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DEPARTMENT OF JUSTICE

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July 10, 2017

The Honorable Ryan Zinke
Secretary, U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Zinke:

I write in response to your ongoing review of National Monuments designated under the Antiquities Act of 1906. The Act has empowered Presidents to protect countless national landmarks of historic and scientific significance. From the cliffs of the Grand Canyon to the Katahdin Woods and Waters, National Monuments safeguard many of our nation's most cherished places, including destinations treasured here in Oregon—the John Day Fossil Beds, Newberry National Volcanic Monument, Oregon Caves, and the Cascade-Siskiyou. I urge you and President Trump to uphold this tradition and reconsider any intention to revoke or reduce National Monuments in Oregon or across the nation. These actions would exceed the President's limited power under the Antiquities Act, threatening our natural and cultural heritage.

The President wields only a delegated authority over National Monuments. The Constitution grants Congress power over the territory and property of the United States; Congress delegated a portion of that power to the President through the Antiquities Act, allowing rapid preservation of historical, archaeological, or natural areas. The plain language of the Antiquities Act delegates only the power to “declare” monuments and “reserve” land for their protection, creating a one-way mechanism for protection and conservation. Related statutes passed from 1894 to 1910 expressly delegated power to revoke or modify land designations once created—the Antiquities Act did not. Congress remains free to revoke or alter monument designations, as it has before, but the President lacks such authority.

Considering these limits on the President's power, I question any implication that the President or the Secretary has the power to unilaterally revoke or reduce a National Monument. However, I trust that your review of our National Monuments will persuade you to advocate for their protection. Among the designations under review, Oregon's Cascade-Siskiyou National

Monument epitomizes the value of these protected lands. The monument spans the junction of several mountain ranges and embraces a landscape of stunning biodiversity and beauty. Its diverse geology supports a unique ecosystem, and several species protected within its borders are threatened or endangered under the federal Endangered Species Act. Many other plants and animals in the region exist nowhere else on Earth. The monument preserves clear, fast-flowing waters to maintain our fisheries and protects the traditional and religious uses of the Klamath Tribes. Nearby communities also enjoy economic benefits, as thousands of visitors travel to explore the monument.

The decision to expand the Cascade Siskiyou National Monument resulted from careful deliberation and extensive public input. Hearings throughout the region allowed hundreds of attendees to share their views. Nearly 5,500 public comments were provided, with over 4,300 advocating for greater protection. The concerns of opponents led to a 14,000 acre reduction in size of the designation from the original expansion proposal, reflecting a desire to balance preservation with Oregon's important ranching and timber economies and to meet the requirement that monument designations be no larger than necessary to meet their protective purpose. The expansion ultimately gained the support of diverse stakeholders, including city councils, chambers of commerce, conservation groups, and many local residents. I urge you to respect this inclusive process and stand with the majority of Oregonians to support the Cascade-Siskiyou National Monument.

As you review the vibrant landscape within the Cascade-Siskiyou region, I know that you and the President will share our desire to preserve it for future generations. However, if the President attempts instead to revoke or reduce the Cascade-Siskiyou National Monument, we stand ready to take appropriate legal action.

Sincerely,



ELLEN F. ROSENBLUM
Attorney General