



**National Trust *for*
Historic Preservation**
Save the past. Enrich the future.

November 30, 2018

Mr. Harry Barber, Acting Monument Manager
ATTN: Resource Management Planning Team
Bureau of Land Management
669 S Hwy 89A
Kanab, UT 84741

**Re: Comments regarding the Grand Staircase-Escalante
National Monument and Kanab-Escalante Resource Area Draft
Resource Management Plans and Environmental Impact
Statement**

Dear Mr. Barber:

The National Trust for Historic Preservation (National Trust) and Utah Diné Bikéyah (UDB) have serious concerns regarding the Grand Staircase-Escalante National Monument and Kanab-Escalante Resource Area Draft Resource Management Plans and Environmental Impact Statement (DEIS/RMP). The Bureau of Land Management (BLM) has identified the least protective management plan approach as the agency's preferred alternative. If adopted, this preferred alternative would cause negative impacts to cultural and natural resources throughout the entire area originally designated as the Grand Staircase Escalante National Monument (GSENM).

As detailed in scoping comments submitted earlier this year, the National Trust has worked for years to protect cultural resources within and surrounding the GSENM. UDB has also been heavily engaged in protecting tribal interests on public lands, including at GSENM. The National Trust and UDB are concerned about the protection of resources within the GSENM, and offer the following comments regarding the DEIS/RMP.

Statement of Organizational Interests

The National Trust for Historic Preservation is a private, nonprofit organization chartered by Congress in 1949 to “facilitate public participation” in the

preservation of our nation's heritage, and to further the historic preservation policy of the United States.¹ Congress intended the National Trust “to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings.”² With more than one million members and supporters, and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America’s historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

Utah Diné Bikéyah has an all-Native American Board of Directors (comprised of Navajo and Ute community leaders). The Board works on public lands conservation by integrating traditional knowledge and Native leadership into land planning. UDB was formed in 2011 and became an independent 501(c)(3) non-profit organization in 2014. UDB’s primary goal is assisting Tribes and federal agencies in engaging communities and wisdom keepers to develop a truly unique, well-informed management plans for the four corners area. The Management Plan should incorporate the wisdom and insights of elders and traditional people across southwestern tribes. UDB is also heavily engaged in protecting traditional foods and medicines in the four corners region.

1. Developing the DEIS/RMP is Premature and a Waste of Public Resources

Presidential Proclamation 9682, issued on December 4, 2017, purported to revoke the existing Grand Staircase Escalante Monument and replace it with three much smaller units, the Grand Staircase, Kaiparowits, and Escalante Canyons Units.³ These units exclude approximately 900,000 acres of land that were originally included within the GSENM’s boundaries. The National Trust and UDB are parties to litigation challenging this action as a violation of the powers delegated to the executive under the Antiquities Act of 1906.⁴

The DEIS/RMP analyzes the environmental effects under four distinct management plans: an individual RMP for the Grand Staircase, Kaiparowits, and Escalante Canyons Units, and an RMP for federal lands that were excluded from the GSENM boundaries by Proclamation 9682 (i.e., Kanab-Escalante Planning

¹ 54 U.S.C. §§ 320101, 312102.

² S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

³ 82 Fed. Reg. 58,089 (Dec. 8, 2017).

⁴ *Utah Dine Bikeyah, et. al. v. Trump, et al.*, No. 1:17-CV-02605 (D.C. Cir., filed Dec. 6, 2017). Note that in submitting these comments, the National Trust and UDB make no admissions with regard to Proclamation 9682, waive no litigation rights, and in no manner waive any other rights or privileges.

Area [KEPA] lands). As stated previously in our scoping comments, until the litigation regarding Proclamation 9682 is resolved, developing land use plans to comply with this unlawful act is premature, as well as a gross waste of public resources. The GSENM already has a lawfully adopted management plan in place. The existing GSENM Approved Monument Management Plan and Record of Decision (2000 GSENM Management Plan) was lawfully adopted in 2000 and is guided by the dual goals of preserving the landscapes undeveloped character, protecting the monument's irreplaceable cultural and natural resources, and providing opportunities for study of the resources.⁵ This plan should remain in effect until the lawfulness of Proclamation 9682 is determined by the federal courts.

Moreover, the DEIS/RMP acknowledges that the reason for completing the current planning action is based on Proclamation 9682. Section 1.3 of the DEIS/RMP states that the "Purpose of and Need for the Plan" is to prepare new resource management plans "based on the modified boundaries of GSENM in Presidential Proclamation 9682 and other changed conditions since the preparation of the existing GSENM Approved Monument Management Plan and Record of Decision... A new plan is also needed to determine appropriate management actions for lands *that are no longer part of GSENM (i.e., KEPA)*."⁶ Notably, in the "Analysis of Management Situation" prepared by BLM to inform the DEIS/RMP, BLM acknowledged that there have been no significant changes in resource conditions within GSENM, such that a new management plan would be warranted.⁷ The only change that purportedly requires development of updated resource management plans are changes to management priorities caused by Proclamation 9682. At the very least, in order to comply with the requirements of the National Environmental Policy Act (NEPA), BLM should issue a Supplemental EIS that includes an alternative that would retain the 2000 GSENM Management Plan⁸ over all lands within the originally designated

⁵ Bureau of Land Management, Grand Staircase-Escalante National Monument Approved Management Plan and Record of Decision, February 2000, at pg. iv.

⁶ DEIS/RMP, at 1.3, pg. 1-3. (*emphasis added*).

⁷ Bureau of Land Management, "Analysis of Management Situation: Grand Staircase-Escalante National Monument and Kanab-Escalante Planning Area," Section 1.4, pg. 3.

⁸ Agencies are required to consider reasonable alternatives, even when an alternative is outside the legal jurisdiction of the lead agency, or is in potential conflict with local or federal law. Here, BLM has solely considered alternatives that comply with the illegally issued Proclamation 9682. It is reasonable to consider that the Proclamation will be struck down because of the pending litigation over Proclamation 9682. Therefore, consideration of an alternative that leaves the 2000 GSENM Management Plan in place across all lands included within the original GSENM boundary is required. Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 Fed. Reg. 18,026, Mar. 23, 1981, Questions 2A and 2B, available at <https://www.energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

GSENM boundaries.⁹

2. The DEIS/RMP Violates the Requirements for Lands Managed Under the National Landscape Conservation System

Federal law requires agencies to manage national monuments “in a manner that protects the values for which the components of the system were designated.”¹⁰ For GSENM, this means that management should focus on the protection of irreplaceable historic and cultural resources, the area’s unparalleled collection of paleontological resources, dark skies, historic trails, and other environmental and scientific resources.¹¹ Despite this, the DEIS/RMP contains an unlawful focus on multiple use management priorities for all of the lands originally included in GSENM, including the Grand Staircase, Kaiparowits, and Escalante Canyons Units. For example, Alternative C is described as balancing “resource protection and resource use.”¹² While Alternative D “generally focuses on maximizing multiple use (e.g., rights-of-way, minerals development, livestock grazing) and management flexibility...”¹³

Lands designated as national monuments are a part of the National Landscape Conservation System (NLCS). The NLCS was formally established by an act of Congress in 2008 “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.”¹⁴ BLM is required to manage lands within the NLCS with preservation and conservation as the primary goal. The preservation management mandate is further strengthened by Secretarial Order

⁹ Alternative A, the no action alternative included in the DEIS/RMP, is not a sufficient substitute for including an alternative that retains the 2000 GSENM Management Plan over all lands in the original GSENM designation. This is because Alternative A would maintain all provisions of the 2000 GSENM Management Plan for the Grand Staircase, Kaiparowits, and Escalante Canyons Units, but would change provisions related to mineral location, entry, disposal and leasing for the lands purportedly removed from the national monument (i.e. KEPA) by Proclamation 9682. The DEIS/RMP describes Alternative A as “the continuation of existing management under the GSENM RMP” which “limits the potential for resource development uses of public lands *to the extent that it is consistent with Presidential Proclamation 9682. Under Presidential Proclamation 9682, lands within KEPA are no longer withdrawn from mineral location, entry, disposal, or leasing.*” DEIS/RMP, Executive Summary, at ES-5. (emphasis added).

¹⁰ 16 U.S.C. § 7202.

¹¹ 61 Fed. Reg. 50,223 (Sept. 24, 1996).

¹² DEIS/RMP, at Section 2.1., pg. 2-1.

¹³ *Id.*

¹⁴ 16 U.S.C. § 7202(a).

3308, which states that "the BLM shall ensure that the [National Conservation Lands] are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values."¹⁵

Failing to prioritize the protection of cultural and historic resources on monument lands is unlawful. The language encouraging multiple-use in the DEIS/RMP is likely to lead to management decisions that are contrary to BLM's legal obligations, and could put historic, cultural, prehistoric, and scientific objects in jeopardy. Alternatives C and D, which prioritize multiple use management, violate the requirements of the NLCS.

3. The Preferred Alternative Poses Major Threats to Cultural Resources

BLM's preferred alternative, Alternative D, has the potential to cause severe harm to cultural resources. It is the least conservation-friendly alternative of the four analyzed. If it is selected, BLM would violate the directive Congress provided in creating the NLCS. If BLM continues to move forward with this planning process, Alternative A (no action) or Alternative B, (which is significantly more protective of cultural and natural resources) should be selected as the agency's preferred alternative. Neither of these alternatives prioritizes multiple use as a management priority, making them much more compatible with NCLS requirements. However, considering BLM's selection of Alternative D as the agency's preferred alternative, we offer the following comments and concerns regarding alternative D.

Proposed New Travel Routes

To protect historic and paleontological sites, and to preserve the setting feeling, and solitude of cultural resources, BLM should disfavor the opening of additional travel routes, except as needed for legitimate administrative purposes or to address issues with existing routes that are negatively impacting cultural sites.

Alternatives A, B and C do not propose changes to the existing GSENM route map. However, Alternative D would amend the route map to

¹⁵ Sec. Order No. 3308, Dept. of the Interior, Management of the National Landscape Conservation System (Nov. 15, 2010), available at: https://www.blm.gov/or/news/files/NLCS_Order.pdf.

include several new roads as open for off-highway vehicle use. BLM acknowledges that adding these routes “could result in impacts on cultural and paleontological resources[.]”¹⁶ While the DEIS/RMP states that these changes will be made under a separate transportation planning process, Alternative D commits BLM to adding these new routes. By committing to opening these routes, the DEIS/RMP appears to be foreclosing the consideration of alternatives that is required under Section 106 of the National Historic Preservation Act.¹⁷ This determination also conflicts with BLM’s stated assumptions that route decisions will be made at implementation level and during the travel management plan development process.¹⁸

BLM should supplement and recirculate the DEIS/RMP with alternatives that do not prejudice the NHPA review process. Any alternative that limits the agency’s discretion to act prior to completing a full review of the harms that a designated action may cause to cultural resources, unlawfully forecloses the consideration of alternatives under NHPA. If BLM proceeds to develop a travel management plan, then the agency should consider potential visual, sound and other impacts to cultural resources, which should include, but not be limited to, potential impacts to medicinal plants and other plants/vegetation imperative to traditional cultural use. Detailed cultural resource surveys¹⁹ should be performed prior to opening of any new routes and the agency must fully comply with Section 106 of the NHPA and Section 4(f) of the U.S. Department of Transportation Act of 1966.

¹⁶ DEIS/RMP, at Section 3.15, page 3-114.

¹⁷ In conducting consultation under Section 106 of the NHPA, federal agencies must “consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to *develop and evaluate alternatives* or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.” 36 C.F.R. § 800.6 (emphasis added).

¹⁸ DEIS/RMP, at Section 3.15.2.1, pg. 3-112.

¹⁹ Section 110 of the NHPA and Section 202(c)(4) of FLPMA requires BLM to conduct cultural resource surveys, and inventory as much of the lands within monument lands as is possible. Complete survey of all lands within the original boundaries of GSENM should be completed, especially for areas where the DEIS/RMP proposes to allow for surface disturbing activities, increased access and/or exposure to other risks of vandalism, destruction, or theft.

Protecting Paleontological Resources

One of the most significant categories of resources located within GSENM is its collection of dinosaur fossils. Since the monument's creation, thousands of fossils have been recovered from the monument, many representing species that have not been found anywhere else in the world.²⁰ These finds have been particularly helpful to increasing scientific understanding of the Cretaceous period. The DEIS/RMP puts these irreplaceable resources at risk of destruction by allowing extractive uses in sensitive areas and by allowing the casual collection of fossils by visitors.

Both Alternatives C and D would allow visitors to collect fossils without any federal oversight except in a few select locations. The DEIS/RMP notes that "While casual collection would be restricted to common invertebrate and botanical fossils in both alternatives C and D, some inadvertent loss of significant specimens could occur."²¹ This management approach is not in compliance with NCLS directives to conserve monument resources. It will also likely cause public confusion about where fossil collecting is allowed and what types of fossils can be collected. BLM should retain the ban against casual fossil collecting by the public that is included in Alternatives A or B.

Grazing

BLM has acknowledged in the DEIS/RMP that grazing can cause harm to cultural resources.²² While all alternatives allow livestock grazing to varying degrees, Alternative D allows the most grazing. Rather than adopting Alternative D, BLM should develop management objectives to control the adverse effects of grazing on the thousands of identified and unidentified historic and cultural resources within the GSENM. For instance, BLM should refrain from issuing any new grazing permits or renewing expired permits within the monuments, unless adequate stipulations and restrictions are incorporated to protect areas with sensitive resources.

²⁰ Brian Maffly, Yet-to-be-discovered dinosaur fossils may be at risk after Trump slashed the size of Grand Staircase, The Salt Lake Tribune, Nov. 1, 2018, available at: <https://www.sltrib.com/news/environment/2018/11/01/yet-to-be-discovered/>.

²¹ DEIS/RMP, at Section 3-16.2.2, pg. 3-119.

²² DEIS/RMP, at Section 3.2.1, pg. 3-16.

National Historic Trails

Approximately thirty-six miles of the Old Spanish National Historic Trail (OSNHT) are located within the original boundaries of GSENM. Twenty-four of those miles are recognized as a “high potential route segment,” as that term is defined in the National Trails System Act, because the area provides a particularly high-quality recreation experience that has greater-than-average scenic values or allows users to experience a route that maintains its historic character. BLM acknowledges that impacts to the trail may be caused by, among other things, surface-disturbing activities that “intrude on the historic setting, character, or recreational quality of the OSNHT.”²³ Alternative D proposes to authorize the most surface-disturbing activities of the four alternatives, and thus would have the greatest likelihood of causing significant adverse impacts to OSNHT. In contrast, Alternative B contains the most protective provisions, including management of areas for wilderness characteristics, which could help to prevent inappropriate development along the trail. Alternative B also proposes establishing a National Trail Management Corridor of up to 3 miles on each side of the OSNHT’s centerline, which would create a protective buffer.²⁴ There is insufficient information included in the DEIS/RMP to indicate how this 3-mile distance was determined or to demonstrate that this buffer area is sufficient to protect the OSNHT from development impacts. BLM should update the DEIS/RMP with more detailed viewshed analysis information to explain the rationale for determining the buffer size, and should include in the agency’s preferred alternative a protective buffer of *at least* 3 miles.

Mining, Oil & Gas Development

BLM’s preferred alternative would open portions of GSENM to coal, oil and gas development. This type of activity has the potential to cause significant harm to cultural and environmental resources. BLM should refrain from permitting any new extractive uses or issuing any new oil and gas leases within the GSENM. BLM should also proactively terminate any existing leases that are either inactive or are not meeting production requirements.

²³ *Id.*, at Section 3.17.2.1, pg. 3-126.

²⁴ *Id.*, Table 3.17-1, pg. 3-129.

4. Unlawful Attempt to Narrowly Define “Objects” that are Subject to Protection within GSENM

BLM has included in the DEIS/RMP a narrow definition of the “objects” that are to be protected within the GSENM. Appendix E to the RMP states that “The BLM has generally interpreted objects as discrete physical items.”²⁵ Also included in Appendix E, is a list of specifically named “objects” and a more general list of types of “objects” that BLM has identified as necessary to protect within the monument. This attempt to narrowly define “objects” seems to be a new approach adopted for this planning effort; a similar list of “objects” is not included in the 2000 GSENM Management Plan. This appears to be an effort to unlawfully limit BLM’s conservation obligations to protect only those resources that are named. It also seems to be an attempt to limit the agency’s responsibility to conserve larger resources such as ecosystems and scenic vistas.

For example, many Native American cultural resources are traditional cultural landscapes or traditional cultural properties, which depend upon the interrelatedness of landscape features for their importance. BLM’s attempt to narrowly define “objects” may unlawfully exclude this type of historic resource from protection under the DEIS/RMP. Moreover, given the paucity of traditional cultural resource surveys, as well as the incomplete identification of tribal resources through consultation, BLM’s efforts to limit its conservation obligations to only known “objects” is particularly concerning.

Attempting to limit the agency’s conservation responsibilities, particularly where comprehensive surveys have not been completed, is a violation of the agency’s obligations to conserve, protect and restore nationally significant landscapes as required by the NLCS. Additionally, the D.C. Circuit Court of Appeals has clearly stated that the Antiquities Act allows for the protection of items such as ecosystems and scenic vistas and that presidential authority under the Antiquities Act is quite broad.²⁶ Limiting “objects” to “discrete physical items,” as the DEIS/RMP appears to do, is inconsistent with federal law. Additionally, application of the BLM’s flawed definition is likely to undermine the identification of resources to be protected in future survey and inventory actions within GSENM.

²⁵ DEIS/RMP, at Appendix E, pg. E-9.

²⁶ *Tulare County v. Bush*, 306 F.3d 1138, 1142 (D.C. Cir. 2002); *see also, Cappaert v. United States*, 426 U.S.128, 141–42 (holding that Presidential authority is not limited to protecting only archaeological sites.).

5. Native American Traditional Use Requirements

The existing 2000 GSENM Management Plan does not include provisions to govern Native American traditional uses of vegetation and forest and woodland products within monument lands, including firewood gathering and ceremonial and medicinal plant gathering. Tribes have been using the lands within GSENM for traditional use purposes since time immemorial. One positive proposal included in Alternatives B and C is to add provisions specifically allowing this type of non-commercial use for personal, traditional, religious or ceremonial purposes with a free permit. If this planning process continues, BLM should adopt the free permit proposal included in Alternatives B and C.

6. Climate Change

Climate change poses unique and irreversible threats to some of the nation's most treasured historic places. Historic buildings, neighborhoods, archaeological sites and cultural landscapes across the nation are already being damaged by climate change-related impacts such as coastal erosion, severe drought, catastrophic wildfires, increased flooding and rising sea levels.²⁷ Given these effects and the many other negative impacts of climate change, NEPA requires federal agencies to consider the impacts of their actions on climate change.

BLM's consideration of climate change impacts in the DEIS/RMP is clearly inadequate. The drafts indicate that air quality could be worsened due to increased mineral development, and acknowledges that "[c]oal development in KEPA would increase criteria pollutant emissions and also increase GHG emissions that could contribute to climate change."²⁸ However, concerns about the increased emissions are largely brushed aside by an assertion that "Climate change is a global issue and while Alternative D would increase GHG emissions compared to the other alternatives, the relatively low level [of emissions] is not expected to notably affect regional or global climate change."²⁹ The DEIS/RMP contains inadequate factual findings or reasoning to support this conclusion.

²⁷ See generally Michelle L. Berenfeld, "Climate Change and Cultural Heritage: Local Evidence, Global Responses," THE GEORGE WRIGHT FORUM, Vol. 25, Issue 2, at 66 (discussing the threat that climate change poses to natural and cultural resources); The Union of Concerned Scientists, "National Landmarks at Risk," available at https://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/National-Landmarks-at-Risk-Full-Report.pdf.

²⁸ DEIS/RMP, at Section 3.1.2.2, pg. 3-11.

²⁹ DEIS/RMP, at Section 3.1.2.2, pg. 3-12.

NEPA requires agencies to take a “hard look” at the environmental impacts of their actions. These impacts may be direct, indirect, or cumulative.³⁰ One category of impacts that an agency should consider are climate impacts. Even after acknowledging that development allowed under BLM’s preferred alternative “would” increase the emissions that contribute to climate change, BLM did not take a hard look at the impacts that opening extensive areas of the originally designated GSENM to fossil fuel development will have on climate change as NEPA requires. BLM should fully analyze the effects of making lands within the originally designated GSENM available for extraction of coal, oil, and gas.³¹ To comply with NEPA, BLM must consider how adoption of its preferred alternative will contribute to climate change, including the downstream emissions associated with increased mineral extraction, and the cumulative effects of these emissions.

7. Meaningful Tribal Consultations

Federal agencies must engage in meaningful tribal consultations with American Indian tribes. The current alternatives are severely lacking in knowledge about the cultural, historic, and environmental resources of tribal significance that are located in GSENM. BLM should not develop resource management and protection plans without properly conducting tribal consultations and cultural resource surveys. Without meaningful tribal consultation, the risk of destroying important cultural, historic, and environmental resources dramatically increases, which is counter to the legislative intent of Congress to protect them as expressed in various federal laws.³²

The primary focus of BLM’s management planning should be to protect the cultural, environmental, medicinal, sacred, and cultural resources within the

³⁰ 40 C.F.R. §§ 1502.16, 1508.7, 1508.8.

³¹ See *W. Org. of Res. Councils v. U.S. Bureau of Land Mgmt.*, No. CV 16-21-GF-BMM, 2018 WL 1475470, at *13 (D. Mont. Mar. 26, 2018) (“NEPA requires BLM to consider in the EIS the environmental consequences of the downstream combustion of the coal, oil and gas resources potentially open to development under these RMPs.”).

³² See generally the tribal consultation requirements in the following statutes and their implementing regulations: American Indian Religious Freedom Act, 42 U.S.C. 1996; Archaeological Resources Protection Act (1979), 16 U.S.C. 470aa-470; National Historic Preservation Act, 54 U.S.C. 300101 et seq.; Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668d; Endangered Species Act (1973), 16 U.S.C. 1531 et seq.; Federal Cave Resources Protection Act (1988) 16 U.S.C. 4301; Federal Land Policy and Management Act (1976), 43 U.S.C. 1701; Migratory Bird Treaty Act, 16 U.S.C. 703-712; National Environmental Policy Act, 42 U.S.C. 4321 et seq.; National Forest Management Act, 16 U.S.C. 1600; Native American Graves Protection and Repatriation Act (1990), 25 U.S.C. 3001 et seq.; and the Paleontological Resources Preservation Act, 16 U.S.C. 470aaa-470aaa-11.

GSESM. Looting, vandalism, and destruction of cultural sites and sacred places has been an enormous problem in the region. Congress, through the PROTECT Patrimony Joint Resolution stated that “[f]ederal agencies have a responsibility to consult with Native Americans to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items,”³³ “condemns the theft, illegal possession or sale, transfer, and export of tribal cultural items,”³⁴ and “calls on the Secretary of the Interior, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the Attorney General to consult with Native Americans, including traditional Native American religious leaders [...] to take affirmative action to stop the practices....”³⁵

Federal agencies have a legal responsibility to protect these cultural resources, and consult with Native American tribes on a government-to-government basis, as well as Native American religious leaders, as the cultural experts most knowledgeable about the care and management of the GSENM.³⁶ BLM acknowledges the risks of looting and vandalism of cultural resources and sacred sites within the DEIS/RMP, but provides no alternative that would better address this issue. In close consultation with tribes, BLM should issue a Supplemental EIS that includes an alternative that would better address the concerns about looting and vandalism within GSENM.

Conclusion

The National Trust and UDB continue to object to developing new management plans while litigation challenging Proclamation 9682 is pending. However, if BLM moves forward, we respectfully request that these comments become a part of the administrative record and inform this management planning process. Please keep us informed of future opportunities to provide comments and recommendations, as well as the publication of documents related to this planning process.

³³ H.R. Con. Res. 122, 114th Cong. (2016) (enacted), at Sec. 3 (8).

³⁴ *Id.*, Sec. 4 (1).

³⁵ *Id.*, Sec. 4(2).

³⁶ See generally, 54 U.S.C. § 302706(b); Exec. Order No. 13175, 65 Fed. Reg. 67249 (Nov. 9, 2000) (directing federal agencies to have “an accountable process to ensure meaningful and timely input by tribal officials); *Comanche Nation v. United States*, No. CIV-08-849-D, 2008 WL 4426621, at *19 (W.D. Okla. Sept. 23, 2008) (citing 36 C.F.R. § 800.4(a)(3)).

Thank you for the opportunity to submit comments.

Sincerely,

A handwritten signature in black ink that reads "Sharee Williamson". The signature is written in a cursive style with a horizontal line at the end.

Sharee Williamson
Associate General Counsel

A handwritten signature in black ink that reads "Gavin Noyes". The signature is written in a cursive style with a horizontal line underneath the name.

Gavin Noyes
Executive Director
Utah Dine Bikeyah

cc (via email):

Chris Wilson, Tom McCulloch, Reid Nelson, and Javier Marques,
Advisory Council on Historic Preservation
Ranel Stephenson Capron, Federal Preservation Officer, BLM
Brad Westwood & Christopher Merritt, Utah SHPO