



MODIFYING THE BEARS EARS NATIONAL MONUMENT
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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

On December 28, 2016, President Obama issued Proclamation 9558, which established the Bears Ears National Monument (Monument) in the State of Utah; reserved approximately 1.35 million acres of Federal land as part of the Monument; and directed that the Monument be jointly managed by the Department of the Interior's Bureau of Land Management (BLM) and the Department of Agriculture's United States Forest Service (USFS).

On December 4, 2017, exercising my authority under section 320301 of title 54, United States Code (the "Antiquities Act"), I issued Proclamation 9681 to modify the boundaries of the Monument in accordance with the requirements of that Act, as well as to ensure the Monument's proper management. Proclamation 9681 excluded approximately 1.15 million acres from the Monument, and also reserved approximately 11,200 acres as part of the Monument that were not originally reserved by Proclamation 9558. On October 8, 2021, President Biden issued Proclamation 10285 to modify the boundaries of the Monument to include all lands previously excluded, expanding the Monument to encompass approximately 1.36 million acres.

The Antiquities Act authorizes the President to declare historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments. The Antiquities Act further requires

that any parcel of land reserved as part of a monument be confined to the smallest area compatible with the proper care and management of the objects to be protected. Where the President determines that the structures and objects identified by a prior monument proclamation no longer are, or never were, deserving of the Antiquities Act's protections, the Antiquities Act permits the President to remove land from the monument and return it to its prior federally managed status. Determining the appropriate protective area involves examining several factors, including the uniqueness and nature of the objects to be protected, the nature of the protection needed, the protection provided those objects by other laws, executive department and agency resources available to manage the parcel, and whether the lands are better suited for other non-monument uses.

Given these considerations, the monument designation made in Proclamation 10285 suffers from several flaws under Antiquities Act analysis that require the action taken by this proclamation. First, Proclamation 10285's designation rests on the purported need to protect items that are not historic landmarks, historic or prehistoric structures, or other objects of historic or scientific interest. For example, Proclamation 10285 protects various generic features and landscapes found within the Bears Ears region, such as "deep sandstone canyons, broad desert mesas, towering monoliths, forested mountaintops dotted with lush meadows" and "low bluffs and high mesas." While scenic, these generic features are not "landmarks," "structures," or "objects of historical or scientific interest" worthy of protection under the Antiquities Act.

Second, certain landmarks, structures, or objects identified in Proclamation 10285 that could have the necessary historic or scientific interest in other contexts are prevalent throughout the Four Corners region and, in some cases, throughout the American West. The relative commonness of these cultural resources within the broader area suggests that the specific instances of such objects found within the Monument are not of particular historic or scientific interest. For instance, lithic scatters, projectile points, prehistoric campsites, petroglyphs, and pictographs are found across the American West and are not unique to the Bears Ears region. Accordingly, a monument reservation was neither necessary nor appropriate to protect these items.

Third, because Proclamation 10285 reserved lands that were intended to protect several landmarks, structures, or objects that lack the necessary historic or scientific interest, it also disregards the Antiquities Act's requirement that the reservation of Federal lands for a national monument be confined to the "smallest area compatible with the proper care and management of the objects to be protected." If the parcel had been properly tailored to protect only those objects identified in Proclamation 10285 that do warrant protection under the Antiquities Act, it would have been much smaller.

Finally, a monument designation and reservation of land were unnecessary to protect many of the objects of historic and scientific interest identified by Proclamation 10285, which are already subject to enhanced protections under Federal laws enacted after the Antiquities Act that preserve archaeological, historic, cultural and paleontological resources, as well as plants and animals and their respective habitats. These laws,

including the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm), 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 of 1973 (16 U.S.C. 1531 *et seq.*), Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 *et seq.*), Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), National Forest Management Act (16 U.S.C. 1600 *et seq.*), Migratory Bird Treaty Act (16 U.S.C. 703-712), Native American Graves Protection and Repatriation Act of 1976 (25 U.S.C. 3001 *et seq.*), and Paleontological Resources Preservation Act (16 U.S.C. 470aaa-470aaa-11), authorize the BLM or the USFS to limit and condition activities on Federal lands for the protection of certain natural or cultural resources, whether they are within or outside a national monument.

For instance, more than 500,000 acres of the Monument were already being managed to maintain, enhance, or protect their roadless character before they were designated as part of a national monument. Specifically, the BLM manages approximately 380,759 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres are part of the congressionally designated Dark Canyon Wilderness Area, which, under the 1964 Wilderness Act (16 U.S.C. 1131-1136), and the Utah Wilderness Act of 1984 (Public Law 98-428), the USFS must manage so as to maintain or enhance its wilderness character. As a result, many of the objects previously designated as monuments by Proclamation 10285 are already adequately protected by

Federal law and do not require a reservation of land under the Antiquities Act for protection.

In light of these flaws, I have determined, in my discretion, that the parcel of land reserved by Proclamation 10285 is not confined to the smallest area compatible with the proper care and management of the objects of scientific or historic interest identified therein. Instead, proper care and management can be provided to those objects by a smaller reservation of approximately 121,096 acres comprising two units: the Shash Jáa Unit and the Indian Creek Unit. Revising the boundaries of the Monument in this way will ensure that, in accordance with the Antiquities Act, the reservation is the smallest area compatible with the proper care and management of the objects to be protected. Revising the Monument's boundaries to encompass approximately 121,096 acres will also account for practical limitations on the BLM's and the USFS's land management resources and funding, ensuring that these remain adequate to provide proper care and management for the protected objects now and in the future.

Revising the boundaries of the Monument will also unburden public National Forest System lands that can and should be put to a higher-priority use. The Bears Ears region contains several resources that are vital to energy and resource independence and, in turn, critical to national security. These resources -- which include critical minerals such as silver, copper, molybdenum, lead, uranium, vanadium, and zinc -- create jobs, fuel prosperity, and are essential to important sectors of the economy of the United States, including defense, manufacturing, and transportation. It is imperative that the United States not rely on foreign sources for these resources.

Modifying the Monument's boundaries will help ensure that adequate domestic supplies exist, thereby reducing the threat posed by our Nation's reliance on foreign sources.

The approximately 106,816-acre Shash Jáa Unit is the heart of the Monument. These lands encompass a collection of objects of historic and scientific interest that represent the Bears Ears region's natural and cultural heritage. For example, the Shash Jáa Unit contains notable geologic features, including the iconic twin buttes known as the Bears Ears, which are considered sacred by the Native American tribes that call this area their ancestral home and which were a prominent landmark for both ancient peoples and the more recent inhabitants of the region. The Shash Jáa Unit also holds Arch Canyon, Mule Canyon, and Comb Ridge -- a north-south trending monocline that resembles a rooster's comb.

The Shash Jáa Unit contains an abundance of cultural and archaeological objects spanning thousands of years of human history, such as dispersed villages, pit houses, kivas, storage pits, storage rooms, pottery, lithic scatters, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. These objects also include large villages from the Pueblo I period, cliff dwellings from the Pueblo III period, and expansive and complex multi-family dwellings from the Pueblo II period near Comb Wash; the Arch Canyon ruin, which contains pictographs and petroglyphs ranging from the Archaic to the historic period; shelter-cliff dwellings from the Pueblo II and III periods in the north and south forks of Mule Canyon, as well as other archaeological sites there, including the House on Fire Ruin; alcoves near Whiskers Draw containing evidence of human habitation from the Basketmaker period; portions of the

Butler Wash Archeological District, an Ancestral Puebloan ruin with multiple rooms and kivas that is listed on the National Register of Historic Places; the Butler Wash Kachina Panel, a wall-sized mural of San Juan Anthropomorph figures; and Milk Ranch Point, which is home to a rich concentration of kivas, granaries, and dwellings.

The Shash Jáa Unit also contains important paleontological objects, including Triassic vertebrate trace fossils near Comb Ridge. Additionally, the Shash Jáa Unit contains several historic sites that shed light on the Bears Ears region's more modern cultural heritage. For example, the unit contains objects related to the cowboys, trappers, and explorers that moved into the region in the mid-1800s, as well as objects related to settlers from the Church of Jesus Christ of Latter-day Saints (Latter Day Saints). This last group of objects includes prominent features of the Hole-in-the-Rock Road, such as Salvation Knoll, and San Juan Hill, which served as navigation points for Latter Day Saints traveling into southeastern Utah.

Finally, the Shash Jáa Unit described on the accompanying map includes five non-contiguous parcels of land encompassing significant historic and prehistoric structures and objects of historic and scientific interest, including:

- 1) a 157-acre parcel reserved for Doll House Ruin, a fully-intact and well-preserved single-room granary, as well as for other prehistoric structures and objects in a tributary of Woodenshoe Canyon;
- 2) a 314-acre parcel reserved for Scorup Cabin, a line cabin originally built in Rig Canyon and later

moved to its current location, used by early cowboys as a summer camp while tending cattle in the area;

3) a 693-acre parcel reserved for the Rig Canyon Mining Exploration Site, which supported a vertical oil well, drilled in 1926, in a wildcat oil field;

4) a 318-acre parcel reserved for the Moon House complex, an example of Pueblo-decorated architecture that is listed on the National Register of Historic Places, and is likely the last human occupied site on Cedar Mesa; and

5) an 88-acre parcel reserved for the Citadel, an Ancestral Puebloan site featuring several masonry rooms and a series of deteriorating features on Cedar Mesa.

The approximately 14,279-acre Indian Creek Unit also contains objects of historic and scientific interest that are representative of the region's natural and cultural heritage, such as dinosaur tracks and distinctive and well-preserved petroglyphs in Shay Canyon; Newspaper Rock, a roadside rock art panel that has been listed on the National Register of Historic Places since 1976; and notable paleontological resources, including abundant fossilized flora and fauna.

Accordingly, the area described above and on the accompanying map is the smallest compatible with the proper care and management of the objects of historic and scientific interest identified above, which I have determined in my discretion warrant protection under the Antiquities Act. This modification of the Monument will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, section 320301 of title 54, United States Code authorizes the President, in the President's 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 Federal Government to be national monuments, and to reserve as a part thereof parcels of land; and

WHEREAS, the Antiquities Act also permits the President, in the President's discretion, to alter a prior declaration of a national monument by finding that objects identified in the prior declaration either are no longer deserving of the Antiquities Act's protections, or never were; and

WHEREAS, many of the resources and objects identified by Proclamation 10285 are not historic landmarks, historic structures, or other objects of historic or scientific interest and, therefore, should not have been declared to be national monuments under the Antiquities Act; and

WHEREAS, many of the resources and objects designated as monuments by Proclamation 10285 do not require a reservation of land to protect them because they are not unique to those areas, were not under threat of damage or destruction before designation, or are sufficiently protected by Federal law; and

WHEREAS, the reservation of land established by Proclamation 10285 is not "the smallest area compatible with the proper care and management of the objects to be protected"; and

WHEREAS, given the budgetary and resource constraints of the BLM and the USFS, which have only intensified since 2017, the boundaries established by Proclamations 9681 and 10285 encompass lands too vast to ensure the proper care and management of all of the protected objects located therein; and

WHEREAS, the need to reduce our Nation's reliance on foreign sources of several resources vital to our economic and national security, including resources located within the historic and current boundaries of the Monument, is also greater than it was in 2017, thereby further necessitating the exclusion of lands that were retained within the Monument by Proclamation 9681; and

WHEREAS, it is in the public interest to modify the boundaries of the Monument to exclude from its reservation approximately 1,238,904 acres of land that I find unnecessary for or disadvantageous to the proper care and management of objects to be protected within the Monument; and

WHEREAS, I find that the boundaries of the Monument as described above and on the accompanying map represent the smallest area compatible with the proper care and management of the objects of historic and scientific interest identified above.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, proclaim that the boundaries of the Bears Ears National Monument are hereby modified to include those lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified Monument areas identified on the accompanying map shall be known as the Indian Creek Unit and Shash Jáa Unit, the latter of which shall include the Moon House complex, the Citadel, Doll House Ruins, Scorup Cabin, and the Rig Canyon Exploration site. These reserved Federal lands cumulatively encompass approximately

121,096 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected. Any lands reserved by Proclamations 9558, 9681, or 10285 not within the boundaries identified on the accompanying map are hereby excluded from the Monument.

At 9:00 a.m., eastern daylight time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public and National Forest System lands excluded from the Monument reservation shall be open to:

- (1) entry, location, selection, sale, or other disposition under the public land laws and laws applicable to the USFS;
- (2) disposition under all laws relating to mineral and geothermal leasing; and
- (3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to remove any lands from the Manti-La Sal National Forest or to otherwise revoke, modify, or affect any withdrawal, reservation, or

appropriation, other than those set forth in Proclamations 9558, 9681, and 10285.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamations 9558, 9681, and 10285 that remain part of the Monument in accordance with the terms of this proclamation, except as provided by the following eleven paragraphs:

For purposes of providing for the proper care and management of the objects identified above, and to facilitate multiple uses of the Monument that are consistent with the proper care and management of those objects, the Secretary of the Interior and the Secretary of Agriculture (the Secretaries) shall jointly maintain a management plan for the Monument and shall promulgate such regulations for its management, consistent with applicable law, as they deem appropriate. The Secretaries, through the BLM and the USFS, shall consult with other Federal land management agencies or agency components in the local area, including the National Park Service, when developing any management plan. In promulgating any management rules and regulations governing the National Forest System lands within the Monument and developing any management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior, through the BLM. The Secretaries shall provide for public involvement in the development of any management plan, including consultation with federally recognized Tribes and State and local governments. In developing and implementing any management plan, the Secretaries shall provide opportunities, pursuant to applicable legal authorities, for resource sharing, operational efficiency, and cooperation with other Federal land management agencies, State

and local governments, and federally recognized Tribes. When developing any management plan for lands within the Monument, the Secretaries shall take into account, to the maximum extent consistent with the proper care and management of the objects identified above, the importance of (1) providing appropriate access for and otherwise facilitating livestock grazing; (2) maintaining and improving public access to the Monument, including for recreation and hunting; and (3) providing educational experiences that reflect the diversity of the Monument's natural and anthropogenic features and their use throughout the history of the Bears Ears region.

Proclamations 9558 and 10285 established the Bears Ears Commission (BEC) to provide guidance and recommendations on the development and implementation of management plans and on management of the Monument. The BEC is hereby disbanded and terminated, and the Secretaries shall have no obligation to engage, consult, or coordinate with the BEC or a comparable entity as provided in, or derived from, either Proclamation 9558 or 10285, though the Secretaries shall continue to consult with Tribal Nations in accordance with other applicable authorities.

Proclamation 9558 established an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of management plans for the Monument and, as appropriate, management of the Monument. Proclamation 9558 is hereby revised to clarify that the Monument advisory committee shall consist of a balanced representation of interested stakeholders that specifically includes one member each from the Hopi Nation, the Navajo Nation, the Ute Indian Tribe of the Uintah and Ouray Reservation, the Ute Mountain Ute Tribe, and the Pueblo of Zuni;

one member each from San Juan County, Monticello City, Blanding City, and the Town of Bluff; and six members recommended by the Governor of Utah. Of those six members recommended by the Governor of Utah, each shall belong to one of the following stakeholder groups: archaeological or historical experts; livestock grazing permittees; outdoor recreation participants, including commercial recreation providers or off-highway vehicle users; conservationists; private landowners; and local business owners.

Nothing in this proclamation affects the designation, maintenance, and improvement of existing roads and trails within the Monument, which shall continue to be governed by laws and regulations other than this proclamation. The Secretaries shall prepare a new transportation plan that endeavors to maximize public access to the Monument by designating roads and trails on which motorized and non-motorized vehicle use will be allowed, as well as providing for appropriate maintenance of those roads and trails. Pending completion of that transportation plan, the Secretaries may allow motorized and non-motorized vehicle use on roads and trails designated for such use immediately before the issuance of Proclamation 9558 and may maintain roads and trails for such use. The Secretaries may also designate for motorized vehicle use roads and trails that were not designated for such use prior to the issuance of Proclamation 9558, regardless of the purpose of that use.

The Secretaries shall consider the effects of proposed activities, including potential road closures, on historic roads in the Monument, in accordance with the regulations at 36 C.F.R. part 800, as appropriate.

Consistent with the proper care and management of the objects identified above, the Secretaries may authorize ecological restoration and active vegetation management activities in the Monument. When engaging in management planning for the Monument, the Secretaries shall consider the full range of vegetation management tools, including mechanical mastication, grazing, and new vegetation management technology that becomes available in the future. Additionally, because noxious weeds and invasive plant species increase wildfire risks, the Secretaries may authorize the use of mechanical, natural, and chemical tools for controlling the proliferation of noxious weeds and invasive plant species, and should coordinate with the San Juan County Weed Board, as appropriate, in developing and implementing treatment plans. Livestock grazing should be utilized as a primary option for mitigating noxious weeds as well as managing fuels and vegetation.

In recognition of the enduring tradition of livestock grazing in the Monument and its historical and cultural significance to local communities, nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the Monument. Livestock grazing within the Monument shall continue to be governed by laws and regulations other than this proclamation.

The Secretaries shall endeavor to authorize traditional land uses within the Monument, such as grazing, recreation, timber management, public access, and infrastructure development, to the greatest extent possible, consistent with applicable law. Where restrictions on proposed uses are necessary to comply with applicable laws, such restrictions shall be narrowly tailored.

The Secretaries shall consider livestock grazing lands in the Monument to constitute a traditional cultural place (TCP) and shall consider how proposed activities will impact that TCP in accordance with the regulations at 36 C.F.R. part 800, as appropriate.

If any livestock grazing permits or leases are voluntarily relinquished by existing holders, the Secretaries shall, within 1 year, re-allocate the relinquished forage, including by issuing a new permit or lease for the relevant allotment, as appropriate, unless the Secretaries specifically find that such reallocation is inconsistent with the proper care and management of the objects identified above.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation shall not be affected thereby. Furthermore, to the extent that any provision of Proclamations 9558, 9681, or 10285 is inconsistent with or contradicts this proclamation, the terms of this proclamation shall govern.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.

Bears Ears National Monument

June 2026

