

**To:** Renner, Elinor[elinor\_renner@ios.doi.gov]  
**From:** Teller, Paul S. EOP/WHO  
**Sent:** 2017-10-18T20:56:51-04:00  
**Importance:** Normal  
**Subject:** FW: [EXTERNAL] Coalition letter for President - 37 groups for Antiquities Act overhaul  
**Received:** 2017-10-18T20:57:02-04:00  
[NCPPR-Antiquities Act letter to President.pdf](#)

FYI—see below and attached. Share at will in the Department---

Thanks!

**Paul Teller**

*Special Assistant to the President for Legislative Affairs*

The White House

(b)(6) p.gov

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**From:** David W. Almasi [mailto:dalmasi@nationalcenter.org]  
**Sent:** Wednesday, October 18, 2017 6:21 AM  
**To:** Teller, Paul S. EOP/WHO (b)(6) gov>  
**Subject:** [EXTERNAL] Coalition letter for President - 37 groups for Antiquities Act overhaul

Paul:

I have attached a letter the National Center for Public Policy Research has sent to the President asking for the Trump Administration to “deal more forcibly with the abuses that have plagued the [administration of the Antiquities Act] for decades” and to “restor[e] integrity and transparency to a process that for too long has been lacking in both.” We are hoping the White House chooses a more decisive approach toward reforming the Act than reports describe a draft review submitted by the Department of the Interior.

The National Center is joined on the letter by 36 free-market organizations, former high-level officials at the Department of the Interior, current and former state lawmakers, trade associations and representatives of businesses affected by the abuses of the Antiquities Act.

I hope I may also be able to provide you with a printed version if you are attending today’s meeting at American for Tax Reform. A copy of the letter has been sent directly to the President by FedEx for delivery this morning.

Please make sure this letter gets to the proper people. Thank you very much.

David W. Almasi  
Vice President  
National Center for Public Policy Research  
(703) 568-4727  
[DAalmasi@nationalcenter.org](mailto:DAalmasi@nationalcenter.org)



October 18, 2017

Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue., NW  
Washington, D.C. 20500

Dear Mr. President,

As leaders of grassroots, legal, and public policy organizations throughout the United States, we welcome your administration's recent review of national monuments created under the Antiquities Act of 1906. It is our understanding that Interior Secretary Ryan Zinke has sent a draft report to the White House in which he recommends certain changes to existing monument designations.

According to press reports, Secretary Zinke has proposed eliminating no monuments, modifying ten monuments, and narrowing the boundaries of six monuments: the 1.35 million- acre Bears Ears and the 1.9 million-acre Grand Staircase-Escalante (both in Utah), the 98,000-acre Cascade-Siskiyou in Oregon, and the nearly 300,000-acre Gold Butte in Nevada, as well as two marine monuments of the Pacific Remote Islands and the Rose Atoll. While details of the proposal remain unclear, we believe that a truly comprehensive assessment of the effect of monument designations on local communities must deal much more forcibly with the abuses that have plagued the program for decades.

The original intent of the Antiquities Act was to protect archeological artifacts and sacred sites of Native Americans from poaching and other unnatural disturbances. Indeed, the Antiquities Act calls for monuments to be limited to the "smallest area compatible" with protecting a given site or object. In what is a complete distortion of the Antiquities Act's original intent, monument designations – whether on land or at sea – frequently involve thousands of square miles that are permanently off-limits to almost all economic activity.

In your Executive Order of April 25, you promised to "end another egregious abuse of federal power, and to give that power back to the states and people where it belongs." You recognized that it was a misuse of the Antiquities Act "to unilaterally put millions of acres of land and water under strict federal law... eliminating the ability of the people who actually live in these states to decide how best to use the land." You directed Secretary Zinke "to end these abuses and return control to the people, the people of Utah, the people of the states, the people of the United States." And you concluded, "This should never have happened." We agree this effort will help make America great again by balancing economic needs and private property protections with environmental goals.

Many of today's national monuments are de facto wilderness areas where strict land- or sea-use restrictions are in place. Under the Wilderness Act of 1963, only Congress is authorized to create wilderness areas. Thus, the practice of previous administrations of designating vast swaths of territory as national monuments was done to circumvent the clear language of the Wilderness Act, and to create de facto wilderness areas without the consent of elected state and local officials.

With this history of abuse in mind, we strongly urge the Trump administration to make a dramatic break with the past and begin to undo the injustices perpetrated in the name of designating national monuments. This would include:

- Rescinding the designation of the Grand Staircase-Escalante National Monument, which was carried out by the Clinton administration without the consent of state and local officials in Utah;
- Rescinding the designation of the Bears Ears National Monument, whose boundaries far exceed the sites where cultural artifacts may be located and whose area, according to a Utah Geological Survey report, contains energy mineral resources with an estimated value between \$223 billion and \$330 billion;
- Rescinding the designation of the Katahdin Woods and Waters National Monument, which was created on thousands of acres of land that had previously been privately owned – setting a terrible precedent – and was vigorously opposed by Maine Governor Paul LePage and Maine's Legislature; and
- Rescinding the designation of the 4,913 square-mile Northeast Canyons and Seamounts Marine National Monument, a rich fishing ground from which commercial fishermen and lobstermen will be barred in accordance with the 2016 Obama designation.

In addition to these steps, we recommend that other national monument receive further scrutiny in recognition of the limited time Secretary Zinke had to review these designations. In those cases where archeological and sacred sites need protection, this should be done in accordance with the Antiquities Act's provision for limiting the designation to the "smallest area compatible" with protecting the site.

In declaring the Obama administration's Deferred Action on Childhood Arrivals (DACA) unconstitutional, Attorney General Jeff Sessions stated that "Such an open-ended circumvention of immigration laws was an unconstitutional exercise of power by the executive branch." Federal law has also been circumvented by the executive branch in designating national monuments. It is time for this unconstitutional practice to end.

Ultimately, it is incumbent on Congress to address the problems that have allowed previous administrations to abuse this law.

In closing, we applaud the administration's interest in this issue and we look forward to working with you in restoring integrity and transparency to a process that for too long has been lacking in both.

Sincerely,

David A. Ridenour  
President  
National Center for Public Policy Research

Myron Ebell  
Director, Center for Energy and Environment  
Competitive Enterprise Institute

Martha Boneta  
Executive Vice President  
Citizens for the Republic

Craig Rucker  
Executive Director  
Citizens For a Constructive Tomorrow

G. Ray Arnett  
Former Assistant Secretary for Fish & Wildlife & Parks  
U.S. Department of the Interior

Hon. Dennis Hollingsworth  
Former Minority Leader  
California State Senate

William Perry Pendley, Esq.  
President  
Mountain States Legal Foundation

Tom Randall  
Senior Partner  
Winningreen, LLC

Charles Daniel  
President  
Caesar Rodney Institute

Hon. Gail Griffin  
Chair, Natural Resource, Water and Energy Committee  
Arizona State Senate

Hardie Tatum  
President  
Associated California Loggers

Karen Moreau  
President  
Foundation for Land and Liberty

Stuart Kallgren  
President and Steering Committee Chair  
Maine Woods Coalition

Jennifer Fielder  
Chief Executive Officer  
American Lands Council

L. M. Schwartz  
Chairman  
Virginia Land Rights Coalition

Jim Busque  
Treasurer  
Fin & Feather Club of Maine

Richard Falknor  
Publisher  
Blue Ridge Forum

Ron Arnold  
Executive Vice President  
Center for the Defense of Free Enterprise

Representative Judy Boyle  
Idaho House of Representatives

George Rasley  
Former Assistant Director, National Park Service  
U.S. Department of the Interior

Lewis K. Uhler  
President  
National Tax Limitation Committee

Michael Needham  
Executive Director  
Utah Shared Access Alliance

Daniel J. Dructor  
Executive Vice President  
American Loggers Council

E. Calvin Beisner  
Founder and National Spokesman  
Cornwall Alliance for the Stewardship of Creation

C.J. (Caroline Joy) Hadley  
Publisher/Editor  
RANGE magazine

Hon. Andy Thompson  
Ohio House of Representatives

Howard Hutchinson  
Executive Director  
Coalition of Arizona/New Mexico Counties

Brian Bishop  
Director  
Rhode Island Wise Use

Carol W. LaGrasse  
President  
Property Rights Foundation of America, Inc.

Chuck Cushman  
Executive Director  
American Land Rights Association

Dr. Dan Eichenbaum  
Founder  
Dr. Dan's Freedom Forum

Gordon Colby  
Manager, Allen's Union Farms  
Allen's Blueberry Freezer (Maine)

Victoria Bucklin  
President  
U.S. Parents Involved in Education (Maine Chapter)

Penny Morrell  
State Director  
Concerned Women for America of Maine

Mary Adams  
Chair  
Maine Center-right Coalition Meeting

Mark J. Fitzgibbons  
President of Corporate Affairs  
American Target Advertising, Inc.

Charlene Hogue  
President  
Freedom and Land Rights Coalition  
- North Carolina