



July 10, 2017

Monument Review
MS-01530
1849 C Street NW
Washington, DC 20240

Sent via U.S. mail and submitted electronically via regulations.gov

Re: Review of Certain National Monuments Established Since 1996
Docket no. DOI-2017-0002

Dear Secretary Zinke:

The National Trust for Historic Preservation offers the following comments as you continue your review of certain national monuments designated under the Antiquities Act since 1996. These monuments are an integral part of preserving our shared American heritage on the nation's public lands. These comments supplement our previous comments on the Bears Ears National Monument submitted on May 25, 2017 (DOI-2017-0002-95998).

Interests of the National Trust for Historic Preservation

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 headquarters in Washington, D.C., nine field offices, 27 historic sites, 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.

Executive Order 13792 and Presidential Authority

The Antiquities Act provides the President with the discretion to act quickly and decisively to designate national monuments on federal lands to protect historic and natural resources. Sixteen Presidents, both Republican and Democrat, have used this authority to protect 157 monuments with significant historic, cultural and scientific values. The Act has enabled our Presidents to create remarkable legacies of protecting nationally significant examples of our shared American heritage.

National monument designations since 1996—and before—have been made within the scope of the authority Congress provided the President through the Antiquities Act and consistent with

¹ 54 U.S.C. §§ 320101, 312102.

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

constitutional principles. Neither the Antiquities Act, nor subsequent laws, including the Federal Land Policy and Management Act (FLPMA) of 1976³ and the National Park Service General Authorities Act of 1970,⁴ provide the President with authority to reduce or rescind prior designations.

In 2002, the National Trust intervened as a defendant on behalf of the United States in a legal case challenging a number of monument designations, including six that are currently under review. The monuments challenged in *Mountain States Legal Foundation v. Bush*⁵ included:

- (1) **Grand Canyon-Parashant National Monument**, located at the edge of the Grand Canyon and hosts 9,000-year-old archaeological sites;
- (2) **Canyons of the Ancients National Monument** in southwest Colorado, which contains one of the highest known density of archaeological sites in the United States;
- (3) **Cascade-Siskiyou National Monument**, a hotspot of biological diversity in southwestern Oregon;
- (4) **Hanford Reach National Monument** in southern Washington, which includes the last free-flowing stretch of the Columbia River;
- (5) **Ironwood Forest National Monument** in southern Arizona, which contains abundant rock art sites and other archaeological objects;
- (6) **Sonoran Desert National Monument**, a desert ecosystem southeast of Phoenix which contains remnants of the Juan Bautista de Anza National Historic Trail, as well as a variety of significant archaeological resources.

The U.S. Court of Appeals for the D.C. Circuit upheld the legality of all six monument designations. The court reviewed each monument Proclamation and found that: “[n]othing in the record before us indicates any infirmity in the challenged Proclamations. Each Proclamation identifies particular objects or sites of historic or scientific interest and recites grounds for the designation that comport with the Act’s policies and requirements.”⁶ The court also firmly dismissed the argument that the Antiquities Act protections extended only to “rare and discrete man-made objects, such as prehistoric ruins and ancient artifacts,” citing the Supreme Court’s approval of President Theodore Roosevelt’s designation of more than 800,000 acres of the Grand Canyon as a National Monument in 1920.

Criteria from Executive Order 13792

President Trump’s Executive Order 13792 states that monument designations should “appropriately balance the protection of landmarks, structures and objects against the appropriate use of Federal lands and the effects on the surrounding lands and communities,” and it outlines criteria for reviewing national monument designations.⁷ While we are concerned that the review ordered under the Executive Order and the criteria selected for this review do not comply with the statutory criteria of the Antiquities Act, we would like to reinforce our previous comments on these criteria. Following

³ 43 U.S.C. §§ 1701 *et seq.*

⁴ 16 U.S.C. §§ 1a *et seq.*

⁵ *Mountain States Legal Found. v. Bush*, 306 F.3d 1132 (D.C. Cir. 2002), *cert. denied*, 540 U.S. 812 (2003).

⁶ *Id.* at 1137.

⁷ Executive Order 13792

the comments on each of the criteria as they apply to all the monuments under review, we provide specific comments on several of the individual monuments under review.

- (i) *The requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected."*

The "smallest area compatible" standard does not confer an acreage cap on monument size, nor does it preclude large landscape-scale monuments, as demonstrated by legal precedent upholding large monument designations. According to legal scholars, "the plain language of the Antiquities Act supports a broad construction of the President's authority to protect large tracts of land."⁸ In 1920 the U.S. Supreme Court unanimously upheld President Theodore Roosevelt's designation of the Grand Canyon National Monument. Since that decision, every court that has considered a challenge to an Antiquities Act designation has upheld subsequent Presidents' actions to designate monuments.⁹

- (ii) *Whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest."*

Historic significance is best understood in the context of the landscape and setting. In many cases, isolated sites and smaller objects would be devoid of meaning if they were separated from their broader cultural context on the landscape. Further, the Antiquities Act's reference to objects of "other" historic and scientific interest demonstrates the broad discretion afforded to the President when designating national monuments. In the 1945 case upholding President Franklin D. Roosevelt's designation of the 221,610-acre Jackson Hole National Monument, the court gave great deference to the President's judgment as to the historical and scientific importance of various features.¹⁰ In upholding three large monument designations in Alaska another court stated that the executive authority under the Act was "much enlarged" by the addition of language allowing for preservation of "other objects of historic or scientific interest."¹¹

- (iii) *The effects of a designation on the available uses of designated Federal land, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal land beyond the monument boundaries.*

The FLPMA applies to lands managed by the Bureau of Land Management (BLM). Protection of historic resources is consistent with the multiple-use policy outlined in section 102(a)(7) of FLPMA. Importantly, Congress specifically identified the long-term needs of future generations for renewable and nonrenewable resources, including "natural scenic, scientific and historical values," among other

⁸ Mark Squillace, *The Monumental Legacy of the Antiquities Act of 1906*, 37 Ga. L. Rev. 473 (2003).

⁹ See, e.g., *Cameron v. U.S.*, 252 U.S. 450 (1920); *Cappaert v. U.S.*, 426 U.S. 128 (1976); *Tulare County v. Bush*, 306 F.3d 1138 (D.C. Cir. 2002).

¹⁰ *Wyoming v. Franke*, 58 F. Supp. 890, 895 (D. Wyo. 1945). ("If there be evidence in the case of a substantial character upon which the President may have acted in declaring that there were objects of historic or scientific interest included within the area, it is sufficient upon which he may have based a discretion.")

¹¹ *Anaconda Copper Co. v. Andrus*, 14 Env't Rep. Cas. (BNA) 1853 (D. Alaska 1980).

diverse uses of resources, such as recreation, timber, minerals, wildlife and fish, in FLPMA's definition of multiple use.¹² Furthermore, when Congress established the National Landscape Conservation System, it required BLM to manage national monuments and other components of the system in a manner that protects the values for which the components of the system were designated.¹³

Each monument designation is different and may allow for a wide variety of uses that are consistent with proper care and management of the objects being protected by the monument. The agency or agencies involved craft specific management plans for national monuments with guidance and input from the public. This management planning process allows for consideration of diverse views and often incorporates specific advisory roles for tribal, state and local officials and other stakeholders.

(iv) *The effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries.*

Monument designations apply only to federal lands. A designation does not apply to non-Federal lands, either within or beyond monument boundaries.

(v) *Concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities.*

Far from being incompatible with economic growth, monument designations have been repeatedly shown to significantly benefit local economies and provide sustainable economic opportunities consistent with sound management and protection of historic and cultural resources.¹⁴ Headwaters Economics, an independent research group, recently updated analysis of the economies surrounding more than a dozen large national monuments in the West and found that trends in important economic indicators—population, employment, personal income, and per-capita income growth—generally grew following monument designation. Their analysis argues that “national monuments help nearby communities diversify economically while increasing quality of life and recreational opportunities that make communities more attractive for new residents, businesses, and investment.”¹⁵ Specific examples include a 21 percent increase in local tax revenues for lodging in gateway communities such as Taos following designation of the Río Grande del Norte National Monument¹⁶ and the 23 percent per capita income growth in nearby communities following designation of the Upper Missouri River Breaks National Monument.¹⁷

¹² 43 U.S.C. § 1702(c).

¹³ 16 U.S.C. §§ 7201-7203.

¹⁴ See, e.g., <https://sonoraninstitute.org/files/pdf/preserving-canyon-country-grand-staircase-escalante-national-monument-06011996.pdf>; Thomas Power & George Wurthner, Wilderness and Economics (Jan. 8, 2016) (available at <http://www.counterpunch.org/2016/01/08/wilderness-and-economics>).

¹⁵ “The Economic Importance of National Monuments to Communities,” Headwaters Economics, June 2017, (available at: <https://headwaterseconomics.org/wp-content/uploads/monuments-summary.pdf>).

¹⁶ “Rio Grande del Norte National Monument 1 Year Later,” New Mexico Green Chamber of Commerce, last modified 2017, (available at: <https://nmgreenchamber.com/rgdn-factsheet/>).

¹⁷ Upper Missouri River Breaks National Monument, “A Summary of Economic Performance in the Surrounding Communities,” Headwaters Economics, June 2017, (available at <https://headwaterseconomics.org/wp-content/uploads/Breaks.pdf>).

In addition to the economic benefits national monuments can bring, polling consistently shows strong public sentiment for maintaining existing national monuments in states where they are located. For example, more than 80 percent of Nevadans support maintaining Gold Butte National Monument,¹⁸ and 59 percent of Montanans surveyed recently in opposition to reducing or rescinding the Upper Missouri River Breaks National Monuments.¹⁹ Furthermore, local communities, states and tribes each have significant roles to play in the management planning process for a given monument. These and other stakeholders have a venue through the management planning process to express concerns and provide input about federal management of national monuments.

(vi) *The availability of Federal resources to properly manage designated areas.*

The National Trust has long been concerned that insufficient funding and staffing threaten the historic and cultural resources that the Department of the Interior, the Forest Service, and other land management agencies are responsible for protecting under the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act, the Antiquities Act, Executive Order 13007 and other laws and regulations. Constrained funding, however, does not absolve the agencies of their responsibilities.

In addition to properly funding land management agencies, the Administration and Congress should seek efficiencies through improving the land-use planning process to prioritize cultural resource surveys and public input early in the planning process. Furthermore, substantial efficiencies can be gained (and protracted lawsuits avoided) by identifying areas—like national monuments—that are inappropriate for mining, mineral leasing and certain other forms of development, and instead focusing those development activities in more suitable areas outside of national monument boundaries with fewer resource conflicts.

(vii) *Such other factors as the Secretary deems appropriate.*

We encourage you to consider the outpouring of support for national monuments, both in the process leading up to individual monument designations and generally throughout the public comment period for Executive Order 13792, as well as the legacy that Congress and President Theodore Roosevelt left to future generations with the Antiquities Act and other conservation measures. Public lands belong to all Americans, and the monument designations made through the Antiquities Act ensure that the American people have access to the historic landscapes and cultural resources that tell the stories of our shared heritage now and for generations to come.

Comments on Individual Monuments

In addition to the above, we offer the following comments on select monuments under review. Our support for maintaining existing monument designations should not be construed to be limited to those monuments outlined below.

¹⁸ Colorado College; State of the Rockies Report (available at https://www.coloradocollege.edu/other/stateoftherockies/conservationinthwest/2017/Nevada_Info_17web.pdf).

¹⁹ Poll conducted by Maxfield Strategic Communications Research conducted from May 21 – 25, 2017. Results based upon 702 random telephone interviews among likely 2018 voters in Montana.

Canyons of the Ancients

On June 9, 2000, the Canyon of the Ancients National Monument in southwest Colorado was designated to protect its irreplaceable cultural heritage on a landscape scale. With a density of more than 300 cultural sites per acre, the monument protects one of our most culturally rich landscapes, similar to the remarkable resources within the nearby Mesa Verde National Park and Bears Ears National Monument. While human use and occupation of the area began over 10,000 years ago, most the 6,400 recorded sites in the 178,000-acre monument represent the ancient Puebloan people who lived in the area from roughly AD 750 until 1350. These ancient Puebloan farmers left behind petroglyphs and the physical remains of irrigation ditches, pit houses, kivas, great houses, cliff dwellings, granaries and towers in addition to shrines and other sacred sites.

Public discussion about the need to protect this place was first documented in an article that ran in the Salt Lake Times in 1894. In 1979, Congress considered a bill to designate the land a National Conservation Area. Twenty years later, Secretary of the Interior Bruce Babbitt initiated a public dialogue about protecting the region. National Trust staff joined the Secretary on a site visit and listening tour of the region in the Spring of 1999 while BLM Resources Advisory Committees held 5 public meetings and consulted with local governments about providing greater protection for the natural and cultural resources on the land. In February 2000, Republican Senator Ben Nighthorse Campbell of Colorado renewed the proposal to designate it as a National Conservation Area, but suspended action on his bill in March of that year. In May 2000, Secretary Babbitt asked the President to use his authority under the Antiquities Act to designate the Canyons of the Ancients National Monument, which occurred in June.

When the Canyons of the Ancients National Monument was designated, 80% of the federal lands had already been leased for oil and gas development. The monument designation allowed for continued oil and gas leasing and development, with development managed so as not to create new impacts that would impair proper care and management of the objects being protected, subject to valid existing rights. The proclamation also allowed for the BLM to continue administering grazing permits and leases—an important and longstanding use—in the monument, consistent with its existing laws and policy. In 2010, BLM completed a Management Plan for the monument that provides for and guides decisions to ensure continued multiple uses thrive in the monument. Marietta Eaton, the great granddaughter of Richard Wetherill, who is credited with the discovery of Cliff Palace at Mesa Verde, is the current manager of the Canyons of the Ancients National Monument, where she works everyday with the cattle, oil and gas and recreation industries to balance their needs with the imperative to preserve and protect these iconic cultural resources.

Gold Butte National Monument

The designation of the Gold Butte National Monument on December 28, 2016 protected 296,937 acres of public lands that are now included in the BLM's National Landscape Conservation System. The rare and wonderful landscape of Gold Butte lies in the red rock outcroppings of the southern Nevada desert where the Great Basin, Mojave Desert, and Colorado Plateau ecosystems converge. Like its rich mixture of natural systems and rare wildlife, the region's complex story of human history is preserved in the open spaces and canyon walls of Gold Butte.

The evidence of the human story of Gold Butte begins as early as 10,000 B.C. with the stone spear points of Paleoindian big-game hunters. Cave walls and ceilings still show the stains of black smoke from many of the early people's fires, and roasting pits for agave dot the landscape. Perhaps most compelling, however, is the rock art, created by people of diverse time periods. One of the largest

panels, at 90 feet long, is tucked away in one of Gold Butte's many sandstone canyons. Alongside this human history, fossil track sites dot the landscape and date back 170 to 180 million years.

Later, Spaniards and Pioneers forged the Old Spanish Trail and the Mormon Road through the area between 1844 and 1900. Historic grazing and mining sites are common throughout Gold Butte, with the earliest mine in the area dating back to 1861. Gold Butte itself is named for one of the historic mining towns of the early 1900's, and while the town is long abandoned, the area is open to visitors seeking to explore American pioneering history, ranching and ghost towns.

The recent Antiquities Act designation provided permanent protection against vandalism and looting of these irreplaceable resources and established a framework for management and interpretation of Gold Butte's long and rich history. The additional protections added by the monument designation does not change the tradition of multiple use for the land. Local residents and visitors enjoy outdoor recreation activities such as hiking, hunting, climbing, traditional tribal uses, camping and riding ORVs on legal routes. The monument also has no effect on allocation of water rights, nor does it establish new water rights and existing rights-of-way are honored.

The Gold Butte National Monument designation reflects the smallest area compatible with the proper care and management of the objects to be protect. Based on the boundaries cited in the 1998 Resource Management Plan and accompanying Areas of Critical Environmental Concern, the original Gold Butte area included almost 350,000 acres. This much larger acreage is a Traditional Lifeway Area identified by the Moapa Band of Paiute Indians, who along with the Las Vegas Paiute Tribe, consider the area to be sacred. In addition to serving as a source of plants for traditional medicines and basket-making materials, the land is vital to continued ceremonial and religious traditions for the Paiutes.

A diverse group of Nevadan stakeholders participated in an open evaluation process prior to the monument designation, which included multiple public meetings attended by hundreds of constituents. Thousands of community members, locally elected officials from Mesquite and surrounding areas, state legislators, the Nevada Hispanic Legislative Caucus, Native American tribes, archaeological, conservation, and recreation organizations and over sixty businesses, along with tourism groups, expressed their support for a national monument designation. Based on recent polling after the designation, 81 percent of Nevadans support maintaining the national monuments designated over the last decade, including Gold Butte.²⁰

Many of the comments in support of the national monument, including from local businesses, highlighted the benefits of monument designation to the local economy as a result of increased tourism and expenditures at local businesses. According to an economic study issued by Applied Analysis, if just 10 percent of new visitors to the Gold Butte National Monument decided to spend the night in Mesquite, the total economic impact for the community would be \$2.7 million annually and would increase the number of jobs by 60 percent.

Grand Staircase Escalante National Monument

On September 18, 1996, the Grand Staircase-Escalante National Monument was established as the first national monument to be managed by the BLM. Grand Staircase was established to protect historic and archaeological resources, as well as environmental resources, in southern Utah. The

²⁰ Colorado College; State of the Rockies Report (available at https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2017/Nevada_Info_17web.pdf).

lands protected in Grand Staircase are some of the most remote and rugged in the United States; in fact, it was the last place in the continental United States to be mapped.

This landscape was extensively used by ancient Native American cultures. It was a contact point for the ancient Puebloans and Fremont cultures, new archaeological evidence of which is still being discovered. The hundreds of recorded cultural resources that have been identified so far in the Grand Staircase include rock art panels, campsites, occupation sites and granaries. In addition to the occupation by ancient Native American cultures, the Grand Staircase also has more recent historic and cultural connections to the Southern Paiute and Navajo, as well as early Mormon pioneer history reflected in ghost towns, rock houses and trails, like the renowned Hole-in-the-Rock Trail which is listed on the National Register of Historic Places. Additionally, the Kaiparowits Plateau has a wealth of fossilized remains from the Late Cretaceous Period, including bones, teeth, egg shells and even tracks of the dinosaurs that once lived there. Given the number and variety of historic, archaeological and paleontological resources located within Grand Staircase, and the fact that new finds are still being discovered, the area certainly contains “historic landmarks, historic and prehistoric structures” and “other objects of historic or scientific interest” as required by the Antiquities Act. Furthermore, while Grand Staircase is the largest land-based national monument in the continental United States, given the variety of resources spread across the region its size is “the smallest area compatible with the proper care and management of the objects to be protected.” Moreover, the boundaries of Grand Staircase were reviewed and adjusted by Congress after the monument was established. Congress had the opportunity to more drastically amend the boundaries or reduce the monument’s size, but chose not to do so.²¹ This is further evidence that the size of Grand Staircase is reasonable, appropriate and necessary to protect the cultural and natural resources within it.

The designation of Grand Staircase also contributed positively to the region’s economy as demonstrated by recent research completed by Headwaters Economics.²² At the time of the monument designation, many people expressed concerns about the loss of potential mining jobs that might have come to the region due to coal deposits on Kaiparowits Plateau. Although mining jobs did not come to the region, service and tourism jobs generated by the monument designation did arrive. Unlike coal mining jobs, which end when mining is completed, these jobs are permanent for so long as the monument remains protected and provides a sustained source of tourism dollars.

Río Grande del Norte National Monument

The Río Grande del Norte National Monument was established on March 25, 2013 to protect a rich scenic, geologic, and ecological landscape on approximately 242,555 acres of public lands managed by BLM in northern New Mexico. The monument focuses management on protecting the historic, scientific and cultural resources of the area while accommodating traditional uses of the land.

Thousands of archaeological sites representing more than 10,000 years of human occupation lie within the boundaries of the monument. Evidence of Paleoindian, Archaic, Historic Pueblo, Colonial Spanish, and Mexican and Early Anglo-American peoples, as well as nomadic groups including the Navajo, Ute, Apache, Kiowa and Comanche exist in the archaeological record. As a major prehistoric and historic transportation corridor, the Río Grande encouraged diverse groups to explore, hunt and

²¹ See Automobile National Heritage Area Act, 105 Pub. L. No. 355, 112 Stat. 3247 (1998).

²² Grand Staircase-Escalante National Monument, “A Summary of Economic Performance in the Surrounding Communities,” Headwaters Economics, June 2017. (available at: <https://headwaterseconomics.org/wp-content/uploads/Escalante.pdf>).

gather in the area. The harsh climate prevented many from settling in Río Grande del Norte year-round, but groups consistently gathered resources and found spiritual meaning in the area. Petroglyphs near hot springs, and rock art carved into boulders and cliffs, depict hunting, raiding and warfare scenes, some dating back to the Archaic Period (7,500 B.C. – 500 A.D.). Hunting grounds featuring abundant herds of buffalo, elk, deer, antelope, and other wildlife drew people in and prompted them to set up blinds, cave dwellings and pit houses. Their craft tools, projectile points, ceramic vessels and other materials were left behind on the land. Ute Mountain (Cerro del Yuta), the largest of the extinct volcanoes in the region, is a culturally important landscape feature for area tribes and contains artifacts from Native American shrines associated with Ute and Pueblo groups. While some evidence of these ancient groups has been uncovered and studied, much more archaeological work remains to be done.

In addition to the Native Americans who used the land, artifacts from sheepherding indicate that Hispanic explorers and settlers moved into Río Grande del Norte in the early 18th century. Traders traversed the landscape in the 18th and 19th centuries, supplying furs, woolen articles and other goods throughout the southwest. The monument area also includes the first formal engagement between the U.S. military and indigenous nomadic groups in 1848, following the end of the Mexican War and the U.S. occupation of the territory. In the 21st century, a group of Anglo-American veterans immigrated to the region after World War I, leaving behind evidence of homesteading, including remnants of homes, cast metal toys and brass uniform buttons.

Archaeologists continue to discover new artifacts that shed light on the diverse cultures that have used the landscape for the past 10,000 years. The 242,555-acre boundary represents the smallest area compatible with protection of the rich historical, archaeological and scientific assets within the national monument. If the monument designation were reduced or removed, these irreplaceable and important assets would be at risk for permanent damage or loss.

Since the early 1990s, the proposed preservation of areas in Río Grande del Norte earned broad and diverse public support. Public interest led to the introduction of the Río Grande del Norte National Conservation Area Establishment Act, first in 1991 in the House, and with subsequent versions introduced in the House and Senate in more recent years. Local leaders, miners, hunters, guides and others connected to the area expressed strong interest in protecting the land and water, as well as maintaining traditional uses of the landscape. In 2012, before the presidential proclamation, Secretary of the Interior Ken Salazar participated in public meetings and received over 1,200 written comments in favor of protecting the area. The monument designation allowed for Native American tribes to continue to collect firewood and piñon nuts, and ranchers with permits to continue to graze consistent with applicable laws.

In addition to the clear support for the protection of Río Grande del Norte, the national monument designation has brought economic benefits from tourism, as well as new residents and businesses to nearby communities. The BLM reported a 40% growth in visitors to Río Grande del Norte within a year after its designation. In the same period, the gateway town of Taos benefited from a 21% increase in tax revenue for hotels, motels, and bed and breakfasts, and an increase of 8.3% in gross receipts revenue in the accommodations and food service sector, according to the New Mexico Green Chamber of Commerce.²³ Population, jobs, and per capita income have all been on the rise since this monument was designated in 2013. Travel and tourism remain critical to the economic vitality of

²³ “Río Grande del Norte National Monument 1 Year Later,” New Mexico Green Chamber of Commerce, last modified 2017, (available at: <https://nmgreenchamber.com/rgdn-factsheet/>).

Taos County, and account for approximately 39% of total private wage and salary employment, or 3,460 jobs, as of 2015 per research from Headwaters Economics.²⁴ Rescinding or reducing the area of the Río Grande del Norte National Monument would not only put historic and scientific assets in jeopardy, but would negatively impact this type of economic growth that benefits surrounding communities.

Upper Missouri River Breaks National Monument

Designated on January 17, 2001, the Upper Missouri River Breaks National Monument in Montana protects a historic and scientifically rich landscape along a 149-mile stretch of the Upper Missouri River, within the adjacent Breaks country, and along portions of Arrow Creek, Antelope Creek and the Judith River in Montana. In total, the monument encompasses about 377,000 acres of public lands that are managed to preserve an impressively intact landscape traversed by the Lewis and Clark expedition in 1805 and later by the Nez Perce tribe as they fled their homelands in 1877 while being pursued by the U.S. Army.

The proclamation designating the Upper Missouri River Breaks National Monument outlines extensive historical, biological and geological objects of interest. The area includes tepee rings, as well as other archaeological and historical sites tied to the numerous Native American tribes that once inhabited the area, including the Blackfeet, Assiniboine, Gros Ventre (Atsina), Crow, Plains Cree and Plans Ojibwa. It also includes portions of the Lewis and Clark National Historic Trail, portions of the Nez Perce National Historic Trail and the Cow Creek Area of Critical Environmental Concern, which contains important paleontological resources in addition to its historic resources. The area designated represents the smallest area compatible with the proper care and management of the objects outlined in the proclamation.

Within the national monument, science and history are inextricably linked through the writings of Meriwether Lewis and William Clark, who documented the abundant wildlife, remarkable White Cliffs on the western side of the monument and other natural features. In addition to describing the elk, mule deer and antelope that inhabited the region, the Lewis and Clark expedition recorded the first observation of big horn sheep in North America by non-Indians, and sent President Thomas Jefferson a prairie dog specimen that was “new to science” at the time. The national monument designation ensures that management of these public lands focuses on preserving the wildlife, fish, birds, cottonwood gallery forest ecosystems and geology that Lewis and Clark observed in their writings, allowing current and future generations to experience the landscape largely as it was more than 200 years ago.

The national monument preserves and interprets the history of westward expansion following the Lewis and Clark expedition, perhaps most notably where nearly 800 Nez Perce crossed through the Breaks and the Missouri River in 1877 as they attempted to flee pursuit by the U.S. Army. The monument includes the site of the Cow Island Skirmish—the last encounter between the Nez Perce and the U.S. Army before the Nez Perce surrendered at the Battle of Bear Paw just north of the monument.

Regarding the effects on use and enjoyment of nonfederal lands within or beyond the monument boundary, as with all monument designations, the Upper Missouri River Breaks designation does not apply to private or state-owned lands. Nonetheless, the 377,000 acres of public lands that make up

²⁴ Río Grande National Monument, “A Summary of Economic Performance in the Surrounding Communities,” Headwaters Economics, June 2017. (available at: <https://headwaterseconomics.org/wp-content/uploads/RioGrande.pdf>).

the monument provide numerous benefits to surrounding communities. A wide variety of uses are allowed within the monument, including recreation, hunting, fishing, grazing and other activities. The monument has also benefitted local economies: Blaine, Choteau, Fergus and Phillips counties experienced economic growth, sustained modest job growth, and personal income gains of about 19 percent and per capita income growth of 23 percent, following the 2001 designation.²⁵ A recent survey found that 59 percent of Montanans oppose reducing the size or eliminating the monument, demonstrating that public sentiment favors retaining the monument.²⁶

Conclusion

Our national monuments tell diverse and important stories of our American heritage that should be passed along to future generations. These monuments are long-established, supported by the public, balance multiple uses and benefit their surrounding local communities. Further, the Antiquities Act does not provide the President legal authority to rescind or modify previous national monument designations. We urge the Administration not to recommend changes to Congress that would reduce protections for historic, prehistoric and other cultural resources on our public lands. Rather, we urge the Administration to continue investing in and protecting the remarkable historic and cultural resources that tell the stories that enrich our national life.

Thank you for your consideration of our comments.

Sincerely,



Stephanie K. Meeks

²⁵ Upper Missouri River Breaks National Monument, “A Summary of Economic Performance in the Surrounding Communities.” Headwaters Economics. June 2017. (available at <https://headwaterseconomics.org/wp-content/uploads/Breaks.pdf>).

²⁶ Poll conducted by Maxfield Strategic Communications Research conducted from May 21 – 25, 2017. Results based upon 702 random telephone interviews among likely 2018 voters in Montana.