seventh, the draft proclamation directs the Secretary to develop a management plan, including appropriate transportation planning, that addresses any actions, such as road closures or travel limits, necessary to protect the objects identified in the draft proclamation. The draft proclamation also prohibits motorized and mechanized vehicle use off road, except for emergency or authorized administrative purposes, and closes the Schoheim road with the same exception.

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 inclusion of wilderness study area lands within the Cascade-Siskiyou National Monument would have no effect on the Wilderness Study Area status or on any Congressional action to

designate lands within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments. 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.”

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

1. Currently permitted livestock grazing

Grazing occurs on five allotments within the proposed monument under eight separate grazing permits. The draft proclamation directs the Secretary of the Interior to study the impacts of livestock grazing on the objects of biological interest in the proposed monument with specific attention to sustaining the natural ecosystem dynamics. If the study so indicates, existing authorized permits or leases may continue with appropriate stipulations under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the grazing allotments would be retired pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary would not reallocate the forage available under such permits for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

2. Recreation, hunting, fishing and similar activities

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 proposed monument. Hunting and fishing would continue to be governed under applicable law.

3. 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.

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, so there should be no change in actual practice. The draft proclamation directs the Secretary to develop a transportation plan that addresses road closures or travel limits as necessary to protect the objects identified in this proclamation. In addition, the draft proclamation would close Schoheim Road in order to prevent fragmentation of crucial deer winter habitat, in accordance with a recommendation from the Oregon Department of Fish and Game. Closing the road will also prevent degradation of water quality.

5. Activities on private land

The area within the boundaries of the draft proclamation contains approximately 34,000 acres of private land, owned by a mix of large and small land owners. The two largest landowners are Boise Cascade Corporation and U.S. Timberlands. The proposed monument designation would not apply to those lands, but the draft proclamation provides that if any of these lands within the outer boundaries of the proposed monument 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 or state lands prior to the establishment of the proposed monument would continue to apply.

6. Mineral activities

The area has no known potential for oil and gas development. There are no existing mining claims. New mining claims, mineral leases or mineral sales would be prohibited as the draft proclamation withdraws the area from the 1872 Mining Law and from the mineral leasing acts and related laws.

7. Timber Harvest

The commercial harvest of timber or other vegetative material would be prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of the draft proclamation. No portion of the proposed monument would be considered to be suited for timber production for the purposes of any calculation or provision of a sustained yield of timber. Removal of trees from within the proposed monument area may take place only if clearly needed for ecological restoration and maintenance or public safety. There is currently a moratorium on all timber harvest in much of the area until 2005 pending the completion of a management plan. The remainder of the area is in a Late Successional Reserve status where timber harvest is essentially prohibited, except for projects designed to meet ecological

objectives under the Northwest Forest Plan. Thus, the proclamation's immediate impact on commercial timber harvest would be minimal.

CONCLUSION

Establishing the Cascade-Siskiyou 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", with a stylized, flowing script.

The Secretary of the Interior

DRAFT

Presidential Proclamation #####

Establishment of the Cascade-Siskiyou National Monument

By the President of The United States of America

A PROCLAMATION

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade-Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is a biological crossroads – the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology, biology, climate, and topography.

The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity. Plant communities present a rich mosaic of grass and shrublands, Garry and California black oak woodlands, juniper scrublands, mixed conifer and white fir forests, and wet meadows. Stream bottoms support broad-leaf deciduous riparian trees and shrubs. Special plant communities include rosaceous chaparral and oak-juniper woodlands. The monument also contains many rare and endemic plants, such as Greene's Mariposa lily, Gentner's fritillary, and Bellinger's meadowfoam.

The monument supports an exceptional range of fauna, including one of the highest diversities of butterfly species in the United States. The Jenny Creek portion of the monument is a significant center of fresh water snail diversity, and is home to three endemic fish species including a long-isolated stock of redband trout. The monument contains important populations of small mammals, reptile and amphibian species, and ungulates, including important winter habitat for deer. It also contains old growth habitat crucial to the threatened Northern spotted owl, and numerous other bird species such as the western bluebird, the western meadowlark, the pileated woodpecker, the flammulated owl, and the pygmy nuthatch.

The monument's geology contributes substantially to its spectacular biological diversity. The majority of the monument is within the Cascade Mountain Range. The western edge of the monument lies within the older Klamath Mountain geologic province. The dynamic plate tectonics of the area, and the mixing of igneous, metamorphic, and sedimentary geological formations, have resulted in diverse lithologies and soils. Along with periods of geological isolation and a range of environmental conditions, the complex geologic history of the area has been instrumental in producing the diverse vegetative and biological richness seen today.

One of the most striking features of the Western Cascades in this area is Pilot Rock, located near the southern boundary of the monument. The rock is a volcanic plug, a remnant of a feeder vent left after a volcano eroded away, leaving an outstanding example of the inside of a volcano. Pilot Rock has sheer, vertical basalt faces up to four hundred feet above the talus slope at its base, with classic columnar jointing created by the cooling of its andesite composition.

The Siskiyou Pass in the southwest corner of the monument contains portions of the Oregon/California Trail, the region's main north/south travel route first established by Native Americans in prehistoric times, and used by Peter Skene Ogden in his 1827 exploration for the Hudson's Bay Company.

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 Cascade-Siskiyou 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 Cascade-Siskiyou 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 "Cascade-Siskiyou National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 52,000 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 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.

There is hereby reserved, as of the date of this proclamation and subject to valid existing rights, a quantity of water sufficient to fulfill the purposes for which this monument is established. 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 commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.

For the purpose of protecting the objects identified above, the Secretary shall prohibit all motorized and mechanized vehicle use off road and shall close the Schoheim 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.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities (including, where applicable, the Act of August 28, 1937, as amended (43 U.S.C. 1181a-1181j)), to implement the purposes of this proclamation.

The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. The management plan shall include appropriate transportation planning 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 study the impacts of livestock grazing on the objects of biological interest in the monument with specific attention to sustaining the natural ecosystem dynamics. Existing authorized permits or leases may continue with appropriate terms and conditions under existing laws and regulations. Should grazing be found incompatible with protecting the objects of biological interest, the Secretary shall retire the grazing allotments pursuant to the processes of applicable law. Should grazing permits or leases be relinquished by existing holders, the Secretary shall not reallocate the forage available under such permits or for livestock grazing purposes unless the Secretary specifically finds, pending the outcome of the study, that such reallocation will advance the purposes of the proclamation.

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

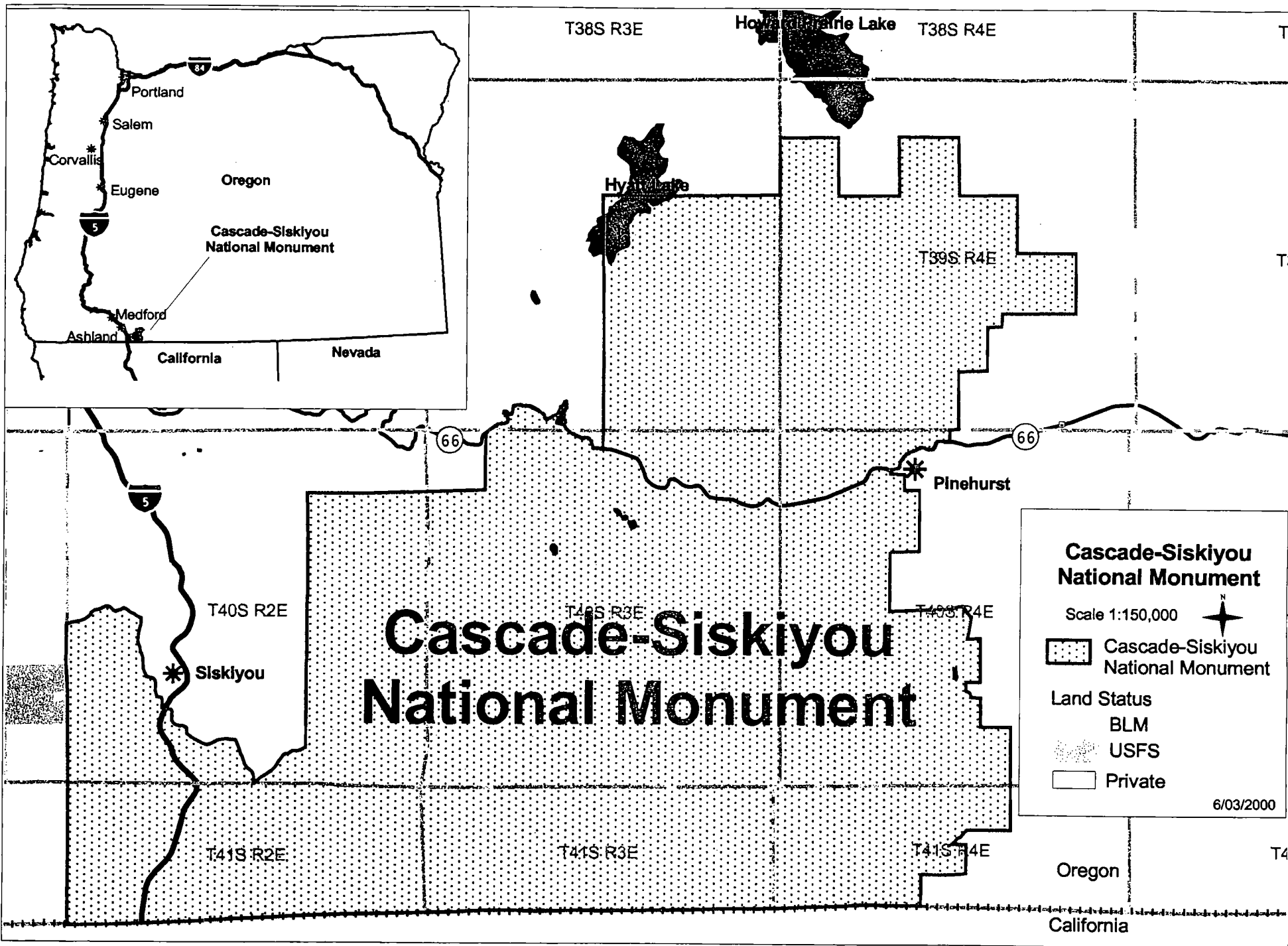
Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Oregon with respect to fish and wildlife management.

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 xxxxx, 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



Cascade-Siskiyou Bibliography

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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.

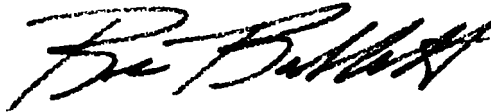
9. Bonneville Power Association

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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