

**To:** ryanzinke(b) (6) [REDACTED]@yahoo.com]  
**From:** Swift, Heather  
**Sent:** 2017-08-28T16:24:53-04:00  
**Importance:** Normal  
**Subject:** talking points  
**Received:** 2017-08-28T16:32:21-04:00  
Package NationalMonuments.docx

Attached is a single document that has the summary on the top and talking points below. TPs include the Antiquities Act, the monument review process, myths fact checked, and monuments impact on sportsmen

-

Heather Swift  
Department of the Interior  
@DOIPressSec  
Heather\_Swift@ios.doi.gov | Interior\_Press@ios.doi.gov

**EXECUTIVE SUMMARY****EXECUTIVE SUMMARY BY U.S. SECRETARY OF THE INTERIOR RYAN ZINKE**

In 1906, Congress delegated to the President the power to designate a monument under the Antiquities Act (Act). The Act authorizes the President singular authority to designate national monuments without public comment, environmental review, or further consent of Congress. Given this extraordinary executive power, Congress wisely placed limits on the President by defining the objects that may be included within a monument as being “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,” by restricting the authority to Federal lands, and by limiting the size of the monument to “the smallest area compatible with proper care and management of the objects.” Congress retained its authority to make land use designations without such limitations. Even with the restrictive language, use of the Act has not always been without controversy. In fact, even Theodore Roosevelt's first proclamation of the roughly 1,200 acre Devil's Tower in Wyoming was controversial. Since that time, the use of the Act has largely been viewed as an overwhelming American success story and today includes almost 200 of America's greatest treasures.

More recently, however, the Act's executive authority is under scrutiny as administrations have expanded both the size and scope of monument designations. Since 1996 alone, the Act has been used by the President 26 times to create monuments that are over 100,000 acres or more in size and have included private property within the identified external boundaries. While early monument designations focused more on geological formations, archaeological ruins, and areas of historical interest, a more recent and broad interpretation of what constitutes an “object of historic or scientific interest” has been extended to include landscape areas, biodiversity, and view sheds. Moreover, features such as World War II desert bombing craters and remoteness have been included in justifying proclamations.

The responsibility of protecting America's public lands and unique antiquities should not be taken lightly; nor should the authority and the power granted to a President under the Act. No President should use the authority under the Act to restrict public access, prevent hunting and fishing, burden private land, or eliminate traditional land uses, unless such action is needed to protect the object. It is Congress and not the President that has the authority to make protective land designations outside of the narrow scope of the Act, and only Congress retains the authority to enact designations such as national parks, wilderness, and national conservation and recreation areas. The executive power under the Act is not a substitute for a lack of congressional action on protective land designations.

President Trump was correct in tasking the Secretary of the Interior (Secretary) to review and provide recommendations of all monuments that were designated from 1996 to the present that are 100,000 acres or greater in size or made without adequate public consultation. This is far from the first time an examination of scope of monuments has been conducted. Existing monuments have been modified by successive Presidents in the past, including 18 reductions in the size of monuments, and there is no doubt that President Trump has the authority to review and consider recommendations to modify or add a monument.

The methodology used for the review consisted of three steps. The first step was to gather the facts which included the examination of existing proclamations, object(s) to be protected, segregation of the objects (if practical) to meet the "smallest area compatible" requirement, the scientific and rational basis for the boundaries, land uses within the monument, public access concerns and authorized traditional uses, and appropriate environmental and cultural protections. As directed by the President, the second step was to ensure that the local voice was heard by holding meetings with local, state, tribal, and other elected officials as well as meetings with non-profit groups and other stakeholders, as well as providing an online format for public comment. The final step was to review policies on public access, hunting and fishing rights, traditional use such as timber production and grazing, economic and environmental impacts, potential legal conflicts, and provide a report to the President no later than August 24, 2017.

The review found that each monument was unique in terms of the object(s) used for justification, proclamation language, history, management plans, economic impact, and local support. Adherence to the Act's definition of an "object" and "smallest area compatible" clause on some monuments were either arbitrary or likely politically motivated or boundaries could not be supported by science or reasons of practical resource management. Despite the apparent lack of adherence to the purpose of the Act, some monuments reflect a long public debate process and are largely settled and strongly supported by the local community. Other monuments remain controversial and contain significant private property within the identified external boundary or overlap with other Federal land designations such as national forests, Wilderness Study Areas, and lands specifically set aside by Congress for timber production.

Public comments can be divided into two principal groups. Proponents tended to promote monument designation as a mechanism to prevent the sale or transfer of public land. This narrative is false and has no basis in fact. Public lands within a monument are federally owned and managed regardless of monument designation under the Act. Proponents also point to the economic benefits from increased tourism from monument recognition. On this point, monument status has a potential economic benefit of increased visitation, particularly to service related industries, outdoor recreation industries, and other businesses dependent or supported by tourism. Increased visitation also places an additional burden and responsibility on the Federal Government to provide additional resources and manpower to maintain these lands to better support increased visitation and recreational activities.

Comments received were overwhelmingly in favor of maintaining existing monuments and demonstrated a well-orchestrated national campaign organized by multiple organizations. Opponents of monuments primarily supported rescinding or modifying the existing monuments to protect traditional multiple use, and those most concerned were often local residents associated with industries such as grazing, timber production, mining, hunting and fishing, and motorized recreation. Opponents point to other cases where monument designation has resulted in reduced public access, road closures, hunting and fishing restrictions, multiple and confusing management plans, reduced grazing allotments and timber production, and pressure applied to private land owners encompassed by or adjacent to a monument to sell.

**TALKING POINTS****Secretary Zinke's Statement**

No President should use the authority under the Antiquities Act to restrict public access, prevent hunting and fishing, burden private land, or eliminate traditional land uses, unless such action is needed to protect the object.

The recommendations I sent to the president on national monuments include no eliminations of national monuments. The recommendations will maintain federal ownership of all federal land and protect the land under federal environmental regulations, and also provide a much needed change for the local communities who border and rely on these lands for hunting and fishing, economic development, traditional uses, and recreation.

**TPs on the EO and background on AA**

- The Antiquities Act calls for the President to designate objects such as “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.
- The Antiquities Act mandates that the limits of the parcels of land reserved as National Monuments “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.”
- Despite this clear directive, objects have been extended to include landscape areas, biodiversity, and view sheds, and 'smallest area' has become the exception and not the rule.
- Many of the most controversial national monuments were designated or expanded in the waning days of a presidency after partisan efforts to designate the land stalled in Congress. This is a clear violation of the will of the People and an overuse of executive power.
- Presidents have reduced the size of monuments about a dozen times in the past. The most significant reduction was in 1915 under President Woodrow Wilson, when he halved Mount Olympus National Monument (it has since become a National Park).
- On April 26, 2017, President Donald J. Trump signed Executive Order 13792, entitled “Review of Designations under the Antiquities Act.”
- President Trump's executive order limited the review to monuments designated after January 1, 1996 and over 100,000 acres in size, or monuments that the Secretary deems to have been created without adequate public input.
- The order directed the Secretary to submit an interim report on Bears Ears National Monument within 45 days. The report was delivered to the White House on June 10, 2017.

- The order directed the Secretary to submit a report on all other monuments under review within 120 days, which is August 24, 2017.

#### **TPs on the Monument Review Process**

- In an effort to make the process transparent and give people a voice in the process, the secretary announced on May 5, 2017 the opening up of a formal comment period for the review. This is the first time ever that a formal comment period was open on regulations.gov for national monuments designated under the Antiquities Act.
- Since May, Secretary Zinke has visited eight national monument sites in six states. He's held dozens of meetings with Tribal, local and state government officials, local stakeholders, and advocates from conservation, agriculture, tourism, and historic preservation organizations. The Secretary meets with people and organizations who represent all sides of the issue.
- Secretary Zinke traveled to eight national monuments (Bears Ears, Grand Staircase, Northeast Canyons and Seamounts Marine Monument, Katahdin Woods and Waters, Cascade Siskyou, Organ Mountains Desert Peaks, Gold Butte, and Basin and Range) to conduct on the ground research and meet with local, state, and Tribal stakeholders.
- Interior also established a formal public comment period for the monument review. This is the first time ever a formal comment period occurred for Antiquities Act-designated National Monuments.

#### **TPs on Monuments and Sportsmen**

- Access to public lands is absolutely vital to hunting and fishing. It's one thing to say land is "public land" however if the land is physically inaccessible or certain uses are banned, problems arise.
- While the Antiquities Act has been widely successful over history, problems arise, when the designation limits land management practices and how people can use these public lands.
- Recently, proclamations have removed guarantees for recreational access and hunting from management plans as wilderness designations have become a favorite tool of environmental extremists. Examples from Boone and Crocket, Wild Sheep, and Wild Turkey Foundations:
  - The 21,000-acre Castle Mountains National Monument in California shows how inadequate "public outreach and coordination with relevant stakeholders" can sacrifice access. Designation of this monument late in the previous administration eliminated hunting access.
  - The Río Grande Del Norte National Monument offers excellent hunting opportunities, but these are no longer guaranteed by its proclamation. This 242,455-acre tract in New Mexico is now under pressure to stop hunting through the management plan in development.

- California's Sand-to-Snow National Monument proclamation acknowledges the 154,000-acre area "provides ... hunting, fishing, hiking, camping, mountain biking, and horseback riding," yet these activities are not guaranteed by the order

#### **Fact and Fiction of the Monument Review**

**Myth:** No president has shrunk a monument.

**False:** Monuments have been shrunk at least ten times under presidents on both sides of the aisle. Some examples include Pres. John F. Kennedy removing 3925 to Bandelier, Presidents Taft, Wilson, Coolidge all reduced Mount Olympus National Monument, and Great Sand Dunes National Monument in Colorado was reduced in size by President Eisenhower

**Myth:** The monument review will sell/transfer public lands to states

**False:** This is not true. Under the Antiquities Act, the monuments are designated on already federal land. Therefore, if any monument is rescinded or shrunk, the land would remain federally owned and be managed by one of the land management agencies such as the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, and the National Park Service.

**Myth:** The monument review will close/sell/transfer national parks

**False:** No national parks are under review, and the Secretary has continually committed he is against the sale/transfer/privatization of public lands, especially national parks. While some of the monuments are managed by the National Park Service - much like historic sites, national recreation areas, and national seashores - none of them are National Parks.

**Myth:** The review was done without meeting advocates for national monuments

**False:** The Secretary visited eight monuments in six states and personally had more than 60 meetings with hundreds of local stakeholders. Individuals and organizations represented all sides of the debate ranging from environmental organizations like the Wilderness Society and Nature Conservancy to county commissioners and, residents, and ranchers who prefer multiple use of the land. The Secretary also met with Tribal government representatives and the Department hosted several Tribal listening sessions.