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Utah Monument 9/96 (Grand Staircase Escalante *2 case - Escalante National Monument*)
National Monument)
- General

C O P Y
from ORM

232825 04 ~~04~~ 9173



THE SECRETARY OF THE INTERIOR
WASHINGTON

August 15, 1996

Memorandum for the President

INTRODUCTION AND SUMMARY

In response to your request, attached as **Exhibit A** is a draft proclamation, with an accompanying map,¹ to establish the Grand Staircase-Escalante National Monument in southern Utah. This memorandum describes (a) the basis for my recommendation that you establish the Grand Staircase-Escalante National Monument, (b) the 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 "objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States." It further authorizes the President to reserve, as part of the monument, land that is "the smallest area compatible with the proper care and management of the objects to be protected."

A. Objects of Historic or Scientific Interest

The proposed Grand Staircase-Escalante National Monument is located on the Colorado Plateau in south-central Utah, within the drainage of the Colorado River. Elevation ranges from 4,100 to 8,200 feet

¹ The boundaries of the proposed monument are drawn on the map entitled "Grand Staircase-Escalante National Monument," which would be attached to, and made a part of, your proclamation. A reduced version of this map suitable for publication would be promptly prepared should you decide to proceed. Because of the acreages involved, 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.

above sea level. The map appended to the proclamation attached as Exhibit A sets out the boundaries of the land reserved for the monument. The area covers about 1.7 million acres. The proclamation attached to this memo as Exhibit A vividly describes objects in the area that warrant protection as a monument, and Exhibit B lists historic and scientific objects in this area. Attached as Exhibit C is a bibliography of the principal sources of information relied upon in making this recommendation.

The area recommended to be included in the monument has remained isolated and relatively undisturbed and for the most part unroaded. Most of the land within the outer boundaries of the proposed monument is federally owned. The nonfederal land is owned mostly by the State of Utah in scattered 640 acre sections, the result of Utah's statehood land grant. Currently, the federal lands in the area are used primarily for scientific study, primitive recreation, and livestock grazing.

In the last few decades the area in question has been evaluated for the possibility of providing greater recognition of and legal protection for its resources. In the late 1970s, the area was evaluated for its "wilderness characteristics" under FLPMA, and several wilderness study areas, totaling about 900,000 acres, were established in the area covered by the proclamation. The documentation of these areas assembled in the wilderness inventory and study process has identified many of the objects of scientific and historic interest within the monument area.

Nearby federal lands have been recognized by Congress to contain scientific and historic features worthy of protection. For example, in 1972 Congress created the Glen Canyon National Recreation Area (GCNRA) in order to, among other things, "preserve [its] . . . scientific, and historic features contributing to public enjoyment of the area." 16 U.S.C. § 460dd. The GCNRA forms the eastern and part of the southern boundary of the area covered in the attached proclamation. Similarly, Congress established Canyonlands National Park to the northeast in 1964 in recognition of, among other things, its "scientific" and "archaeologic" features, 16 U.S.C. § 271.

More than one hundred national monuments have been established by Presidents over the past ninety years. Attached as Exhibit D is a complete list. Exhibit E lists the monuments by President. Exhibit F is a list of the monuments found wholly or partially on the Colorado Plateau, in the general vicinity of this monument. Most of the proclamations establishing these monuments cited geologic, paleontologic, archaeologic and other features similar to those in the attached proclamation. Many of them included substantial land areas, and/or were enlarged by subsequent proclamations or acts of Congress. A number of them ultimately were designated as National Parks by Congress.

For example, what is now Zion National Park to the west of the monument was originally established by President Taft as Mukuntuweap National Monument in 1909 in order to protect its "many natural features of unusual archaeologic, geologic, and geographic interest" (Proclamation No. 877, 36 Stat. 2498). President Wilson enlarged it in 1918 (Proclamation No. 1435, 40 Stat. 1760), and Congress made it into a national park in 1919 (16 U.S.C. § 344, 41 Stat. 356). President Franklin Roosevelt established Zion National Monument in an adjacent area in 1937 (Proclamation No. 2221, 50 Stat. 1809), and Congress merged it into Zion National Park in 1956 (70 Stat. 527).

President Hoover established Arches National Monument to the northeast in 1929, citing its "unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value" (Proclamation No. 1875, 46 Stat. 2988). Arches was later expanded by Presidents Franklin Roosevelt and Johnson (Proclamation Nos. 2312 and 3887), and Congress made it a National Park in 1971 (16 U.S.C. § 272, 85 Stat. 422). President Roosevelt established Capitol Reef National Monument to the immediate east in 1938 to protect its "narrow canyons displaying evidence of ancient sand dune deposits of unusual scientific value, and . . . various other objects of geological and scientific interest" (Proclamation No. 2246, 50 Stat. 1856). Presidents Eisenhower and Johnson expanded it (Proclamation Nos. 3249 and 3888), and Congress made it a National Park in 1971 (85 Stat. 739). President Harding set aside Bryce Canyon National Monument to the immediate north and northwest in 1923, citing its "unusual scenic beauty, scientific interest and importance" (Proclamation No. 1664, 43 Stat. 1914), and President Hoover expanded it twice, Proclamation Nos. 1930, 1952, 46 Stat. 3042, 47 Stat. 2455. Congress made it Utah National Park in 1924 (43 Stat. 593) and four years later changed its name to Bryce Canyon National Park (45 Stat. 147).

Farther west on the Colorado Plateau, Cedar Breaks National Monument was established by Franklin Roosevelt in 1933 to protect its "spectacular cliffs, canyons, and features of scenic, scientific, and educational interest" (Proclamation No. 2054, 48 Stat. 1705), and its boundary was subsequently revised by Congress in 1942 (56 Stat. 141) and 1961 (75 Stat. 198). President Theodore Roosevelt established Natural Bridges National Monument in 1908 to preserve "extraordinary examples of stream erosion" and "prehistoric ruins" (Proclamation No. 804, 35 Stat. 2183), and Presidents Taft, Wilson and Kennedy enlarged it (Proclamation Nos. 881, 1323, 3486). Rainbow Bridge National Monument was established by President Taft in 1910, who described it as "of great scientific interest as an example of eccentric stream erosion" (Proclamation No. 1043, 36 Stat. 2703).

The courts (including the U.S. Supreme Court) have occasionally been asked to review exercises of Presidential authority under the

Antiquities Act. They have uniformly upheld establishment of national monuments, e.g.:

Grand Canyon National Monument, on the basis of its unique geology, scientific interest and general public appeal, Cameron v. United States, 252 U.S. 450 (1920);

Devil's Hole National Monument, on the basis of its unique resident pupfish species and the hydrology of the water pool, Cappaert v. United States, 426 U.S. 128 (1976);

Jackson Hole National Monument, on the basis of the interrelationship of living systems, the geologic features and the history of the area, State of Wyoming v. Franke, 58 F. Supp. 890 (D. Wyo. 1945); and

Channel Islands National Monument, expanded on the basis of its varied marine life, fossils, and geology, United States v. California, 436 U.S. 32, 36 (1978).

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 (emphasis added). 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 archaeologic, biologic, paleontologic, geologic, and historic objects identified in the Proclamation and Exhibits B and C accompanying this letter. Some of these objects are present throughout the entire monument area, others are scattered within it, and several lie along the borders of the area. Many objects also overlap. Thus, the entire area is necessary for protection of the objects. Even if it were possible to reserve a smaller area by isolating certain objects, such a fragmentation of the proposed monument would endanger many of the objects, undermine the purposes of the monument itself, and create substantial impediments to effective management of the monument.

The area of the proposed monument is based on the conservation needs of the objects to be protected. Some of the objects identified are present throughout the area, and others cover immense, interconnected areas of land or depend for their scientific value on their location at various sites or elevations. Some of the scientific and historic value of certain objects comes from their scarcity and fragility or the fact that they have remained relatively undisturbed and unchanged. Preservation of

such objects (the biologic and archaeologic resources are examples) requires, among other things, protection of land surrounding them in order to maintain the relatively remote conditions that have made their continued existence possible.

Furthermore, the scientific value of many of the objects within the monument requires preservation of areas large enough to maintain the objects and their interactions. For example, species that exist because of the area's extraordinary geologic and environmental stability are distributed according to the geologic features to which they have adapted. Much of the biologic and other scientific interest in the area results from the variety of geologic substrates across elevational gradients. Many species must range within and through the area and neighboring protected areas to maintain viable populations and their role in the ecosystem. Thus, protection of the aggregate area is necessary for proper care of the objects. In addition, a number of the objects are distributed through multiple parts of the area; significant fossils, for example, are distributed throughout the Dakota, Tropic Shale, Straight Cliffs, Wahweap and Iron Springs Formations. 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. In short, our analysis indicates that reservation of a smaller area would undermine proper care and management of the monument.

There is ample precedent for declaring analogous geologic, biologic and historic objects to be protected under the Antiquities Act, and reserving correspondingly large areas of land as part of their monument designations. President Theodore Roosevelt was the first President to exercise such presidential discretion in his reservation of over 800,000 acres as the Grand Canyon National Monument. More recent examples include the Wrangell-St. Elias National Monument, which encompassed 10,950,000 acres to protect an assemblage of mountain peaks, including Mount St. Elias and the Mount Wrangell volcano, and the flora and fauna of the Bremner and Chitina River Valleys. The Yukon Flats National Monument, consisting of approximately 10,600,000 acres, encompassed the largest and most complete example of an interior Alaskan solar basin with its associated ecosystem. In closer proximity, 1.6 million acres were initially reserved for the Death Valley National Monument, which Presidents subsequently expanded and Congress expanded again and protected as Death Valley National Park. At 1.7 million acres, the area that I recommend for reservation is comparable in size to some of the earlier Monuments that protected natural resources for scientific and historic purposes.

Many relatively large Monuments were later expanded because they were found to be too small for the care and management of their objects or associated objects. The history of Zion National Monument and Park, described above, provides one example. The area

of land that I recommend you reserve is based on our current understanding of the extent of, and interrelationships between, the objects to be protected.

Finally, although some of the objects to be protected in the proposed monument also exist in surrounding areas, I recommend that you reserve only the identified acreage for the monument. Many of these other areas are already protected under the jurisdiction of various federal or state agencies, with whom the Bureau of Land Management (the BLM) will work to assist in the conservation of shared resources. For example, objects in the eastern and southern end of the Escalante region not included in the proposed monument are subject to protective management in Glen Canyon Recreation Area and Capitol Reef National Park. While additional areas of the Grand Staircase also could have been included in the monument, by limiting the monument and its reserved land to that proposed, a portion of each aspect of the Grand Staircase will be federally protected in some manner, whether within this monument or within Zion or Bryce Canyon National Parks. Finally, the boundaries have been drawn to exclude many non-federal lands, and, for effective management, often lie along the border of BLM lands. In sum, based on available information, I recommend that you reserve only the area delineated on the map accompanying Exhibit A.

LEGAL EFFECTS OF THE PROCLAMATION

I direct your attention to several significant aspects of the proclamation attached as Exhibit A. 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 proclamation would be subject to valid existing rights. Thus, to the extent a person or entity already owns a valid property right in the federal lands or resources within the area, the exercise of such rights may be regulated in order to protect the purposes of the monument, but the regulation must respect such rights.

Third, the proclamation withdraws the federal lands in the area from "entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument." This withdrawal prevents the location of new mining claims in the area under the 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 in the area.

Fourth, the proclamation would not reserve the water resources of the area under federal law pursuant to the so-called Winters

doctrine. Some of the objects to be protected under the proclamation (e.g., paleontology, archeology) do not require water. The proclamation would direct the Secretary to address, in the management plan described in the next paragraph, the extent to which water is necessary for the proper care and management of the objects of the monument, and the extent to which further action may be necessary pursuant to federal or state law to assure the availability of water.

Fifth, the proclamation would direct the Secretary to prepare a management plan for the area within three years. The plan, which would be prepared using the resource planning processes of FLPMA, would provide specific, on-the-ground guidance for protecting the objects within the monument, while permitting other uses to proceed where consistent with the purposes of the monument. While it is not possible, in advance of completion of the management plan, to set forth all the details of how existing or proposed future activities in the area would be affected in order to protect the purposes of the monument, the effects are described in general terms further below.

ADMINISTRATION OF THE MONUMENT

A. Management by the Bureau of Land Management

The federal lands in the area described in the attached 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 proclamation would have the Secretary of the Interior manage the monument through the BLM. The result would be that management of the federal land would continue under the BLM's existing authorities, but subject to the overriding purpose of protecting the objects described in the proclamation. The establishment of the monument thus constitutes an overlay on the management regime otherwise applicable to lands managed by the BLM. It limits the management discretion that the BLM would otherwise have, by mandating protection of the historic and scientific objects within the national monument.

Congress has had before it over the past several years various bills that would designate parts of the area within the monument as wilderness. As noted earlier, about 900,000 acres in the monument have been classified as wilderness study areas pursuant to FLPMA, and managed by law to preserve their suitability for preservation as wilderness pursuant to the Wilderness Act of 1964, 16 U.S.C. §§ 1131-35, until Congress directs otherwise. See 43 U.S.C. § 1782.

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 does expressly acknowledge that a wilderness area "may . . . contain ecological, geological, or other features of scientific, educational . . . or historic value," and section 4(b) directs that wilderness areas "shall be devoted to the public purposes" of, among others, "scientific, educational, conservation, and historical use."

The extent of any overlap between wilderness management and protecting the objects within this monument would be addressed in the process of preparing a management plan for this monument. Nothing in the proclamation establishing this monument would prevent the Executive from recommending, or Congress from designating, areas within the monument as wilderness. Congress has, in fact, many times in the past designated wilderness within existing national monuments, including the following monuments: Badlands, Bandelier, Black Canyon of the Gunnison, Chiricahua, Craters of the Moon, Joshua Tree, Lava Beds, Misty Fjords, Organ Pipe Cactus, Pinnacles, and Saguaro.

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

1. || Currently permitted livestock grazing (including existing pipelines, water impoundments and similar range improvements), hunting, fishing, off-road vehicle use, and similar activities

[These activities would generally not be affected at current levels or in current areas of use. The only exceptions are (1) where the management plan to be prepared identifies specific places where such uses ought to be restricted or prohibited as necessary to protect the objects protected by the monument proclamation; or (2) where, in advance of completion of the management plan, the BLM land manager finds a clear threat from such a use to an object protected by the designation and the circumstances demand swift protective action. Except in emergency situations, any restrictions on the current levels or areas of use of such activities will be adopted only after a public process and only where necessary to protect the purposes of the monument.

Such uses would, of course, remain subject to existing laws and regulations other than the Antiquities Act, and therefore remain subject to regulation under such provisions for reasons other than establishment of the monument.

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

As noted earlier, the area covered by the proclamation has very few roads. Use of existing rights-of-way would generally be subject to the same standards as described in the preceding section addressing currently permitted uses. In some cases existing rights-of-way may include valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights.

3. Activities on state or private land

The area within the boundaries of the proclamation contains approximately 180,000 acres of state land (mostly checkerboarded, four sections to each township, pursuant to the terms of the Utah statehood act). It also contains approximately 15,000 acres of private land. The monument designation would not apply to those lands. The legal principles applicable to the use of these lands prior to establishment of the monument would continue to apply.

4. Mining claims

New mining claims would be prohibited as the proclamation withdraws the area from the Mining Law. Existing mining claims that contain a valid discovery of a valuable mineral deposit as of the date of the designation would contain valid existing rights. The exercise of such rights may be regulated in order to protect the purposes of the monument, but any regulation must respect such rights. Activities on existing mining claims that lack a discovery may be regulated to protect the purposes of the monument.

5. Coal Mining Proposals

The proposed monument contains coal resources, particularly in the Kaiparowits coal field. Limited mining for local use dates back decades, but has cumulatively totaled only a few thousand tons. Test mining of a few thousand additional tons took place in the 1970s, but there has never been a major mine, nor any other major development, in the area proposed for the monument. There have, however, been a number of proposals over the years to open coal mines and build power plants in the region.

In the mid-1960s the Department issued numerous coal leases to private entities in the Kaiparowits coal field. A number of these leases have expired or will expire in the near future. The principal remaining lessees are Pacificorp (successor to Utah Power & Light Co.) (about 18,000 acres) and Andalex Resources, Inc. (about 34,000 acres).

In the 1970s several mines and a large mine-mouth power plant were proposed in the area, but after extensive study and considerable public controversy, the proposals were withdrawn. The environmental impact statements prepared for the 1970s mines and power plant proposal were the first detailed cataloging of much of

the scientific and historic resources of the area in the proposed monument.

Andalex Resources is the only major holder of federal coal leases in this area that has put forward a concrete proposal to develop its leases. The Department, along with the State of Utah, is in the process of preparing a draft environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), on Andalex's proposal to open a mine in the Smoky Hollow area on the south side of the Kaiparowits Plateau. The mine would involve about 25,000 acres of land in the area covered by the proclamation, as well as require construction of a transmission line and a microwave communication system, and improvement of an existing road or construction of a new road to the mine site.

Andalex's current plan is for the coal to be trucked off the mine site via an existing dirt road (to be paved) south through the GCNRA, or through construction of a new road west and south of the mine site through BLM land. Either route would connect to the existing paved highway at Big Water, Utah, south of the area. From there the coal would continue by truck to a rail line near Cedar City, Utah, or Moapa, Nevada, and from there by rail to customers in the southwest and to the Port of Long Beach to be transported by ship to consumers in the Far East. The proposed mine would operate for more than a half century. Haul trucks would operate 24 hours a day, 365 days a year, with loaded trucks dispatched from the mine at 8 to 10 minute intervals.

The company has applied for a number of permits, rights-of-way, and other authorizations required by federal and state law. The draft EIS on the proposal is expected to be published for public comment in the next few months. Following publication of the draft and a public comment period, a final EIS must be prepared before a final decision on the proposal can be made. The company must receive a favorable decision before any mining can begin.

Establishment of the national monument introduces an important new consideration into the decisionmaking process regarding the proposed mine. Significant questions remaining include (a) whether the proposed project is inconsistent with the purposes of the monument; and (b) whether and to what extent the company has valid existing rights that would have to be addressed. On this second point, the federal coal leases held by Andalex do not convey absolute rights to develop coal. Among other things, the leases are subject to other applicable legal requirements, and do not convey rights of way across federal land located off the leasehold. These rights of way remain subject to an independent federal permit requirement.

One of the other major holders of federal coal leases in the area, Pacificorp, has indicated its interest in relinquishing its leases. My staff has been actively discussing with the company ways to

accomplish this, including an exchange for bidding rights on other federal mineral leases. Andalex has in the past rebuffed Departmental inquiries regarding possible relinquishment of their leases, but I would seek to explore this possibility again if you establish this monument. In order to allow time to assess the company's willingness to pursue alternatives to the proposed project, I would, unless you direct otherwise, suspend the EIS preparation process upon creation of the monument to allow Andalex to assess the situation. Should Andalex not wish to move toward relinquishing the Kaiparowits leases, I would restart the EIS process and move it to completion and an ultimate decision on whether the proposed mine, including associated rights-of-way, can go forward consistent with existing law, including the monument proclamation.

CONCLUSION

Establishing the Grand Staircase-Escalante 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 dark ink, appearing to read "Bruce B. Babbitt". The signature is fluid and cursive, with a large, stylized "B" at the beginning and a long, sweeping tail that ends in a double crossbar.

The Secretary of the Interior

LIST OF EXHIBITS

- A The Draft Proclamation
- B List of Historic and Scientific Objects in the Area
- C Bibliography of Principal Sources of Information
- D Complete List of National Monuments
- E National Monuments by President
- F National Monuments on the Colorado Plateau

Utah - 9/17/96 -

- Conservation area

- coal mines

- hunting / fishing

- BLM

Leavitt - 202-737-1234 x542

Orton - 202-547-9595

Tom Jensen - 202-456-6224

John Leshee - Intern - 202-208-6003

202-208-4423

legally - can add affected lands to be 90 days

Call 0

P called Bill Orton

Fed Govt

planned land exchange 3 yrs ago

1.3 million for \$1 million worth of land to state
wanted \$1 million to school trust

state land from 1940/1950s still wanting to
get swaps on -

state school - state school land to get ~~100 million~~
\$100 million

not enough BLM could make land left to
get ~~100 million~~ \$100 million

1:00 am
Wed
9/18/96

Leavitt - P told Leavitt that he was ~~not~~
aware of the problems Utah has
with getting

Orton

2 big problems

(1) Fed govt tells Utah that that
these input things BLS (re ~~more~~
more) not any good

(2) ~~no~~ we need trust BLS to give ~~good~~
exchange in land for school trust

Likely that EIS will
now ~~show~~ reveal people
that is the main
not with the
trouble

Levin - says to describe but don't define
- wants to

Don Jensen: 2/1

§ 1.7

180,000 - state -	Not within the <u>monument</u>
15,000 - private	Not subject to the monument declaration

"in holdings"

current law - I can develop my land -

seriously land monument plan should preserve my right to develop

~~conflict~~ ^{conflict} - across power lines / roads that must be built to one foot lands
I have right to build road / power lines to my property; but building is subject to federal regulation

- Few parcels that will have a conflict -

- Well off not direct cooperation

- will offer swaps for fed lands in other areas of state

- better state & private

- I can destroy antiquities subject to other federal law

Coal -

fine coal that

~~is~~ ^{is} ~~the~~ ^{the} ~~best~~ ^{best} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~area~~ ^{area}

fine coal that is ~~the~~ ^{the} ~~best~~ ^{best} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~area~~ ^{area}

Not much is known to mine

Ambulatory leaves 35,000 away

c 90% at fed land
c 10% state

L. Am

low

Mount
Mount
Mount

- action =

L.P. called him

- local news in student by P

- W & R apartment

none of for anyone

Wanted

- L.P. has talked to them

Demanded

- they knew it was coming

- released all to remove

- no effect on hunting / hunting

- 3 in period to develop new project plan

- EIS will proceed

x L. Am - L.P. will talk to

(P)

30-40

WARD

W. Am

W. Am

- John L. Lee -

EIS - ~~map~~ began 1 in one -

- draft to come out

(*)

See record that
the EIS
process be
suspended

Frequently suspect the process

- Trying to find good map leaves

- looking for better resources that have
equivalent value

- or possibly show

expected rights

- ruled leaves

- no one responsible right to get coal out

- need a right of way to get coal out

- what are these current rights worth

can

① Amulley

\$ lost to state by Amulley

- 1993 State report

34,000
102,000

based on
30 years

- State's State
① Fed

20 million one life

40 million two lives

life of mine

we will keep
the schools whole

① 1.5 billion state
at budget

25,000 acres
Amulley

royalty payments to state
- 1/4 of net royalty

① We will keep
the schools
whole
says L

private
school
to be
equal
revenue

Fed royalty - 50% of net royalty - gold

① goes to ed budget

② 2% goes to state Board of Ed

Fed

8% of acres
value of
first mine

State annual fund

80% royalty

- into trust fund

-

\$7.5 into school fund

36,000 net annual interest

① will offer to transfer value to state & to the
as copy

34,000
102,000

Process - 15-20 yrs - wilderness debate

- Permit debate began 2 months ago

- See I think created study group

- Study of the permit has been such
ways ways - re re

① ① Republics would have good open up initially all
of the 1.7 ^{acres} to development

→ Wilderness fight could continue even after the monument is created

BLM
hunting
fishing
grazing
mining

There are the concerns

3 year process
over

Right of access -

① Federal land managers can ~~regulate~~ regulate

~~right of access~~ access

② but the legal right to access remains in the "in holders"

⊗ [Declaration doesn't change anything during the 3 year process ~~except if~~ ~~there is~~ ~~a~~ ~~specific~~ ~~threat~~ to an object we want to protect

⊗ → [Military project triggered this]

→ Emergency Planning -

→ ① BLM manages this

for / about
x 2

- Proclamation - ~~etc~~

- Actual regulation

①

(P)

(1) ~~P5~~ add water

(2) ~~No~~ BLM
Hendy
Filly
water
grogg

(3) No taking of state / private land

(4) trying to swap

(5) 3 up ~~land~~ process

(6) make whole or

(7) EIS process -

1.7

180,000

10,000

1.5 million, show
low

→

20 million steel
40 million fuel

20,000 acres
ranching

BACKGROUND ON ANDALEX MINE

9/18/96

TALKING POINTS

- The President is expressing concern that a huge proposed coal mine on the Kaiparowits Plateau might damage the unique historical and scientific resources in the area. The lease holder is Andalex, a Dutch company. From now on, any mine in the area will be held to the highest standard.
- Mining jobs are good jobs, but as the President has said, we cannot have mines everywhere -- and mines that threaten national treasures are just not right.
- The only other major coal lease holder in the area, PacifiCorp, announced last week that they would work with the Department of the Interior to exchange its holdings for other assets. The President hopes that Andalex will do the same.

BACKGROUND

- The monument designation does not affect the mining right itself, but it means that the associated operations (roads, power, etc.) must be compatible with the monument's purpose. If Andalex does not work with us to relinquish its leases within the monument in exchange for other federal property, the Secretary of the Interior will restart the environmental impact statement process, which will address the impacts of the mine, including its impacts on the objects of historic and scientific interest that led to creation of the monument.
- It is impossible to say whether the mining company could ever get the necessary permits to operate such a mine, and it may not be economical for them to do so.

BACKGROUND ON ANDALEX MINE

9/18/96

TALKING POINTS

- The President is expressing concern that a huge proposed coal mine on the Kaiparowits Plateau might damage the unique historical and scientific resources in the area. The lease holder is Andalex, a Dutch company. From now on, any mine in the area will be held to the highest standard.
- Mining jobs are good jobs, but as the President has said, we cannot have mines everywhere -- and mines that threaten national treasures are just not right.
- The only other major coal lease holder in the area, PacifiCorp, announced last week that they would work with the Department of the Interior to exchange its holdings for other assets. The President hopes that Andalex will do the same.

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9/18/96

TALKING POINTS

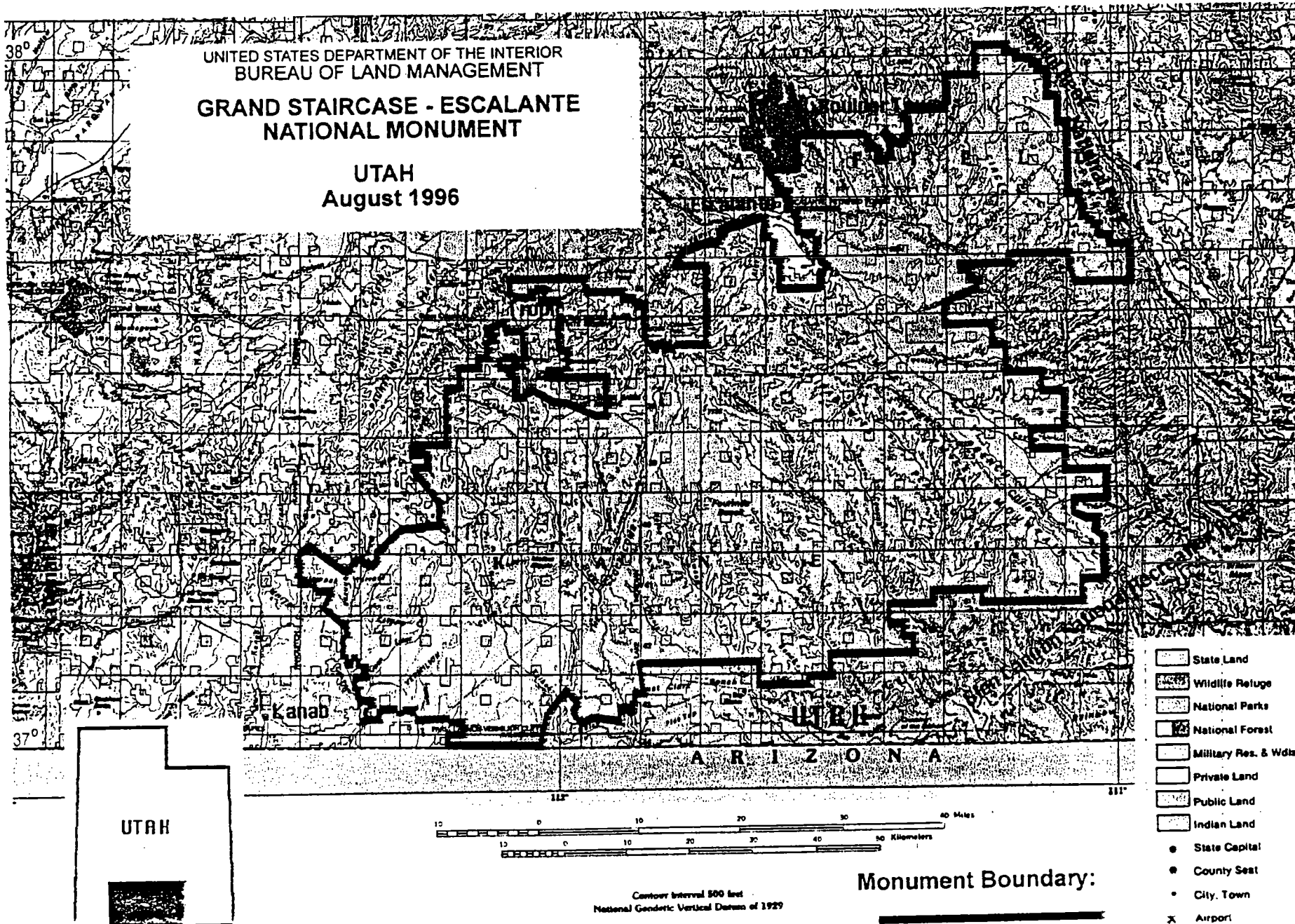
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This insert should go in brackets at the end of the 5th graph on page 2. Brackets should follow sentence that reads: "Creating this National Monument will not come at the expense of our children.

[Special word for Rep. Bill Orton. Extensive discussions in recent days -- and I have listened to his concerns. Many of them are reflected in our plans for ensuring multiple uses and protecting school lands. Rep. Orton has done wonderful job representing the people of Utah. Will continue to work with and consult him as we carry out the monument plan.]



Map Area



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

186093

September 17, 1996

96 SEP 17 P3:27

MEMORANDUM TO THE PRESIDENT

FROM

KATHLEEN A. MCGINTY

SUBJECT

UTAH MONUMENT PROCLAMATION

The Secretary of the Interior prepared the attached materials in response to your request to him for information on federal lands in southern Utah that should be granted national monument protection under the Antiquities Act.

In brief, the Secretary proposes that you use your authority under the Antiquities Act to establish by proclamation the "Grand Staircase-Escalante National Monument." The monument would cover approximately 1.7 million acres of federal land in south central Utah managed by the Interior Department's Bureau of Land Management (BLM).

National and Utah environmental groups have pressed Congress to designate approximately 5.7 million acres of BLM land in Utah as "wilderness areas," a potentially more restrictive land use category than "national monument" status. The proposed Grand Staircase-Escalante National Monument would be welcomed by the environmental groups as a tremendous step toward protecting the areas they care most about, including the areas facing the greatest development threat from proposed coal mining. They will, however, continue to press their case for the much more stringent and larger wilderness designations.

The proposed national monument includes approximately 400,000 acres of BLM lands that environmental advocates want to see protected from mining or other similar development, but that have not been proposed for formal wilderness protection because the areas contain features that render them legally ineligible for wilderness status. The lands are essentially the interstices between large blocks of wilderness-eligible lands. They contain resources that qualify for monument status, as described in the Secretary's memo to you.

Since news of the proposed monument leaked to the Los Angeles Times and Washington Post last week, we have received strong endorsements for this proposal from many quarters, including national and western newspapers, Democratic Senate and House candidates in Montana, Idaho, and Colorado, western Democratic Senators and House Members, key authorizing and appropriating committee members, western governors, and numerous environmental and conservation groups. The Utah delegation, including Democratic Congressman Bill Orton, Governor Leavitt, and the NRA have spoken out in strong opposition.

In this regard, much of the opposition from Utah has been premised on concern over the monument's possible impact on school revenues. We have compiled a considerable body of information on this issue. Based on CEQ, OMB, and Interior Department analysis of reports

prepared by various State of Utah agencies, it appears that the criticism based on "lost" school income appears to be wildly overstated. For example, a 1993 report from Governor Leavitt's Office of Planning and Budget on the proposed Andalex/Smoky Hollow mine estimates that, assuming full mine production, school revenues from royalties paid on coal mined from federal lands inside the monument boundaries would equal about \$34,000 per year for each year of mine operation. Royalty payments from coal mined on state-owned parcels would produce interest income increasing by \$35,000 per year (thus, first year income would be \$35,000, second year income would be \$70,000, and so on during the life of the mine). By way of perspective, the 1995 Utah education budget was approximately \$1.5 billion.

White House and Interior Department representatives have met or conversed extensively over the past week with members of the Utah delegation and the Governor's office. The proposed proclamation now includes numerous provisions designed to address concerns they raised.

Specifically, the monument proclamation provides that:

- Interior's Bureau of Land Management, rather than the National Park Service, will manage the monument;
- Hunting and fishing will be managed under existing law;
- Grazing will be managed under existing law;
- No federal water rights are reserved for the monument;
- Monument boundaries exclude all developed areas and state park lands;
- Monument boundaries exclude all timbered areas and National Forest lands; and
- The specific management regime for the monument area will be defined through a multi-year public hearing and involvement process.

In addition to the steps taken in the proclamation, staff is preparing a directive from you to the Secretary of the Interior instructing him to meet with Governor Leavitt to discuss the commencement of a process that would expedite the trade of state school trust lands within the monument for other, federally owned lands or interests in lands outside the monument area. Interior advises that the BLM owns other coal lands elsewhere in Utah that would serve as fair trades for those state-owned parcels inside the monument boundaries that have coal resources.

The Andalex company will be offered the opportunity to trade its leases for other coal leases in Utah (as has now been done with the PacificCorp leases).

enclosures

September 18, 1996

MR. PRESIDENT:

The following materials are attached:

- Katie McGinty's explanatory memorandum;
- The current draft of the proclamation;
- Sec. Babbitt's memorandum of justification; and,
- A map of the lands to be granted national monument protection.

Helen Howell



THE SECRETARY OF THE INTERIOR
WASHINGTON
August 15, 1996

Memorandum for the President

INTRODUCTION AND SUMMARY

In response to your request, attached as Exhibit A is a draft proclamation, with an accompanying map,¹ to establish the Grand Staircase-Escalante National Monument in southern Utah. This memorandum describes (a) the basis for my recommendation that you establish the Grand Staircase-Escalante National Monument, (b) the 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 "objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States." It further authorizes the President to reserve, as part of the monument, land that is "the smallest area compatible with the proper care and management of the objects to be protected."

A. Objects of Historic or Scientific Interest

The proposed Grand Staircase-Escalante National Monument is located on the Colorado Plateau in south-central Utah, within the drainage of the Colorado River. Elevation ranges from 4,100 to 8,200 feet

1 The boundaries of the proposed monument are drawn on the map entitled "Grand Staircase-Escalante National Monument," which would be attached to, and made a part of, your proclamation. A reduced version of this map suitable for publication would be promptly prepared should you decide to proceed. Because of the acreages involved, 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. → *Legis to Reclaim Natl Com. this*

- Legist to designate that Corp. has no wedding plans → unusually -
- \$50,000 of 1.7m

ESTABLISHMENT OF THE GRAND STAIRCASE-ESCALANTE
NATIONAL MONUMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning

coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most

continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West.

It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert

bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

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.

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 Grand Staircase-Escalante 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 document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million 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 entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the

? monument. Lands and interests in lands 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 establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for managment of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

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

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, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

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
day of , in the year of our
Lord nineteen hundred and ninety-six, and of the Independence of
the United States of America the two hundred and twenty-first.



MICHAEL O. LEAVITT
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0801

OLENE S. WALKER
LIEUTENANT GOVERNOR

To: President Clinton
Leon Panetta

From: Mike Leavitt

Date: September 18, 1996

Mr. President,
you asked that I follow
our conversation with a brief
summary of points on how you could
create a win/win solution on
the ~~the~~ Canyons of the Escalante.

- ① Objective is to protect
the land and create a
showcase of environmental
management in the region.

- ② Announce that you will create a national monument to protect the Canyons of the Escalante

(Canyons of the Escalante Commission)

- ③ Order a commission of federal, state and local government officials to recommend the boundaries and to propose solutions to problems such as:

- water rights
- school trust lands
- mineral leases
- recreation
- Private industry
- Visitor management
- Financing
- Inter-governmental relationships

- ④ Provide them with a time certain to report and require public involvement.

- ⑤ Charge the commission with the responsibility to work together to create a win/win solution that ① protects the land, ② preserves the assets and ③ maintains the integrity of the public process.

Mr. President, if you will approve this opportunity as I have suggested, I give you my personal commitment that the State of Utah will put forward every available effort to make this region a true showcase of environmental management. This is a treasure and we can create a win/win proposition. I know the local government leaders in this area would be reinvigorated in such a challenge. This could set a new standard.

I will be in transit until 6:45^{am} Central time. After that you can reach me at 801-560-6453. I will also communicate with White House signal.

Mike Rowlett
Governor of Utah

4



C O P
from ORM

2721360A 11818

Establishment of the Grand Staircase-Escalante National Monument

By the President of the United States of America

A Proclamation

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

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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 Grand Staircase-Escalante 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 document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million 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 entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands 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 establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

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

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, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

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 eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

William J. Clinton

C O P Y

from ORM

300536 OA13665

DOJ - Utah Monument / Grand Staircase

United States District Court

THE DISTRICT OF COLUMBIA

TO:

**Custodian of Records
Executive Office of the President**

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

☐ PERSON☒ DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE

**United States District Courthouse
3rd St. & Constitution Ave., N.W.
Washington, D.C. 20001**

COURTROOM

3rd Floor

DATE AND TIME

**January 23, 1998
at 9:00 a.m.**

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

Please See Attachment

Spoke 1-13-98 5:30 pm

*Left Message 1-9-98 3:15 pm
1-12-98 5:20 pm
Left Message 1-12-98 11:00 am
1-12-98 5:11 pm
Left Message 1-13-98 1:50 pm
Left Mes 1-13-98 1:55 pm
Left Mes 1-13-98 2:40 pm
Left Mes 1-13-98 4:35 pm*

☐ Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE CLERK OF COURT

Nancy M. [Signature], Clerk

(BY) DEPUTY CLERK

DATE

December 23, 1997

This subpoena is issued upon application
of the United States District Court for the District of Columbia.

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

**Dabney Langhorne
Trial Attorney
Campaign Financing Task Force
U.S. Department of Justice
1001 G Street, N.W., Suite 310
Washington, D.C. 20001 202/307-0655**

514-3331

ATTACHMENT

For the period January 20, 1993, through the present, all original documents and records or -- where originals do not exist -- copies of all documents and records, as specified below. As used herein the terms "documents" and "records" include memoranda, correspondence, minutes of meetings, messages, notes, checks, deposits, invoices, appointment logs, calendars, diaries, journals, telephone messages, telephone logs, telephone bills, ledgers, balance sheets, contracts, and all other materials, whether in written form or in the form of other media, mechanical or otherwise, such as computer disks, audio tapes, video tapes, and photographs.

For the purpose of this subpoena, all documents and records within the possession, custody, and control of the Executive Office of the President are to be produced. For the purpose of this subpoena, the "Executive Office of the President" is defined as each unit within that office and includes, without limitation, the President of the United States, the Vice President of the United States, the Executive Residence Usher's Office, the residence of the President of the United States, the residence of the Vice President of the United States, the White House Office, the Office of the Vice President of the United States, the Council of Economic Advisors, the Council on Environmental Quality, the National Security Council, the Office of Administration, the Office of Management and Budget, the Office of National Drug Control Policy, the Office of Policy Development, the Domestic Policy Council, the National Economic Council, the Office of Science and Technology Policy, the Office of the United States Trade Representative, and all persons working for or on behalf of each of the above-mentioned offices.

If any document or record is withheld under the claim of the attorney-client privilege or any other privilege, or if any document or record is withheld on the grounds that the act of producing that document or record is privileged, then a schedule shall be forth identifying the date of, each and every author and preparer of, each recipient of, each person having possession, custody, or control of, and the present location of, each original and copy of the document or record to explain and substantiate the claim of privilege and to permit the adjudication of the property of that claim.

If any portion of the document or record is responsive to this subpoena, the document or record shall be produced in full without redactions.

The document and records to be produced are all documents and records relating to or referring to the "Grand Staircase - Escalante National Monument," the Kaiparowits Plateau, the Escalante Canyon, or the Grand Staircase region, including but not limited to the following:

(1) communications with the Department of Interior;

(2) communications with the Lippo Group and its affiliates, subsidiaries, licensees, executives, officers, employees or agents, including, but not limited to Mochtar Riady, James Riady, and Stephen Riady.

THE WHITE HOUSE
WASHINGTON

January 15, 1998

By Hand Delivery

Dabney Langhorne
Trial Attorney
Campaign Financing Task Force
U.S. Department of Justice
1001 G. Street, N.W., Suite 310
Washington, D.C. 20001

Mike

Dear Dabney:

Pursuant to our telephone discussions on Tuesday, January 13, and Wednesday, January 14, 1998, enclosed please find documents responsive to grand jury subpoena GJS-DDC-95-3-1253, which seeks documents relating to the Utah "Grand Staircase Escalante National Monument." These documents bear document control numbers SUP 333 to SUP 1094 and SUP 4867 to SUP 5057.

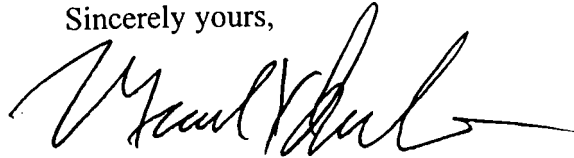
As we agreed, the enclosed documents are copies of the documents the White House provided to two congressional committees looking into the Escalante matter. Specifically, Chairman Young's House Resources Committee, as part of its oversight activities, had sought documents relating to the Escalante monument from the Council on Environmental Quality (CEQ), the agency within the EOP that handled the Escalante decision.

Pursuant to an agreement with the staff of Chairman Thompson's Governmental Affairs Committee, the White House in turn provided copies of these documents to Chairman Thompson's committee. As we discussed, Chairman Thompson's committee was investigating the press allegation that the Administration's decision on the Escalante matter was in some way influenced by James Riady or the Lippo Group. With respect to Chairman Thompson's committee, the White House also agreed to search for any additional documents that "refer or relate to James Riady (or any affiliated entity or individual) and his interest in the Escalante designation, as well as any documents which refer or relate to the clean coal issue, including any documents discussing the comparative rarity of such coal or referring to the existence (or lack thereof) of alternative sources of such coal." After a White House-wide search, no such responsive documents were identified.

Dabney Langhorne, Esq.
January 15, 1998
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After you have had the opportunity to review the enclosed documents, please feel free to contact me concerning what if any additional materials the Department seeks in response to its subpoena. I may be reached at (202) 456-6243.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael X. Imbroscio", with a long horizontal flourish extending to the right.

Michael X. Imbroscio
Associate Counsel to the President

cc: Lanny A. Breuer, Esq.
Robert Weiner, Esq.

Enclosures

THE WHITE HOUSE
WASHINGTON

August 27, 1997

BY TELECOPIER AND FIRST CLASS MAIL

Glynna K. Parde
Counsel, Special Investigation
Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Glynna:

Shelli Peterson and I enjoyed our meeting yesterday with you and Brian Connelly to discuss the status of the White House's ongoing document production in response to the Committee's August 1, 1997 subpoena and earlier document requests. I particularly appreciate your willingness to meet to discuss and clarify several of the Committee's recent requests so that we may comply as quickly as possible with all of the Committee's outstanding requests.

Below please find a summary of our meeting yesterday. I believe this summary accurately reflects our discussion and agreement; if you believe this summary is inaccurate in any manner, of course please let me know. As I agreed, I will begin immediately to review documents in these categories and produce them as soon as possible to the Committee.

1. Immigration. The Committee, in its subpoena and earlier document requests, has asked for documents relating generally to immigration. The Committee's May 21, 1997 letter asked for documents relating to a March 1996 letter discussing the Administration's position on then-pending immigration legislation. As we discussed, that letter (and similar ones) to Congress addressed all aspects of the pending immigration legislation. You stated, as others on the Committee staff had in the past, that the Committee is interested in documents relating to the Administration's position on the sibling preference (or fourth preference) in immigration law.

Accordingly, we agreed that we would produce documents collected that refer or relate to the Administration's stance on the sibling preference issue. This understanding comports with Request No. 23(a) in the Committee's subpoena to the White House. With respect to request No. 23(b) of the Committee's subpoena, you clarified that you are looking for documents reflecting or referring to advocacy by or on behalf of Maria Hsia (or any other responsive individual) to affect the policy of granting visas for foreign immigrants seeking to enter the country for business and/or investment purposes. We agreed that we would search for and produce any such documents in the White House's possession.

2. Grand Staircase Escalante. We also discussed Request No. 28 of the Committee's subpoena for documents relating to the Executive Order creating the Grand Staircase Escalante Monument in Utah. You indicated that the Committee is primarily interested in the alleged influence that James Riady (or any affiliated individual or entity) had in the Administration's decision in this matter. We informed you that several bodies in Congress, most notably Chairman Young's House Resources Committee, have been conducting oversight hearings into the Escalante matter. As part of that oversight, the Council on Environmental Quality (CEQ), the agency within the EOP that handled the Escalante designation, has provided over 100 documents to Chairman Young's committee. An additional number of documents have been reviewed by either committee staff or individual members.

In light of this ongoing oversight proceeding, we agreed that the White House would provide copies of all of the documents that CEQ has provided to Chairman Young's Committee. (As you know, those documents were provided on August 12, 1997.) In addition, we agreed that we would enter into that same arrangement with respect to the remaining documents that we have entered into with Chairman Young, and that any additional documents provided to Chairman Young will likewise be provided to the Committee.

Additionally, we agreed to search for and provide any documents that refer or relate to James Riady (or any affiliated entity or individual) and his interest in the Escalante designation, as well as any documents which refer or relate to the clean coal issue, including any documents discussing the comparative rarity of such coal or referring to the existence (or lack thereof) of alternative sources of such coal.

3. Guam Commonwealth Act. The Committee's subpoena asks for documents relating to Guam and its quest for Commonwealth status (Requests Nos. 19 to 22). As you indicated, the Committee is primarily interested in the potential influence that fundraising by Guam citizens had on the Administration's position on the Guam Commonwealth bill, and in particular the advocacy by Deputy Secretary of the Interior John Garamendi on behalf of the Guam bill. We noted that the status of Guam has been an active issue for nearly a decade, and that the status of Guam remains an important issue still under active Administration consideration. You indicated that you are interested in documents relating to the Administration's position as related to recent fundraising by Guam after September 1995, and you are further interested in documents relating to Deputy Secretary Garamendi's advocacy on behalf of Guam, in particular several documents created near the end of 1996 (DS Garamendi became the principal negotiator on Guam issues in approximately January 1996).

Accordingly, we agreed to search for and provide documents created or dated during this relevant time period (which I will construe to be between August 1995 and February 1997, when the first news reports on this issue broke, inclusive) that refer or relate to (a) the Guam Commonwealth bill and fundraising, (b) the advocacy of any lobbyist on behalf of Guam (including Mary Eva Candon), and (c) Deputy Secretary Garamendi's advocacy on behalf of the Guam Commonwealth Act. We also agreed to provide documents relating to the First Lady's stopover in Guam in September 1995, and documents relating to meetings between President Clinton and Governor Gutierrez during this same time period.

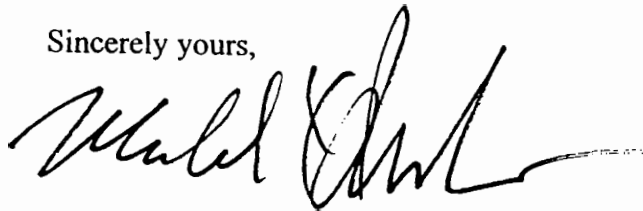
4. Miscellaneous. We also discussed several miscellaneous topics related to the document production. First, you asked whether the Committee has been provided with documents of Harold Ickes relating to various labor-affiliated individuals. We stated that, generally, any such documents would not have been responsive to earlier requests and would not have been provided unless there was a reference to DNC fundraising or reflected calls with any of the DNC officials you have previously identified (Messrs. Fowler, Sullivan, Rosen, Sandler, Mercer or Ms. Thornberry). We agreed that we would endeavor to search Mr. Ickes' telephone logs to look for the names of the labor-affiliated individuals appearing in Mr. Bucklin's August 18, 1997 letter (subparas. "a." to "s."), and to review the appropriate subject matter files of Mr. Ickes for documents and correspondence relating to those individuals. Second, we noted that we have identified the vetting files of Maria Haley in connection with her appointment and reappointment at the Export-Import Bank. You agreed that the Committee was not interested in this information. Finally, I noted that the search for responsive e-mails continues, and you will be provided with those e-mails as they are reviewed and prepared for production. (As I noted, yesterday's production to the Committee contained additional responsive e-mails.)

* * *

I truly believe meetings such as the one we had yesterday are an essential part of the mutual cooperation we are trying to achieve. I am proud of the open communication the two of us have had personally in our dealings related to document production issues. I am particularly satisfied to know that you have been pleased with our recent efforts in this document production.

Enjoy your stay in California.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael X. Imbroscio", with a long horizontal flourish extending to the right.

Michael X. Imbroscio
Associate Counsel to the President

cc: Lanny A. Breuer, Esq.
Donald T. Bucklin, Esq.