

**To:** Jesup, Benjamin[benjamin.jesup@sol.doi.gov]  
**From:** Mellinger, Larry  
**Sent:** 2017-04-05T11:52:08-04:00  
**Importance:** Normal  
**Subject:** Re: Monuments Complaint  
**Received:** 2017-04-05T11:52:15-04:00

Ben:

I'll be glad to take the lead on this case for our office. I've been involved with the underlying legal authority for creating Marine National Monuments in the EEZ. (b) (5) ACP

. Also, I'm pretty familiar with the legal arguments regarding the breadth of the President's authority in designating expansive areas of lands and waters as being the "...smallest area compatible with the proper care and management of the objects to be protected."

Thanks.

Larry

On Wed, Apr 5, 2017 at 11:31 AM, Jesup, Benjamin <benjamin.jesup@sol.doi.gov> wrote:

Larry:

I've asked a lot of you recently, so this may be optional, depending on your involvement and expertise. We have a complaint challenging the designation of the Canyons and Seamounts National Monument. Ann thinks that we (rather than the region) are likely to be the DOI contact for the litigation. Did you work on this, and do you have general expertise designation of monuments under the Antiquities Act? Is this something that you would like to work on? I am happy to ask for volunteers from the branch if your plate is full or this case doesn't appeal (particularly if you don't have a leg up based on past experience). Please let me know. Thanks.

Ben

----- Forwarded message -----

**From:** Navaro, Ann <ann.navaro@sol.doi.gov>

**Date:** Wed, Mar 8, 2017 at 9:48 AM

**Subject:** Fwd: Monuments Complaint

**To:** Maureen Foster <maureen\_foster@ios.doi.gov>, Virginia Johnson

<virginia\_johnson@ios.doi.gov>, Jim Kurth <jim\_kurth@fws.gov>, Cynthia Martinez

<cynthia\_martinez@fws.gov>, Casey Hammond <casey\_hammond@ios.doi.gov>

**Cc:** Downey Magallanes <downey\_magallanes@ios.doi.gov>, James Schindler

<james\_schindler@ios.doi.gov>, Benjamin Jesup <Benjamin.Jesup@sol.doi.gov>

All - Please find attached the Complaint filed Tuesday challenging President Obama's designation of the Northeast Canyons and Seamounts Marine National Monument. Both NOAA and FWS have responsibilities under the designation, but given that the action at issue is a Presidential action I would think that lead for the litigation will be the WH Counsel's Office. No immediate action is required -- the government's initial response will be due in

about 60 days. Ann.  
Ann Navaro  
Acting Associate Solicitor, Division of Parks & Wildlife  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240  
202 208 3125 (desk)  
202-510-4271 (cell)

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From: **Kristen Gustafson - NOAA Federal** <[kristen.l.gustafson@noaa.gov](mailto:kristen.l.gustafson@noaa.gov)>  
Date: Wed, Mar 8, 2017 at 9:42 AM  
Subject: Monuments Complaint  
To: Ann Navaro <[Ann.Navaro@sol.doi.gov](mailto:Ann.Navaro@sol.doi.gov)>

Here you go:

Sent from my iPhone

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Ben Jesup  
Assistant Solicitor for Fish and Wildlife  
Solicitor's Office  
Department of the Interior  
202-208-3170

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Lawrence P. Mellinger  
Attorney-Advisor  
Division of Parks and Wildlife

Office of the Solicitor  
U.S. Department of the Interior  
410-252-5442  
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