

DEPARTMENT OF THE INTERIOR

WASHINGTON

JUN 3 - 1924

The Director**National Park Service.****Dear Mr. Director:**

I am returning without approval letters and drafts for proposed proclamations for restoration of certain areas from the Grand Guivira and Chaco Canyon National Monuments in New Mexico.

I fail to find statutory authority for the President to restore such reservation lands to entry, and in view of the opinion of the Attorney General under date of March 29, 1921 (32 Opns. Atty. Gen., 432), it appears that such restoration is unauthorized.

In this connection it is suggested that in the future when reservation for a national monument is contemplated and when the exterior limits can not be at that time definitely fixed, it would be appropriate to make temporary withdrawal under the act of June 25, 1920 (36 Stat., 847), as amended by act of August 24, 1912 (37 Stat., 497). Any withdrawals so made by the President may be vacated or modified by him, and when the lines shall have been definitely and finally decided upon, the monument may be

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permanently established by proclamation as provided by the act of June 8, 1906 (34 Stat., 225). After such establishment by proclamation it becomes a fixed reservation subject to restoration to the public domain only by legislative act.

It is noted in respect to the Chaco Canyon National Monument that there are proposed inclusions as well as exclusions of areas. Of course, the enlargement of the reservation may properly be accomplished by proclamation but any desired elimination of areas will require authority of Congress.

Very truly yours,



First Assistant Secretary.

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