

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

March 12, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Terry Camp
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 401 (Rep. Liz Cheney)**, To designate the mountain at the Devils Tower National Monument, Wyoming, as Devils Tower, and for other purposes.
March 14, 2018, at 10:15 a.m.; 1324 Longworth House Office Building

Summary of the Bill

H.R. 401, introduced by Representative Liz Cheney (R-WY-At Large), would declare that the geological formation known as Devils Tower within Devils Tower National Monument in Wyoming shall be known and designated as “Devils Tower.”

Background

Devils Tower National Monument, a part of the Black Hills mountains, is located in Crook County, Wyoming, and consists of 1,347 acres. The geological formation known as Devils Tower within the monument rises 1,267 feet above the Belle Fourche River. President Theodore Roosevelt established Devils Tower as our nation’s first national monument on September 24, 1906.



Devils Tower National Monument, National Park Service
<https://www.nps.gov/deto/learn/historyculture/index.htm>

The name

Devils

Tower has unique origins. American Indian tribes who lived in the Black Hills region had their own names for the formation. The most common and widely used during the time of United States exploration of the Black Hills (1855-75) was Bears Lodge. Other names used by Native Americans included Gray Horn Butte, Tree Rock, and The Place Where Bears Live. According to the National Park Service, most maps from 1874 to 1901 mark the feature as Bears Lodge.¹ Sometime during this period the name was changed with information brought back by an expedition led by Colonel Richard Irving Dodge. Colonel Dodge's expedition sent a small contingent, including geologist and mapmaker Henry Newton, to study the Tower. When Newton's group returned, they reported that "the Indians call this place 'bad god's tower,' a name adopted with proper modification..." And so the label "Devil's Tower" was created.²

No other records indicate that Native Americans associated this place with bad gods or evil spirits. It is suspected that a bad translation led the men to confuse the words for bear and bad god. Although maps still called the Tower "Bears Lodge," Col. Dodge published a book about his expedition which became very popular. The new name "Devil's Tower" became lodged in the public consciousness, and was adopted by the early 1900s.³ When President Roosevelt proclaimed the national monument in 1906, the proclamation inadvertently left out the apostrophe from the word "Devil's." Since that time, the site has been known as Devils Tower.⁴

Since the establishment of Devils Tower National Monument, there have been repeated efforts to rename the monument and the geological feature known as Devils Tower. Authority to name and rename geographic features in the United States is provided by Congress to the U.S. Board on Geographic Names (BGN) and the Secretary of the Interior. The BGN, a federal body, was created in 1890 and established in its present form through Public Law 80-242 in 1947 to maintain uniform geographic name usage throughout the Federal Government. Sharing its responsibilities with the Secretary of the Interior, the BGN promulgates official geographic feature names with locative attributes as well as principles, policies, and procedures governing the use of domestic names, foreign names, Antarctic names, and undersea feature names.⁵

The BGN has delegated to the Domestic Names Committee (DNC) the authority to render decisions on individual geographic domestic names, within established principles, policies, and procedures. Domestic geographic name issues and proposals submitted to the BGN are researched by the DNC support staff. Input from State geographic names authorities, land management agencies, local governments, and tribal governments are actively pursued.⁶

The DNC may not change names that have been specifically established by an act of Congress or Executive order. Additionally, the DNC has a long-standing policy of deferring action when a matter is being considered by Congress. Of note, however, is that if the name was not established by Congress or the President, and the BGN has not acted within a "reasonable

¹ "About the Name." National Park Service. Accessed March 09, 2018.

<https://www.nps.gov/deto/learn/historyculture/aboutthename.htm>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ U.S. Board on Geographic Names (BGN). Accessed March 09, 2018. <https://geonames.usgs.gov/>.

⁶ "Principles, Policies, and Procedures Domestic Geographic Names." Accessed March 9, 2018.

https://geonames.usgs.gov/docs/DNC_PPP_DEC_2016_V.1.0.pdf.

time,” the Secretary of the Interior is authorized to act unilaterally.⁷ This occurred recently when former Secretary of the Interior Sally Jewell changed the name of Mount McKinley to Denali.⁸

In recent years, Native American Tribal leaders have once again renewed efforts to change the name. On December 1, 2014, the President of the Oglala Sioux Tribe wrote to the Secretary of the Interior and others requesting that the name “Devils Tower National Monument” be changed to “Bear Lodge.” Tribes contend that the site is sacred and that the name Devils Tower is offensive given the tower’s religious significance.⁹

The Governor of Wyoming, Matt Meade, opposes the name change to “Bear Lodge,” stating that “Devils Tower is one of the most recognized names in the National Park Service inventory.”¹⁰ The Crook County Commission also opposes the change. The Wyoming Board of Geographic Names, which serves in an advisory capacity to the BGN, has indicated it will not act on the name change while the matter is being considered by Congress, as it follows the DNC’s policies.

H.R. 401 would require the mountain to be known and designated as “Devils Tower” and would provide that any references in any law, map, regulation, order, document, paper or other record of the United States to the mountain and area shall be deemed to be references to “Devils Tower.” This legislation would prevent the BGN or the Secretary of the Interior now, or in the future, from acting to rename the geographic feature.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration’s position is currently unknown.

Effect on Current Law (Ramseyer)

None.

⁷ 43 U.S.C. §§ 364b.

⁸ “Secretary Jewell Announces Nation’s Highest Peak Will Now Officially Bear Native Name.” August 30, 2015. Accessed March 9, 2018. <https://www.doi.gov/pressreleases/secretary-jewell-announces-nation%E2%80%99s-highest-peak-will-now-bear-native>.

⁹ Bob Moen. “Debate simmers over name of Devils Tower monument in Wyoming.” Casper Star-Tribune Online. October 07, 2016. Accessed March 09, 2018. http://trib.com/news/state-and-regional/debate-simmers-over-name-of-devils-tower-monument-in-wyoming/article_a7864143-ea97-5560-a94c-add66e4c533.html.

¹⁰ Ibid.