

# Conversation Contents

**Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter**

**Attachments:**

/24. Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter/1.1 image001.png  
/24. Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter/1.2 image003.png  
/24. Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter/1.3 image002.png  
/24. Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter/1.4 Final WC draft letter to Zinke Antiquities V4.pdf  
/24. Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter/1.5 Final WC draft letter to Zinke Antiquities V4.docx

**"Kaster, Amanda" <amanda\_kaster@ios.doi.gov>**

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**From:** "Kaster, Amanda" <amanda\_kaster@ios.doi.gov>  
**Sent:** Thu Jun 29 2017 14:23:15 GMT-0600 (MDT)  
**To:** "Magallanes, Downey" <downey\_magallanes@ios.doi.gov>  
**CC:** Micah Chambers <micah\_chambers@ios.doi.gov>  
**Subject:** Fwd: Closing Tomorrow NOON: Antiquities Act Review Letter  
image001.png image003.png image002.png Final WC draft letter to Zinke Antiquities V4.pdf Final WC draft letter to Zinke Antiquities V4.docx  
**Attachments:**

See attached.

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

From: **Small, Jeff** <[Jeff.Small@mail.house.gov](mailto:Jeff.Small@mail.house.gov)>  
Date: Thu, Jun 29, 2017 at 3:55 PM  
Subject: RE: Closing Tomorrow NOON: Antiquities Act Review Letter  
To: "[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)" <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>, "[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)" <[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)>, "[katharine\\_macgregor@ios.doi.gov](mailto:katharine_macgregor@ios.doi.gov)" <[katharine\\_macgregor@ios.doi.gov](mailto:katharine_macgregor@ios.doi.gov)>, "[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)" <[kathleen\\_benedetto@ios.doi.gov](mailto:kathleen_benedetto@ios.doi.gov)>

Wanted to pass along what is hopefully our final draft and where we are at.

See attached.

We hope to send the final signed letter to you all tomorrow. Has taken a little longer than we would have liked to pull this together and get folks onboard.

**Jeff Small**

*Executive Director | Congressional Western Caucus  
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*

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**Empowering States and Reining in Abuse of the Antiquities Act**  
***Sign letter to Secretary Zinke with thoughtful comments for his national monuments review***

**Deadline NOON Friday, June 30<sup>th</sup>**

**Current Signers (12):** Mark Amodei, Brian Babin, Andy Biggs, Paul Cook, Kevin Cramer, Trent Franks, Paul Gosar, Doug Lamborn, Tom McClintock, Steve Pearce, Aumua Amata Coleman Radewagen, Daniel Webster

Dear Colleague:

Please join us in sending a letter to Department of the Interior Secretary Ryan Zinke recommending the revision, and in some cases, rescission of national monuments unilaterally designated by presidents in the last 20 years that are larger than 100,000 acres and/or that lacked public outreach and coordination with relevant stakeholders.

The review of these designations by the Secretary was directed by President Trump in [Executive Order \(EO\) 13792](#) issued on April 26, 2017. Based on the parameters of the EO, Secretary Zinke announced in the [Federal Register](#) that his initial review will include 27 different land and marine monuments. Secretary Zinke has asked Members of Congress for written thoughts that he can analyze prior to making his final recommendation to the president.

It should come as no surprise that of those 27 designations and 773.8 million acres under review, 14 monuments and more than 553.4 million acres were withdrawn by the Obama Administration. In fact, President Obama abused the Antiquities Act more than any other president in history, designating or expanding 34 national monuments and locking-up 553.6 million acres of total land and water. According to the nonpartisan Congressional Research Service, past presidents have used this outdated authority to unilaterally designate 157 national monuments comprising “approximately 774 million acres, or about 92% of all monument acreage proclaimed since enactment of the Antiquities Act.” The rest of the federal estate includes another 640 million acres.

This Antiquities Act was intended to protect prehistoric Indian ruins and artifacts on federal lands in the West and includes language to limit monument designations under this law to “the smallest area compatible with proper care and management of the objects.” Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for President Obama’s designated monuments to exceed one million acres in size.

Misuse of this outdated 1906 Act has jeopardized the daily activities, livelihoods and traditions of local communities. In numerous instances, grazing rights, water rights, energy development, wildfire prevention and other land management activities have been negatively impacted. These massive declarations have also resulted in restrictive land-use regulations that have limited hunting, fishing, OHV use and other recreational activities.

By going back to the drawing board and coordinating with state and local stakeholders, the Department of the Interior has an excellent opportunity to ensure communities are not harmed by the executive overreach of previous presidents and that these designations follow the spirit and letter of the law.

The full letter is below. To sign on, please email Cesar Ybarra ([Cesar.Ybarra@mail.house.gov](mailto:Cesar.Ybarra@mail.house.gov)) or Kelly Roberson ([Kelly.Roberson@mail.house.gov](mailto:Kelly.Roberson@mail.house.gov)).

Sincerely,

Andy Biggs

Member of Congress

Paul A. Gosar D.D.S.

Member of Congress

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Advisor to the Secretary  
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U.S. Department of the Interior  
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This Antiquities Act was intended to protect prehistoric Indian ruins and artifacts on federal lands in the West and includes language to limit monument designations under this law to “the smallest area compatible with proper care and management of the objects.” Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for President Obama’s designated monuments to exceed one million acres in size.

Misuse of this outdated 1906 Act has jeopardized the daily activities, livelihoods and traditions of local communities. In numerous instances, grazing rights, water rights, energy development, wildfire prevention and other land management activities have been negatively impacted. These massive declarations have also resulted in restrictive land-use regulations that have limited hunting, fishing, OHV use and other recreational activities.

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Sincerely,

Andy Biggs  
Member of Congress

Paul A. Gosar D.D.S.  
Member of Congress

June \_\_\_, 2017

The Honorable Ryan Zinke  
Secretary  
c/o Mr. Micah Chambers  
Acting Director, Office of Congressional and Legislative Affairs  
U.S. Department of Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

We write in response to your request for congressional input on 27 different land and marine monuments under your initial review as a result of President Trump's [Executive Order \(EO\) 13792](#) issued on April 26, 2017. As you know, the EO directed you to provide a thorough review of national monuments created under the Antiquities Act – particularly those created since January 1, 1996 that are larger than 100,000 acres in size and/or that lacked sufficient public outreach and coordination.

Over the past 20 years, presidents from both sides of the aisle have used the stroke of a pen to unilaterally lock up hundreds of millions of acres using the oft-abused Antiquities Act. As with many laws, the Antiquities Act originated with good intentions; however, it has transformed into a tyrannical tool that presidents have manipulated to exercise unfettered land grabs to the detriment of state and local interests.

It should come as no surprise that of those 27 designations and 773.8 million acres under review, 14 monuments and more than 553.4 million acres were withdrawn by the Obama Administration. In fact, President Obama abused the Antiquities Act more than any other president in history, designating or expanding 34 national monuments and locking-up 553.6 million acres of total land and water. According to the nonpartisan Congressional Research Service, past presidents have used this outdated authority to unilaterally designate 157 national monuments comprising “approximately 774 million acres, or about 92% of all monument acreage proclaimed since



enactment of the Antiquities Act.”<sup>1</sup> The rest of the federal estate includes another 640 million acres.<sup>2</sup>

This Antiquities Act was intended to protect prehistoric Indian ruins and artifacts on federal lands in the West and includes language to limit monument designations under this law to “the smallest area compatible with proper care and management of the objects.” Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for President Obama’s designated monuments to exceed one million acres in size.

Misuse of this outdated 1906 Act has jeopardized the daily activities, livelihoods and traditions of local communities. National monument designations more often than not severely impair energy development, water rights, wildfire prevention efforts, grazing rights and other vital land management activities. These massive declarations have also resulted in restrictive land-use regulations that have limited hunting, fishing, Off Highway Vehicle (OHV) use and other recreational activities.

By going back to the drawing board and coordinating with state and local stakeholders, the Department of the Interior (DOI) has an excellent opportunity to ensure communities are not harmed by the executive overreach of previous presidents and that these designations follow the spirit and letter of the law.

While a precious few monuments currently included in your review reflect the judicious application of the Antiquities Act, far too many represent egregious overreach and legacy building efforts that catered to out-of-state special-interest groups and in one case, a blatant example of pay-to-play politics.

Your analysis is important to so many of our constituents throughout the country who share our concerns. We are encouraged by your dedication and commitment to ensuring proper application of the Antiquities Act and prioritization of local coordination, and are pleased to provide the following analysis of the 27 monuments currently under your review.

## **Comments on National Monuments Under Initial Review**

### ***Basin and Range, Nevada***

Designated in 2015, the Basin and Range National Monument is larger than the state of Rhode Island at 704,000 acres, and was a personal favor to then-Senate Minority Leader

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<sup>1</sup> Congressional Research Service, “Executive Order for Review of National Monuments”, May 2017.

<sup>2</sup> <https://fas.org/sgp/crs/misc/R42346.pdf>

Harry Reid. According to a former Obama adviser, “it is only due to Harry Reid that [Basin and Range] is getting done.”<sup>3</sup>

As with many states in the West, the federal government already owns more than 80 percent of Nevada’s land. However, the vast majority of that land belongs to the Bureau of Land Management (BLM) and supports a multiple-use management plan. The designation of monuments like the Basin and Range wall off lands crucial to recreation, grazing and resource development. The Nevada Farm Bureau (NVFB) expressed concerns that “the designation will make those preservation efforts more difficult and will negatively affect local ranchers who diligently conserve the land while feeding our growing population... This decision eliminated local input of those individuals who are directly affected by the designation and who possess the expertise to make decisions about lands in Nevada.”<sup>4</sup>

Nye County Commissioner Lorinda Wichman called the monument “an excellent example of hypocrisy” noting that it was Senator Reid “that insisted we must have a consent-based location for the nation’s spent nuclear fuel and it was our former senior senator that gifted us with a monster of a monument without consent.”<sup>5</sup> Similarly, Lincoln County Commission Chair Kevin Phillips called the monument “disgusting... loathsome... illegal... [and] unfair,”<sup>6</sup> and stated that the county had fought the monument for years.

The designation does not meet the letter or intent of the Antiquities Act, which specifically requires national monuments to protect objects of antiquity. The City, one of the most prominent “objects” in the monument, is a modern art installation on a mile and a half stretch of private land.<sup>7</sup> Additional antiquities include petroglyphs that already receive protection under the National Register of Historic Places and as Wilderness Areas.<sup>8</sup> These areas, which are already protected, are only a few acres and hardly warrant a 700,000 acre monument.

**Recommendation:** We recommend the Basin and Range National Monument be “confined to the smallest area compatible with proper care and management of the objects to be protected,” approximately 2,500 acres in our estimation, in coordination with state and local stakeholders.

### *Bears Ears, Utah*

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<sup>3</sup> [https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55\\_story.html?utm\\_term=.f0ba83cd7988](https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55_story.html?utm_term=.f0ba83cd7988)

<sup>4</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>5</sup> <http://pvtimes.com/nevada-basin-and-range-reversal-won-t-bolster-yucca-mountain>

<sup>6</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>7</sup> Nevada Association of Counties, “Designation on National Monuments Using the Antiquities Act”, April 2016. <http://www.nvnaco.org/wp-content/uploads/4-13-16-FINAL-White-Paper-Antiquities-Act-Basin-and-Range1.pdf>.

<sup>8</sup> Ibid.

As the final hours of the Obama Administration wound down, monument designations ramped up. President Obama designated the Bears Ears National Monument (BENM), spanning 1.3 million acres on December 28, 2016 despite vehement opposition to the monument by tribal, local, state and congressional stakeholders. The concept of the monument arose from a brain-trust meeting of environmental groups in San Francisco. Knowing that there could be strong tribal opposition to a monument in southeastern Utah, stopped using a tribal name for the initiative, instead opting for “Bears Ears.”<sup>9</sup> In fact, San Juan County Commissioner Rebecca Benally, a Diné and Navajo woman stated, “Bears Ears National Monument campaign is a cynical political stunt that...will deny grass roots Utah Navajos access to their sacred spiritual grounds...Traditional Utah Navajo people are not magazine environmentalists but are real stewards of the land whose interests will be destroyed by a [BENM].”<sup>10</sup>

Further, 109,000 acres of Utah School and Institutional Trust Administration (SITLA) land were locked up.<sup>11</sup> SITLA land generates revenue from mineral and energy development, forestry activities and grazing. This revenue is then deposited into the State School Fund that supports the state’s K-12 public education system. Locking up SITLA land has sweeping repercussions for the education system and schoolchildren statewide. Equally troubling, Energydesk estimates that 90% of Bears Ears sits above potential oil and gas leases.<sup>12</sup>

A locally-driven, comprehensive land management bill, the Utah Public Lands Initiative Partner Act, was introduced last Congress by House Committee on Natural Resources Chairman Rob Bishop (UT-01) and Rep. Jason Chaffetz (UT-03) in an effort to build a consensus to solve some of the most challenging land use issues, including protections for certain areas of the Bears Ears region. Instead of negotiating in good faith with Members of Congress, the administration waited until the last moment to designate this national monument, over the strong objections of the Congressional delegation. Despite promising to give the tribes important authorities, such as co-management authority, the executive designation failed to include this provision or engage with the tribes in any meaningful way.

Overwhelming opposition to BENM is evidenced by the fact that a mere 17 percent of Utahans favored the designation.<sup>13</sup> Further, the entirety of the Utah Congressional delegation voiced unanimous support of the rescission of the monument and called for “the establishment of a new precedent for designating national monuments – one that corrects past abuses and remains consistent with the original intent of the Antiquities

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<sup>9</sup> <http://conservationlands.org/wp-content/uploads/2015/05/Fall-2014-meeting-minutes.pdf>

<sup>10</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_benally.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_benally.pdf)

<sup>11</sup> <https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/>

<sup>12</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>13</sup> <http://utahpolicy.com/index.php/features/today-at-utah-policy/9551-poll-only-17-of-utahns-want-obama-to-designate-bears-ears-as-a-national-monument>

Act.”<sup>14</sup> We concur with this sentiment and encourage this tack as you continue your evaluation of national monuments identified for review.

**Recommendation:** We recommend a total rescission of the Bears Ears National Monument.

### ***Berryessa Snow Mountain, California***

Berryessa Snow Mountain National Monument (Berryessa) designated by President Obama in 2015, consists of 330,780 acres in northern California. President Obama falsely claimed the boundaries of this monument were “confined to the smallest area compatible with proper care and management of the objects to be protected.” We disagree with that claim.

According to a column in the Lake Berryessa News, “The original proposal for some form of federal designation for a small part of Northern California ballooned into an attempt to create a large conglomerate National Conservation Area stretching across most of Northern California. When the NCA proposal met strong resistance by local governments and citizens groups, it could not move forward on its own merits. The strategy of the proponents then turned to having President Obama create a National Monument in the final days of his presidency.”<sup>15</sup>

The Lake Berryessa Chamber of Commerce voted to oppose the creation of this monument. Chamber President Craig Morton stated, “It is a geographically and ecologically incoherent patchwork of federal parcels. Lake Berryessa is not even geographically connected on the map to the rest of the proposed National Monument, which stretches far into Northern California. The eastern boundary of the map is coincident with the borders of Glenn and Colusa counties. The reason is political, not ecological.”<sup>16</sup>

This misguided effort was pushed by extremist special-interest groups and does not warrant national monument status.<sup>17</sup>

**Recommendation:** We recommend a total rescission of the Berryessa National Monument.

### ***Canyons of the Ancients, Colorado***

Designated by President Clinton in 2000, Canyons of the Ancients (Canyons) is an example of the judicious and restrained application of the Antiquities Act. Canyons has and extremely high density of archeological sites with roughly 6,000 sites already

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<sup>14</sup> <https://www.hatch.senate.gov/public/index.cfm/2017/5/hatch-congressional-delegation-urge-full-rescission-of-bears-ears-in-letter-to-zinke>

<sup>15</sup> <http://lakeberryessanews.com/berryessa-snow-mountain.html>

<sup>16</sup> <http://www.dailydemocrat.com/article/ZZ/20150114/NEWS/150117514>

<sup>17</sup> <http://www.sierraclub.org/redwood/berryessa-snow-mountain-national-monument>

recorded, and an estimated total of 20,000-30,000 sites within the 175,160-acre monument. According to BLM, “lands within and around the Monument have been used or inhabited by humans, including the Northern Ancestral Puebloan culture, for 10,000 years, and continue to be used by humans today. Historic uses of the Monument include recreation, hunting, livestock grazing and energy development.”<sup>18</sup>

On May 23, 2017, Senator Cory Gardner (R-CO) and Congressman Scott Tipton (CO-03) sent you a letter regarding the monument stating, “Any review of Canyons should conclude that no changes to the designation are necessary.”<sup>19</sup> We concur with their assessment and encourage the preservation of Canyons of the Ancients as designated by President Clinton. Further, we applaud the proper application of the Antiquities Act in designating the smallest area compatible with proper care and management of the object to be protected.

**Recommendation:** We recommend no changes to the boundaries of the monument.

### *Carrizo Plain, California*

In 1988, BLM, the California Department of Game and Fish, and the Nature Conservancy purchased 82,000 acres of land to preserve the area known as Carrizo Plain and in 1996 formed a joint initiative called the Carrizo Plain Natural Area Plan. Eight days before the end of his administration, President Clinton designated 204,107 acres of land as the Carrizo Plain National Monument (CPNM).

Despite bipartisan legislation to protect and preserve the plan in coordination with local stakeholders<sup>20</sup>, President Clinton turned to the Antiquities Act in an effort to block any oil and gas exploration, once again using the stroke of a pen to unilaterally cut Congress and the will of the people out of the conversation.

The nonpartisan Energy Information Administration estimates that more than a quarter of the 204,107-acre monument sits above rich fossil fuel basins.<sup>21</sup> BLM estimated in 2010 that there were 45 oil wells within the monument, 15 wells were actively in production and that giant fields with billions of barrels of reserves surround the monument.<sup>22</sup>

**Recommendation:** We recommend the reduction of the Carrizo Plain National Monument consistent with the original Carrizo Plain Natural Area Plan and “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders.

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<sup>18</sup> <https://www.blm.gov/programs/national-conservation-lands/colorado/canyons-of-the-ancients>

<sup>19</sup> [http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton\\_Canyons%20of%20the%20Ancients.pdf](http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton_Canyons%20of%20the%20Ancients.pdf)

<sup>20</sup> <https://www.congress.gov/bill/106th-congress/house-bill/1751?q=%7B%22search%22%3A%5B%22lois+capps%22%5D%7D>

<sup>21</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>22</sup> <http://www.npshistory.com/publications/blm/carrizo-plain/rod-rmp-2010.pdf>

## *Cascade Siskiyou, Oregon*

During the waning days of his administration, President Obama expanded the Cascade Siskiyou National Monument (CSNM) by 47,624 acres. The original monument unilaterally designated by President Clinton comprised 52,000 acres, allowed for grazing leases to be retired and prohibited vegetative management as well as timber harvesting.

The American Forest Resource Council and BLM identified the lands within the CSNM expansion as being at high risk for wildfire.<sup>23</sup> Despite these facts and other science-based pleas not to designate more land within the region as a national monument, President Obama placed legacy-building above the safety of communities and forests when expanding CSNM.

Natural Resources Chairman Rob Bishop aptly noted that “The local communities did not vote for this and do not support it. When they fought to prevent it, the president looked the other way. He didn’t listen or care. It’s clear this decision was self-serving. It was made to dignify national special interests rather than the people impacted. Our committee will fight to make local voices heard and undo the damage created by the president’s unrelenting abuse of power.”<sup>24</sup>

This unilateral designation took millions of acres of board feet that had already gone through the environmental process out of production and is already causing significant harm to communities in Oregon. In fact, 18 counties filed a lawsuit as a result of President Obama’s expansion. “Douglas County stands to lose the most. That’s because the county takes the biggest share of receipts from timber harvested on O&C timberlands, and the monument’s expanded boundaries swallow up about 40,000 acres of those lands. Because it’s a national monument — managed much like a national park — the forests on those lands would be locked up and unavailable for timber harvests...Douglas County Commissioner Tim Freeman said a rough estimate is that those lands could have brought \$2.5 million a year into the county’s general fund. That’s more than the annual cost of the library system which is about to shut down for lack of funds.”<sup>25</sup>

Chairman Bishop and the Members of Congress who represent the area in question predicted this occurrence and sent a letter to President Obama urging him not to expand CSNM warning of the devastating impacts a designation would have on forest health and water abundance.<sup>26</sup> This plea that was arrogantly ignored.

Rep. Greg Walden (OR-02) put out a strong statement denouncing President Obama’s action stating, “The outgoing administration is locking up more of our public lands through a process that cut out many in the surrounding communities. I will work with the

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<sup>23</sup> [https://naturalresources.house.gov/uploadedfiles/american\\_forest\\_resource\\_council\\_letter.pdf](https://naturalresources.house.gov/uploadedfiles/american_forest_resource_council_letter.pdf)

<sup>24</sup> <https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=401463>

<sup>25</sup> [http://www.nrtoday.com/news/government/douglas\\_county\\_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article\\_b924d117-5783-546a-abcf-9095e96f78f8.html](http://www.nrtoday.com/news/government/douglas_county_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article_b924d117-5783-546a-abcf-9095e96f78f8.html)

<sup>26</sup> [https://naturalresources.house.gov/uploadedfiles/letter\\_to\\_wh\\_natl\\_monument\\_designation.pdf](https://naturalresources.house.gov/uploadedfiles/letter_to_wh_natl_monument_designation.pdf)

Trump Administration to do what we can to roll back this midnight expansion.”<sup>27</sup>

In addition, we believe the administration also ignored compelling evidence that this designation was illegal and ignored the will and intent of Congress by violating the Oregon and California Revested Lands Sustained Yield Management Act. According to a 1940 opinion from DOI Solicitor General Nathan R. Margold, “There can be no doubt that the administration of the lands for national monument purposes would be inconsistent with the utilization of the O&C lands as directed by Congress. It is well settled that where Congress has set aside lands for a specific purpose the President is without authority to reserve lands for another purpose inconsistent with that specified by Congress.”<sup>28</sup>

Congress specifically mandated that these lands be used for sustained yield and permanent forest production and the Department should rescind any designation that conflicts with the clear intent of Congress.

**Recommendation:** We recommend a complete rescission of the Clinton-era and Obama-era Cascade Siskiyou National Monument designations.

### *Craters of the Moon, Idaho*

The Craters of the Moon National Monument was first established by Presidential Proclamation in 1924 and originally comprised 54,000 acres. Following the recommendation of then Secretary of the Interior Bruce Babbitt, President Clinton expanded the boundaries of the monument to comprise a total acreage of 661,287 acres in 2000.

This expansion was met with resistance from Members of Congress. “Babbitt's efforts to solicit public input as a pale imitation of the public comment collected before Congress makes land-use decisions. Three public meetings that Babbitt held in Idaho to gather opinions about expanding Craters of the Moon National Monument were the equivalent of “a drive-by shooting,” Senator Craig said.

In a speech on the House floor on June 15, 2000, Rep. Mike Simpson (ID-02) stated, “What I am opposed to is a process by which any administration, Republican or Democrat administration, can ignore the input of local- and State- and Federal-elected officials and Congress can ignore its constitutional responsibility to dictate land management policies. It is a process that is the problem here.”<sup>29</sup>

Rep. Simpson went on to state, “Mr. Chairman, I have requested information on the designation... They are supposed to use the least amount of land to protect this area. The Secretary has not sent me information on that. Thirdly, the area being protected is

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<sup>27</sup> <http://www.opb.org/news/article/cascade-siskiyou-monument-expansion-obama/>

<sup>28</sup> Department of the Interior Solicitor General Nathan R. Margold, M. 30506, 03/09/40, pgs. 3-4.

<sup>29</sup> Congressional Record of the House, June 15, 2000.



supposed to be of some geological scientific or historic nature. The Secretary has not told me what the nature that he is trying to preserve of this area is. But fourthly, the most important thing is the area is supposed to be under some threat, some imminent threat. So far, the Secretary has refused to tell me what the imminent threat is in this area. Mr. Chairman, this is not pristine habitat or natural forests or salmon habitat or anything like that. What it is is lava rocks. It is under no threat currently, and the Secretary refuses to acknowledge that.”<sup>30</sup>

**Recommendation:** We recommend a reduction of the Craters of the Moon National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders.

### *Giant Sequoia, California*

The unique beauty of the Sierra and Sequoia National Forests is undeniable. However, despite lacking local and congressional support, President Clinton designated the 327,760-acre Giant Sequoia National Monument in 2000. While well intentioned, this designation had the adverse effect of putting the Giant Sequoia groves in imminent risk of destruction due to catastrophic wildfire as a result of the lack of active management in the surrounding forest. In order to maintain the health and safety of this forest, not to mention its scenic and historic beauty, responsible, active forest management must be a priority.

In Clinton’s Presidential Proclamation, the monument was subject to valid existing rights and authorized the removal of trees for the purposes of “ecological restoration and maintenance or public safety.”<sup>31</sup> Since that time, frivolous lawsuits have prevented such maintenance of the forest and legislation to pursue such endeavors has stalled.<sup>32,33</sup> In order to preserve the Sierra and National Forests and the Giant Sequoia (*Sequoiadendron giganteum*) groves, it is essential that active management take place in the surrounding forest to reduce hazardous fuels and the risk of catastrophic wildfire.

**Recommendation:** We recommend a reduction of the Giant Sequoia National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders. Further, any review ought to consider and implement policies for active forest management so as to preserve the monument for generations to come.

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<sup>30</sup> Ibid.

<sup>31</sup> <https://www.gpo.gov/fdsys/pkg/FR-2000-04-25/pdf/00-10312.pdf>

<sup>32</sup> <https://naturalresources.house.gov/uploadedfiles/duysentestimony07.27.06.pdf>

<sup>33</sup> <https://www.congress.gov/bill/109th-congress/house-bill/5760?q=%7B%22search%22%3A%5B%22%5C%22Giant+Sequoia+National+Monument%5C%22%22%5D%7D&r=1>



## ***Gold Butte, Nevada***

In the last month of his administration, President Obama designated 296,937 acres in southeastern Nevada as the Gold Butte National Monument (GBNM) without the support of state or local stakeholders and in opposition to nearly all of Nevada's Congressional delegation. The Presidential Proclamation explicitly banned grazing.

Like the Basin and Range National Monument, this designation came at the urging of former Senator Harry Reid as political retribution to the Bundy family, which once grazed in the area. It is irresponsible for the executive branch to use its power for this purpose, yet nonetheless President Obama designated this area during the waning days of his administration to appease Senator Reid and deliver a strong rebuke to the Bundy family.

Nevada Governor Brian Sandoval aptly observed that, "[The monument] bypassed Congress and the public. I believe that our Congressional delegation should have had a primary role in working to build consensus as has been accomplished successfully in the past."<sup>34</sup> Senator Heller (R-NV) wrote a letter to President Obama informing him of the thoughtful ways in which Nevadans collaborate with state and local governments and stakeholders to develop management plans for their public lands, and urging him not to unilaterally lock up hundreds of thousands of acres with the stroke of a pen.<sup>35</sup> Unfortunately, this request and many others fell on deaf ears and President Obama created the Gold Butte National Monument.

Former Rep. Crescent Hardy (NV-04) stated, "If you want to protect the petroglyphs, and you want to designate that as the monument, that's what the Antiquities Act was set up to do, is protect the minimum possible footprint of that of what you're trying to designate. Not an extra 300,000 acres on top of the 50-100 acres that you could have protected."<sup>36</sup>

**Recommendation:** We recommend Gold Butte National Monument be "confined to the smallest area compatible with proper care and management of the objects to be protected," approximately 2,500 acres in our estimation, in coordination with state and local stakeholders.

## ***Grand Canyon – Parashant, Arizona***

Designated in 2000, the Grand Canyon-Parashant National Monument (GCPNM) designation covers a staggering 1.01 million acres of land in northwestern Arizona. GCPNM is a glaring example of overreach that used the Antiquities Act as a scapegoat. According to a report by the Arizona Game and Fish Department (AZGFD), prior to the

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<sup>34</sup> <http://gov.nv.gov/News-and-Media/Press/2016/Sandoval-Statement-on-Gold-Butte-Designation/>

<sup>35</sup> <https://www.heller.senate.gov/public/cache/files/c12324dc-c094-49f7-8f81-9a0ea6379e27/11172016%20Heller%20Letter%20to%20President%20Obama%20on%20National%20Monument%20Designati....pdf>

<sup>36</sup> <http://www.pbs.org/newshour/bb/gold-butte-national-monument-controversial-locals/>

designation, BLM provided a map detailing an appropriate boundary for a possible monument. This map “encompassed approximately 570,000 acres. However when [GCPNM] was designated, the size almost doubled.”<sup>37</sup> A lack of sufficient public input or coordination with BLM and the massive increase in acreage indicate that the monument does not reflect the “smallest area compatible” and “provides evidence that coordination with affected state and local management agencies was severely lacking.”<sup>38</sup>

Additionally, it appears that then-Secretary of the Interior Bruce Babbitt wielded his position to inflict his own will on the state he once served as governor, albeit for little more than a year. Instead of coordinating with those who knew the area and its needs best, Secretary Babbitt ignored the legislative efforts of Congressman Bob Stump that would have preserved the “native biodiversity and ecological richness...while at the same time increasing public awareness, outdoor recreation use and enjoyment.”<sup>39</sup> Equally as important, “[Stump’s bill] preserved the ranching lifestyle and maintains existing, historic and traditional uses of the [land].”<sup>40</sup> The bill encompassed the aforementioned 570,000 acres.

Further troubling is the disruption to collaborative fish and wildlife management and recreational activities. By locking up 1.01 million acres from collaborative efforts to preserve multiple-use management plans, important stakeholders were cut out of the conversation and have suffered as a result. Additionally, at a time when DOI has a maintenance backlog of roughly \$15.4 billion (more than \$353.4 million of which belonging to the Grand Canyon National Park alone<sup>41</sup>), the designation of a national monument such as GCPNM places an unnecessary and often insurmountable administrative burden on an already stretched agency.

**Recommendation:** We recommend a total rescission of the Grand Canyon-Parashant National Monument.

### ***Grand Staircase- Escalante, Utah***

Utah has fallen victim to legacy building and land grabs on a massive scale under both the Clinton and Obama Administrations. In 1996, President Clinton designated 1.7 million acres as the Grand Staircase – Escalante National Monument (GSENM), blatantly trampling the requirement to designate the “smallest area compatible.” Grazing, mineral royalties and coal reserve leases were jeopardized by this designation, having an extremely costly and detrimental effect on the economy of Utah. According to Democratic Carbon County Commissioner John Jones from Utah, when President

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<sup>37</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>38</sup> Ibid.

<sup>39</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Parshant%20Stump%20Testimony.pdf>

<sup>40</sup> Ibid.

<sup>41</sup> <https://www.nps.gov/subjects/plandesignconstruct/loader.cfm?csModule=security/getfile&PageID=5547454>

Clinton failed to engage Utahans, much less give local officials any advance notice in the creation of the monument, he also “deprived the people of Utah and the nation of its cleanest low sulfur-high BTU coal supply across the Kaiparowits Plateau.”<sup>42</sup>

As a result, Utah taxpayers saw more than \$2 billion mineral lease royalties and 60 percent of their known coal reserves disappear before their eyes.<sup>43</sup> Like BENM, GSENM also included a significant amount of SITLA land, resulting in a huge socioeconomic loss to the State of Utah. According to the Utah Geological Survey, “the value of the recoverable coal on School Trust lands [was] at least \$17 billion but could [have been] \$25 billion or more” with potential royalties worth \$1.4-2 billion.<sup>44</sup>

With regard to the public land grazing industry, the onerous restrictions placed on ranchers who historically managed the land are wreaking havoc on the range. Hal Hamblin, a fifth-generation rancher near GSENM noted, “We were told in [President Clinton’s] proclamation that...nothing would change on the monument pertaining to grazing, and that just isn’t true, because we can’t take care of the land. We can’t control the brush and the pinion and juniper, and we can’t even control the erosion, which is terrible out there.”<sup>45</sup>

In his testimony before the House Committee on Natural Resources, David Eliason, Secretary/Treasurer of the Public Lands Council and Past President of the Utah Cattlemen’s Association, reminded Congress of the important role ranchers play: “[They] provide food and fiber for our nation, protect open spaces and critical wildlife habitat, and promote healthy watersheds for the public.”<sup>46</sup> Ranchers do not want to destroy the range, they want to conserve and preserve it.

GSENM lacked public support and outreach and was a gross abuse of the Antiquities Act. Maintaining the status quo of the monument has already had disastrous effects on Utah’s education, grazing, and energy sectors.

**Recommendation:** We recommend a total rescission of the Grand Staircase – Escalante National Monument.

### *Hanford Reach, Washington*

President Clinton created the 194,450 acre Hanford Reach National Monument in 2000. The monument explicitly banned livestock grazing and OHV use. Local stakeholders had

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<sup>42</sup> <https://naturalresources.house.gov/uploadedfiles/jonestestimony04-16-13.pdf>

<sup>43</sup> Ibid.

<sup>44</sup> Ibid. “A Preliminary Assessment of Energy and Mineral Resources within the Grand Staircase - Escalante National Monument”

<sup>45</sup> <http://www.stgeorgeutah.com/news/archive/2015/07/06/ccj-battle-cattle-controversy-grand-staircase-escalante-national-monument/#.WUKWcvnyuUk>

<sup>46</sup> <https://naturalresources.house.gov/uploadedfiles/eliasontestimony04-16-13.pdf>

hoped to utilize some of this land for irrigated farmland.

“Abandoning hope of protecting the Reach through Congressional action, environmentalists pressed President Bill Clinton to designate the area as a national monument under the 1906 Antiquities Act.”<sup>47</sup>

“The move angered Republicans, who said the administration is ignoring the wishes of local residents and wiping away the efforts of the Washington delegation to reach a compromise. ‘This is insulting,’ Rep. Doc Hastings, R-Wash., said. ‘Either Sen. Murray doesn’t know what the residents of central Washington want - or she doesn’t care.’ Sen. Slade Gorton said in a statement, ‘In one fell swoop this administration is destroying years of negotiations, shutting out the concerns of the local people and blowing any chance of protecting the reach in a manner that accommodates the needs of all parties involved.’”<sup>48</sup>

In a passionate speech on the House floor on June 15, 2000, Doc Hasting reminded the Congress that they had already acted to protect Hanford Reach by passing legislation in 1995 to prevent any dam building or dredging of the river. Rep. Hastings went on to state, “This monument designation for the Hanford Reach is more likely, more extreme than any bill that has been introduced addressing this issue in the time that I have been in Congress. So I think, frankly, it is a slap in the face to those that live and work in the area.”<sup>49</sup>

This unilateral monument designation was also opposed by the agribusiness, the Washington Farm Bureau, and the Grant County commissioners, amongst others. Al Gore showed up for the monument dedication and took a ride on a jet boat.<sup>50</sup>

**Recommendation:** We recommend a total rescission of the Hanford Reach National Monument.

### *Ironwood Forest, Arizona*

President Clinton created the Ironwood Forest National Monument in June 2000, locking up 128,917 acres of land, including a large amount of land that belongs to the Arizona State School Land Trust. This monument prevents multiple-use on State Trust lands and has subsequently caused harm to the common schools beneficiary, K-12 education. The monument proclamation explicitly prohibited future mineral and geothermal energy production as well as OHV use. Further, the Ironwood Forest National Monument has enacted a complete ban on recreational shooting.

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<sup>47</sup> <http://www.historylink.org/File/7438>

<sup>48</sup> [http://web.kitsapsun.com/archive/2000/06-01/0127\\_national\\_monuments\\_protection\\_so.html](http://web.kitsapsun.com/archive/2000/06-01/0127_national_monuments_protection_so.html)

<sup>49</sup> Congressional Record of the House, June 15, 2000.

<sup>50</sup> <http://www.seattlepi.com/local/politics/article/Connelly-AG-Ferguson-to-Trump-we-ll-sue-if-you-11139695.php>

AZGFD has expressed concerns regarding their ability to effectively manage the land that is incorporated in the monument. According to their June 1, 2017 response to this review of national monument designations, AZGFD has been unable to fully implement vital management activities such as: “fencing to protect wildlife habitats and/or restrict wildlife and fence removal...introduction, supplementation and/or translocations of native and/or naturalized species, predator control, Law Enforcement wildlife investigations and response to illegal wildlife activities.”<sup>51</sup> Ranchers, whose herds have grazed the land for generations and who were the original stewards of the land by protecting riparian areas, maintaining a healthy rangeland and wildlife habitat, echo these concerns regarding access.

Furthermore, misguided monument resource management plans (RMPs) can lead to severe regulatory impediments that prevent the security of safe and reliable energy. Prior to the designation, electric cooperatives installed and maintained a transmission line in the area; however, under the adopted RMP for the monument, reparations and reconstruction of the line are nearly impossible. According to Tyler Carlson, the CEO of the Mohave Electric Cooperative, “When [a] line is no longer functional, it will have to be re-routed and any new capacity needed in that area will need to come from somewhere else at greater expense.”<sup>52</sup> This sort of red tape that faces AZGFD, ranchers and electricity providers is unnecessary, costly and irrationally onerous.

**Recommendation:** We recommend a total rescission of the Ironwood Forest National Monument.

### *Katahdin Woods and Waters, Maine*

Katahdin Woods and Waters is the result of an unsuccessful campaign to accrue Congressional, state and local support for a national park in Maine. Roxanne Quimby, founder of Burt’s Bees and Elliotsville Plantation, purchased more than 100,000 acres in the state over the course of several years, making her one of Maine’s largest (private) landowners. On a quest to create a 3.2 million acre national park in the state, despite overwhelming opposition to the creation of a monument by three local communities, Ms. Quimby and her organization denied long-standing access to campers, burned down cabins and closed large areas of land to “hunters and snowmobilers who had long-relied on it for north-south access.”<sup>53</sup>

On August 23, 2016, Elliotsville Plantation donated nearly 88,000 acres and dedicated \$40 million to DOI on the condition President Obama unilaterally created a new national monument. One day after the donation, President Obama designated the Katahdin Woods

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<sup>51</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>52</sup> <http://gosar.house.gov/sites/gosar.house.gov/files/Tyler%20Carlson%20testimony.pdf>

<sup>53</sup> <https://www.bostonglobe.com/magazine/2013/11/17/son-burt-bees-cofounder-leads-fight-for-maine-national-park/iQHv6w2s7fUJc6MBt6ZJSN/story.html>

and Waters National Monument. This type of shameful pay-to-play politics cannot be dismissed.

Additionally, the monument designation lacked state and federal support at nearly every echelon. In November 2015, Congressman Bruce Poliquin and Senators Collins and King wrote a letter to President Obama expressing, “serious reservations and significant concerns” about the proposed monument.<sup>54</sup> After learning of the Quimby family’s intention to circumvent congress and lobby the administration for a national monument, the Maine legislature enacted bipartisan legislation in April 2016 that required legislative approval for a designation in the state.<sup>55</sup>

Governor LePage testified before the House Committee on Natural Resources that, “Mainers understand the benefits of our 17 million acres of forests to our economy, and we have historically been able to support the industries that rely on this land without interference from the federal government.”<sup>56</sup>

Maine’s state parks provide an excellent example of land conservation working in concert with commercial recreation and resource development. Unfortunately, President Obama chose to ignore the will of the people and instead sided with special-interest groups who perceived themselves to be above the rule of law.

**Recommendation:** We recommend a total rescission of the Katahdin Woods and Waters National Monument.

### *Mojave Trails, California*

President Obama created the 1.6 million acre Mojave Trails National Monument (MTNM) in early 2016 in spite of local and congressional efforts to protect and manage the land in a collaborative fashion while not increasing federal landownership. This monument is one of the largest in the nation and has been hotly contested for the larger portion of the last decade. While there are many areas within the designation that merit protective conservation, several mineral leases were negatively impacted by the monument. With a known agenda of stamping out mineral extraction in the desert, the Obama Administration drew the boundary of MTNM to include operations such as the Bagdad Chase Mine and the Baxter Iron Mine. Although the proclamation of the monument included language that permitted current operations, future expansion would likely be prohibited causing potential interruptions in supply chain health.

“Miners, hunters, off-road vehicle enthusiasts and collectors of rocks and minerals opposed a presidential monument designation, fearing they would be shut out from enjoying the land.” Recreational enthusiasts are worried “the monument's 1,400

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<sup>54</sup> <https://poliquin.house.gov/media-center/press-releases/collins-king-poliquin-send-letter-president-possible-national-monument>

<sup>55</sup> <https://static.votesmart.org/static/billtext/56445.pdf>

<sup>56</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_lepage.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_lepage.pdf)



miles of off-highway vehicle roads will be closed.”<sup>57</sup>

Unfortunately, President Obama ignored bipartisan and bicameral efforts that coordinated with local stakeholders from San Bernadino County and chose to implement a top-down mandate. The monument included land that had never been debated in a public setting nor was any outreach on the matter conducted, and included hundreds of thousands of acres of non-designated BLM land in addition to swaths of private land as well.

**Recommendation:** We recommend the reduction of the size of Mojave Trails National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Organ Mountains – Desert Peaks, New Mexico*

In May 2014, President Obama designated nearly 500,000 acres as the Organ Mountains-Desert Peaks National Monument. This unilateral move not only bypassed public comment and ignored attempts at a state-level solution, but it created a dangerous national security predicament given the area’s proximity to the U.S.-Mexico border.<sup>58</sup> The remote nature of the monument, in addition to logistical and bureaucratic red tape, creates a welcome target for smugglers, gangs, and other ill-intentioned groups.<sup>59</sup> Restrictive environmental laws in these areas limit the ability of Border Patrol agents to patrol, creating safe zones for illegal activity – a problem identified as far back as 2009 under former Homeland Security Secretary Janet Napolitano. Despite this warning, President Obama persisted onward, exposing the people of New Mexico, and our country as a whole, to serious security threats.

Further, impacts on grazing rights hamper rangeland and the economic viability of New Mexico. The designation will prevent farmers and ranchers, who have operated in this area for generations, from accessing certain parts of their allotments to do necessary maintenance work. The monument envelops a number of ranches, which may eventually lead to a reduction of cattle that those ranches can run. This could make certain ranches uneconomical, crushing a ranching industry that is part of the identity of the area. The monument also creates a number of other economic issues as it prevents solar and geothermal energy development and threatens a number of other projects that could bolster the local economy.

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<sup>57</sup> <https://www.usatoday.com/story/news/environment/2017/04/26/trump-executive-order-targets-sand-snow-mojave-trails-national-monuments-california/306620001/>

<sup>58</sup> <http://www.lcsun-news.com/story/news/local/2016/11/25/trump-urged-abolish-organ-mountains-monument/94425036/>

<sup>59</sup> <https://westerncaucus.house.gov/Blog/congressman-bishop-urges-president-obama-to-reconsider-using-the-controversial-antiquities-act>

President Obama also ignored the good work of Congressman Steve Pearce (NM-02), who introduced legislation widely supported by local law enforcement, recreational, and conservation groups. This proposal struck the appropriate balance between preserving the portions of the national monument worthy of protection while still allowing responsible recreational access and ensuring public safety on the border.

Rep. Pearce stated following introduction of his bill, “This legislation was developed with close involvement and significant input from local ranchers, business owners, conservationists, sportsmen and other constituents” said Pearce. “All New Mexicans want to protect the Organ Mountains. This proposal achieves our shared conservation objectives and ensures economic health by making sure that this national treasure is protected without threatening local jobs. We can find common ground through the legislative process with input from the community.”

Rep. Pearce recently submitted a list of 800 businesses and individuals who oppose this monument designation.<sup>60</sup>

**Recommendation:** We recommend that the Organ Mountains-Desert Peaks National Monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” by being reduced to the 54,800 acre footprint proposed in Representative Pearce’s Organ Mountains National Monument Establishment Act during the 113<sup>th</sup> Congress.

### *Rio Grande del Norte, New Mexico*

President Obama designated 242,555 acres of land as the Rio Grande del Norte National Monument in March of 2013. The monument proclamation explicitly prohibited future mineral and geothermal energy production.

The land is currently managed by BLM, which was tasked in the proclamation with preparing a management plan for the monument that “shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with tribal, State, and local governments as well as community land grant and acequia associations.”<sup>61</sup>

**Recommendation:** We recommend the reduction of the size of Rio Grande del Norte National Monument so the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” and closely monitoring the RMP process to ensure adequate stakeholder consultation and multiple-use management.

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<sup>60</sup> <https://www.usnews.com/news/best-states/new-mexico/articles/2017-06-22/gop-new-mexico-lawmaker-wants-to-shrink-national-monument>

<sup>61</sup> <https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument>



### *San Gabriel Mountains, California*

The San Gabriel Mountains National Monument was designated by former President Obama in October 2014. It encompasses a total of 346,177 acres across Los Angeles and San Bernardino counties in California. Despite the fact that the 346,177 acre monument spans both Los Angeles and San Bernardino counties, little to no outreach regarding the designation was conducted in San Bernardino County (SBC). The portion of the monument in SBC includes 4,873 acres of non-wilderness Forest Service land, in addition to the Sheep Mountain Wilderness area. The designation also included small mining operations within the boundary of the National Monument with no prior consultation with the affected owner.

Local stakeholders opposed the inclusion of the non-wilderness Forest Service land on account of encroachment on local communities and economic activity and for its detrimental impact on forest management activities.

The San Bernardino County Board of Supervisors passed a resolution opposing the monument. ‘As far as I know, there's no more money that Congress has available to fund this proposal in some of our most fire-prone areas,’ said Janice Rutherford, a San Bernardino County Supervisor.<sup>62</sup>

Mt. Baldy residents also opposed the monument citing, “[concern] about the ability of local fire agencies to battle wildfires if they are encircled by national monument lands. They also worry about fees and land use restrictions that could stunt local economies. ‘We don't want any part of this thing,’ said Ron Ellingson, owner of a lodge and ski lift business in Mt. Baldy.”<sup>63</sup>

**Recommendation:** We recommend a reduction of the San Gabriel Mountains National Monument due to a lack of public outreach and support so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Sand to Snow, California*

President Obama designated 154,000 acres as the Sand to Snow National Monument in early 2016, superseding bipartisan legislation introduced by Congressman Paul Cook (CA-08), who represents the region in question, which would have created a Sand to Snow National Monument also totaling 154,000 acres in size. The bill would have created an advisory committee with representatives from a wide variety of stakeholders

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<sup>62</sup> <http://www.latimes.com/local/la-me-san-gabriels-monument-20141009-story.html>

<sup>63</sup> Ibid.

including tribes, sportsmen, conservationists, the Department of Defense, natural resource developers and ranchers to name a few.<sup>64</sup>

While the designation by President Obama circumvented active legislation that enjoyed widespread support among local officials and stakeholders, it largely adhered to the proposed boundaries and management plans.

**Recommendation:** We recommend no changes to the boundaries of the Sand to Snow National Monument.

### *Sonoran Desert, Arizona*

Precisely three days before the end of his administration, President Clinton locked up 486,149 acres of land in southeastern Arizona. The monument proclamation explicitly prohibited future mineral and geothermal energy production, terminated grazing leases and allowed for significant road closures.

Due to the proximity to our nation's southern border, unique and significant issues exist regarding effective management of the land. Similar to the concerns raised about the Organ Mountains – Desert Peaks National Monument in New Mexico, the Sonoran Desert National Monument's proximity to the U.S.-Mexico border presents a unique challenge as it pertains to land management. More than 85 percent of the land abutting the border belongs to DOI and the U.S. Department of Agriculture. In order to conduct routine patrols, Border Patrol agents must receive permission from agencies such as the U.S. Fish and Wildlife Service and the National Park Service. When response times are paramount, bureaucratic red tape only hinders effective border patrol operations.

This designation jeopardizes national security for the sake of legacy building and prevents those tasked with managing the wildlife within the monument from doing their job.

Former Chairman of the Arizona Game and Fish Commission Robert Mansell stated, "The creation of the Sonoran Desert National Monument in 2001 is a cautionary tale. In 1999, the Arizona Game and Fish Department biologists counted 103 bighorn sheep in the Maricopa Mountains, located within the monument's boundaries in southwest Arizona. Today's surveys indicate fewer than 35 sheep roam this area. The department's limited access inside the monument to provide new and sustainable water sources no doubt was a contributing factor to the steep decline in the sheep population in the Maricopa Mountains. It was a harsh lesson that shouldn't be repeated with any wildlife species anywhere else in Arizona."<sup>65</sup>

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<sup>64</sup> <https://www.congress.gov/bill/114th-congress/house-bill/3668/text#toc-H72AFEF7974FC4FBEAF0E0DD8FD347E7A>

<sup>65</sup> <http://azcapitoltimes.com/news/2015/05/11/proposed-national-monument-federal-land-grab-protection-or-feel-good-folly/>

Further, the monument has limited access for sportsmen and recreational enthusiasts. The Sonoran Desert National Monument has prevented recreational shooting and resulted in expensive litigation. Recreational shooting is appropriate under federal multiple-use mandates and would not be unnecessarily restricted if it weren't for this monument. Hunting has also been negatively impacted as motorized access for big game retrievals has been limited or prohibited. According to AZGFD, "This impacts the Department's ability to distribute hunting pressure, optimize big game harvest objectives, and meet game management goals. In 2008, BLM closed 88 miles of routes to protect monument objects on the Sonoran Desert National Monument. Route closures on the Sonoran Desert National Monument provide just one example of post-designation access restrictions."<sup>66</sup>

**Recommendation:** We recommend the total rescission of the Sonoran Desert National Monument.

### *Upper Missouri River Breaks, Montana*

On the same day he designated the Sonoran Desert National Monument, and 72 hours before the sunset of his Administration, President Clinton created the Upper Missouri River Breaks National Monument in Montana locking up 377,346 acres. The monument prohibited future mineral and geothermal energy production as well as restricted OHV use. While the timing of the designation is highly suspect, objections from Montana's local stakeholders are also concerning.

Regarding the monument, Ron Poertner, a member of the Missouri River Steward organization stated, "The white cliffs, yeah they're special, and that's an area we have no problems [protecting]. But, just all this extra land that includes 82,000 acres of private land and 39,000 acres of state land...not even a quarter of the monument is federal land."<sup>67</sup> One rancher in the area owns more than 6,000 acres that are currently within the boundaries of the monument, which creates a legal morass that often attracts out-of-state frivolous lawsuits.<sup>68</sup> Approximately 120 different landowners who belong to the Stewards Organization have private land within the monument's boundaries.

Although many ranchers and sportsmen are currently able to continue the activities they enjoyed prior to the designation, there are concerns regarding the lack of local input and coordination in addition to persistent legal battles.

**Recommendation:** We recommend a reduction of the Upper Missouri River Breaks National Monument so that the monument is actually "confined to the smallest area compatible with proper care and management of the objects to be protected." We also

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<sup>66</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>67</sup> <http://www.krtv.com/story/35649394/upper-missouri-river-breaks-national-monument-debate>

<sup>68</sup> [http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article\\_77b3a148-85c5-5fad-b115-db7861e2ffab.html](http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article_77b3a148-85c5-5fad-b115-db7861e2ffab.html)

recommend removing an unnecessary energy restrictions as well as implementation of a sustainable multiple-use management plan in coordination with state and local stakeholders. Finally, we recommend working with private landowners within the national monument to resolve conflicting uses and remove private land from within the monument boundaries.

### ***Vermilion Cliffs, Arizona***

Designated in November 2000 by President Clinton, the Vermilion Cliffs National Monument encompasses 279,568 acres of land in northern Arizona. The monument proclamation explicitly prohibited future mineral and geothermal energy production as well as OHV use. Designation of the monument caused unnecessary administrative burdens for the state of Arizona in relation to managing wildlife and has resulted in animals being placed in less suitable locations. Prior the monument designation, the land in question was already a wilderness area with a viable and effective management plan in place.<sup>69</sup> Similar to the Grand Canyon – Parashant designation, an overzealous Secretary Babbitt failed to coordinate with local stakeholders, including Congressman Bob Stump, who represented the Vermilion Cliffs area.

After years of diligent work wherein a wide range of stakeholders with varying interests came to an agreement that supported a mutually agreeable multiple-use plan, the Arizona Desert Wilderness Act of 1984 was ultimately passed into law.<sup>70</sup> However, Secretary Babbitt's desire for a national monument was not quelled by the management efforts of those closest to the land, and he made an unsupported and inappropriate recommendation to President Clinton to designate the land as a national monument.

**Recommendation:** We recommend the total rescission of the Vermilion Cliffs National Monument.

## **Marine Monuments**

### ***Marianas Trench, CNMI, Pacific Ocean***

President Bush designated the Marianas Trench Marine National Monument during his final days in office. The monument contains no dry land, and encompasses 60.9 million acres of submerged lands and waters in the Mariana Archipelago.<sup>71</sup> All fishing is prohibited within the monument. The monument also bans oil and gas production as well as other energy development activities.

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<sup>69</sup> <http://mobile.wnd.com/2000/11/4675/>

<sup>70</sup> <https://www.congress.gov/bill/98th-congress/house-bill/4707>

<sup>71</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2010-title3-vol1/pdf/CFR-2010-title3-vol1-proc8335.pdf>

**Recommendation:** We recommend no changes to the boundary of the monument at this time; however, should stakeholder support for the monument deteriorate coordination to provide a mutually acceptable solution should be implemented. We also recommend you consider rescinding all fishing restrictions via executive order and returning management back to regional fishery management councils.

### *Northeast Canyons and Seamounts, Atlantic Ocean*

President Obama designated 3.1 million acres when creating the Northeast Canyons and Seamounts Marine National Monument in 2016 and establishing the first marine monument in the Atlantic Ocean. The president's proclamation explicitly prohibited offshore oil and gas exploration and production as well as restricted fishing. States and fisheries impacted by the designation immediately condemned the decision. The monument's restrictions stunt the growth of the fishing industry as well as significantly harm economic development for towns and communities along the coast.

In March of 2017, the Pacific Legal Foundation (PLF), on behalf of a coalition of New England fishermen, challenged the National Monument on the grounds that the president does not have the authority to designate submerged lands and waters as a national monument. 'By declaring over 5,000 square miles of ocean — an area the size of Connecticut — to be a national monument, President Obama set this entire area off-limits to most fishing immediately, with what remains of fishing opportunities to be phased out over the next few years,' said PLF attorney Jonathan Wood. 'This illegal, unilateral presidential action threatens economic distress for individuals and families who make their living through fishing, and for New England communities that rely on a vibrant fishing industry... In short, the designation of a vast area of ocean as a national monument was a blatant abuse of presidential power.'<sup>72</sup>

Wood also said, 'Beyond its violation of the law, the monument designation also threatens to harm the environment by pushing fishermen to other, less sustainable fisheries, and increasing conflicts between their gear and whale. Instead of punishing New England's fishermen — and shutting down their businesses — federal officials should be acknowledging their positive role as stewards of the ocean's environmental resources.'<sup>73</sup>

Peter deFur, a member of the Mid-Atlantic Fisheries Management Council, stated, "The public process leading up to the presidential designation of a monument is lacking compared to the councils' process of engaging the public...The monument process does not have those provisions as a statutory requirement and that gets under our skin so I think the New England council is very concerned that this just sort of happened out from

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<sup>72</sup> <https://www.pacificlegal.org/release-3-7-17-massachusetts-lobstermen-1-1536>.

<sup>73</sup> Ibid.

underneath them.”<sup>74</sup>

**Recommendation:** We recommend a rescission of the Northeast Canyons and Seamounts Marine National Monument (preferred) or repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama’s proclamation as well as returning fishing management back to regional fishery management councils.

### *Pacific Remote Islands, Pacific Ocean*

In 2014, President Obama added 261.3 million acres to the Pacific Remote Islands National Monument, dramatically expanding this marine national monument and prohibiting commercial fishing in this area in the process. This unnecessarily large monument has also hindered energy development. Not only does this monument significantly impact the fragile economies of the Pacific territories, it drastically affects their food security and cultural stability. Despite promises to allow the territories closest to the monument to co-manage the area, the Obama Administration was unable to follow through on that promise and the territories remain largely left out of the decision-making process.

In March 2017, House Committee on Natural Resources Chairman Rob Bishop (R-UT) and Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in a letter to President Trump, “The loss of U.S. fishing grounds makes our consumers more dependent on foreign seafood sources as only ten percent of the seafood consumed in the U.S. is domestically produced. Marine national monuments created in the U.S. Pacific Islands resulted in the U.S. tuna purse-seine fleet losing access to historical fishing areas including all U.S. waters (0-200 miles) surrounding Jarvis Island, Wake Island, and Johnston Atoll, remote, uninhabited equatorial possessions of the United States, totaling 1,184,000 square miles.”<sup>75</sup>

**Recommendation:** We recommend a reduction of the size of the Pacific Remote Islands National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all fishing and unnecessary energy restrictions via executive order and returning management back to regional fishery management councils.

### *Papahānaumokuākea, Hawaii*

Originally designated by President George W. Bush, the Papahānaumokuākea Marine National Monument consists entirely of submerged lands and waters off the coast of Hawaii. In 2016, President Obama expanded the size of the monument by enlarging it by

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<sup>74</sup> <http://www.southcoasttoday.com/news/20170530/fisheries-council-seeks-voice-in-marine-monument-review>

<sup>75</sup> [https://naturalresources.house.gov/uploadedfiles/03.07.17\\_ltr\\_to\\_potus\\_re\\_monuments.pdf](https://naturalresources.house.gov/uploadedfiles/03.07.17_ltr_to_potus_re_monuments.pdf)

283.4 million acres. The expansion is a clear overreach by the Obama Administration preventing “all energy development activities within the Monument Expansion” and unnecessarily restricting traditional uses of the waters by responsible stewards.

According to the House Committee on Natural Resources, “Former U.S. Senator Daniel Akaka (D-HI) and former Hawaii Democratic Governor George Ariyoshi, saw it as an act of federal overreach that would harm native Hawaiian livelihoods and cultural practices. Akaka and Ariyoshi further suggested that such an expansion would impact Hawaii’s ability to follow through with trust responsibilities to island natives.”<sup>76</sup>

There was also a lack of public outreach and communication prior to making this designation. “Kitty Simonds, executive director of the Western Pacific Fishery Management Council -- a joint federal, state and private sector agency set up under U.S. law to prevent overfishing and manage fisheries stocks in that region -- ‘someone sent us an embargoed press release’ about the latest expansion a day before the announcement was made public. Simonds, whose agency had previously called for a “public, transparent, deliberative, documented and science-based process” in advance of the proposed monument expansion, called it “unbelievable that the government is kicking U.S. fishermen out of U.S. waters when the fishery is healthy.”

Simmonds discussed other negative impacts associated with the monument designation including, “The restriction would force U.S. fishing vessels -- about 145 of them -- into international waters to make their catches, where they would compete against fleets from China, South Korea and Indonesia, among others, ‘that have lower fishing standards.’ The move would also, she charged, increase fish imports -- currently about 92 percent of consumption -- rather than lower demand for seafood... The monument designation also over-rode a 40-year-old, federally legislated process of managing fish stocks in all U.S. waters by means of fishery management councils like the Western Pacific agency.”<sup>77</sup>

**Recommendation:** We recommend a reduction of the size of the Papahānaumokuākea Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama’s proclamation as well as returning fishing management back to regional fishery management councils.

### ***Rose Atoll, American Samoa***

The Rose Atoll Marine National Monument was designated in the final days of President Bush’s presidency on January 6, 2009. This monument encompasses more than 8.6 million acres of waters and submerged lands approximately 130 nautical miles from Pago-Pago Harbor in American Samoa. The monument prohibits all fishing.

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<sup>76</sup> [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo\\_-\\_ov\\_hrg\\_on\\_03.15.17.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_ov_hrg_on_03.15.17.pdf)

<sup>77</sup> <http://www.foxnews.com/politics/2016/09/13/will-obama-fence-off-more-ocean-us-fishermen-are-fearful.html>



Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in May, “We are simply looking to remove the fishing restrictions on the American Samoa fleet for the migratory fish who travel through the monuments. The monuments serve a good purpose, and I support that effort, but not at the expense of access to our people who have utilized these areas for centuries before any relationship with the United States. Also, our fishermen are the most responsible and regulated in the world...as it stands currently, these fish swim through the monuments and are then caught by nations with little to no environmental regulations...that is not helping the sustainability for the future.”<sup>78</sup>

**Recommendation:** We recommend a reduction of the size of the Rose Atoll Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all fishing restrictions via executive order and returning management of the atoll to American Samoa.

### **Concluding Remarks**

We thank you for your thoughtful review and this opportunity to contribute our perspective on these national monuments as they have significant and far-reaching impacts on our communities, states and regions.

The Antiquities Act of 1906 is broken and in desperate need of reform. No one person should be able to unilaterally lock-up millions of acres of public land from multiple-use with the stroke of a pen. Local stakeholders deserve to have a voice on public land-use decisions that impact their livelihoods.

We hope you share our concerns and recommend shrinking many of these national monuments under your review to “the smallest area compatible with proper care and management of the objects to be protected,” and in some cases, recommend rescission of national monuments unilaterally designated by presidents in the last 20 years that are larger than 100,000 acres and that lacked public outreach and coordination with relevant stakeholders.

Additionally, your comments published in the Federal Register also request information on any additional monuments that should be reviewed. While we do not have any additional monuments to be added at this time, we request that the Department of the Interior and the Department of Commerce review the full acreage of all 27 monuments under review including the Pacific Remote Islands National Monument (316.9 million acres) and the Papahānaumokuākea Marine National Monument (372.9 million acres).

Finally, we hope that your review will contribute to substantive policy reforms. A 2001 review by the Department of the Interior of misuse by President Clinton was a step in the right direction, but ultimately the review did not result in any substantive policy changes to curb future abuse.

We ask that the Department commit to working with Congress to rein in this outdated law, protect private property rights, ensure local stakeholder coordination and prevent massive unilateral designations.

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<sup>78</sup> <https://radewagen.house.gov/media-center/press-releases/amata-reiterates-support-marine-monuments>



We would be pleased to discuss our recommendations and this letter with you and your staff should you have any questions or like additional information.

As always, we ask that this request be handled in strict accordance with existing rules, regulations and ethical guidelines.

Thank you for your consideration of our comments.

Sincerely,

**Empowering States and Reining in Abuse of the Antiquities Act**  
*Sign letter to Secretary Zinke with thoughtful comments for his national monuments review*  
**Deadline NOON Friday, June 30<sup>th</sup>**

**Current Signers (12):** Mark Amodei, Brian Babin, Andy Biggs, Paul Cook, Kevin Cramer, Trent Franks, Paul Gosar, Doug Lamborn, Tom McClintock, Steve Pearce, Aumua Amata Coleman Radewagen, Daniel Webster

Dear Colleague:

Please join us in sending a letter to Department of the Interior Secretary Ryan Zinke recommending the revision, and in some cases, rescission of national monuments unilaterally designated by presidents in the last 20 years that are larger than 100,000 acres and/or that lacked public outreach and coordination with relevant stakeholders.

The review of these designations by the Secretary was directed by President Trump in [Executive Order \(EO\) 13792](#) issued on April 26, 2017. Based on the parameters of the EO, Secretary Zinke announced in the [Federal Register](#) that his initial review will include 27 different land and marine monuments. Secretary Zinke has asked Members of Congress for written thoughts that he can analyze prior to making his final recommendation to the president.

It should come as no surprise that of those 27 designations and 773.8 million acres under review, 14 monuments and more than 553.4 million acres were withdrawn by the Obama Administration. In fact, President Obama abused the Antiquities Act more than any other president in history, designating or expanding 34 national monuments and locking-up 553.6 million acres of total land and water. According to the nonpartisan Congressional Research Service, past presidents have used this outdated authority to unilaterally designate 157 national monuments comprising “approximately 774 million acres, or about 92% of all monument acreage proclaimed since enactment of the Antiquities Act.” The rest of the federal estate includes another 640 million acres.

This Antiquities Act was intended to protect prehistoric Indian ruins and artifacts on federal lands in the West and includes language to limit monument designations under this law to “the smallest area compatible with proper care and management of the objects.” Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for President Obama’s designated monuments to exceed one million acres in size.

Misuse of this outdated 1906 Act has jeopardized the daily activities, livelihoods and traditions of local communities. In numerous instances, grazing rights, water rights, energy development, wildfire prevention and other land management activities have been negatively impacted. These massive declarations have also resulted in restrictive land-use regulations that have limited hunting, fishing, OHV use and other recreational activities.

By going back to the drawing board and coordinating with state and local stakeholders, the Department of the Interior has an excellent opportunity to ensure communities are not harmed by

the executive overreach of previous presidents and that these designations follow the spirit and letter of the law.

The full letter is below. To sign on, please email Cesar Ybarra ([Cesar.Ybarra@mail.house.gov](mailto:Cesar.Ybarra@mail.house.gov)) or Kelly Roberson ([Kelly.Roberson@mail.house.gov](mailto:Kelly.Roberson@mail.house.gov)).

Sincerely,

Andy Biggs  
Member of Congress

Paul A. Gosar D.D.S.  
Member of Congress

June \_\_\_, 2017

The Honorable Ryan Zinke  
Secretary  
c/o Mr. Micah Chambers  
Acting Director, Office of Congressional and Legislative Affairs  
U.S. Department of Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

We write in response to your request for congressional input on 27 different land and marine monuments under your initial review as a result of President Trump's [Executive Order \(EO\) 13792](#) issued on April 26, 2017. As you know, the EO directed you to provide a thorough review of national monuments created under the Antiquities Act – particularly those created since January 1, 1996 that are larger than 100,000 acres in size and/or that lacked sufficient public outreach and coordination.

Over the past 20 years, presidents from both sides of the aisle have used the stroke of a pen to unilaterally lock up hundreds of millions of acres using the oft-abused Antiquities Act. As with many laws, the Antiquities Act originated with good intentions; however, it has transformed into a tyrannical tool that presidents have manipulated to exercise unfettered land grabs to the detriment of state and local interests.

It should come as no surprise that of those 27 designations and 773.8 million acres under review, 14 monuments and more than 553.4 million acres were withdrawn by the Obama Administration. In fact, President Obama abused the Antiquities Act more than any other president in history, designating or expanding 34 national monuments and locking-up 553.6 million acres of total land and water. According to the nonpartisan Congressional Research Service, past presidents have used this outdated authority to unilaterally designate 157 national monuments comprising “approximately 774 million acres, or about 92% of all monument acreage proclaimed since

enactment of the Antiquities Act.”<sup>1</sup> The rest of the federal estate includes another 640 million acres.<sup>2</sup>

This Antiquities Act was intended to protect prehistoric Indian ruins and artifacts on federal lands in the West and includes language to limit monument designations under this law to “the smallest area compatible with proper care and management of the objects.” Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for President Obama’s designated monuments to exceed one million acres in size.

Misuse of this outdated 1906 Act has jeopardized the daily activities, livelihoods and traditions of local communities. National monument designations more often than not severely impair energy development, water rights, wildfire prevention efforts, grazing rights and other vital land management activities. These massive declarations have also resulted in restrictive land-use regulations that have limited hunting, fishing, Off Highway Vehicle (OHV) use and other recreational activities.

By going back to the drawing board and coordinating with state and local stakeholders, the Department of the Interior (DOI) has an excellent opportunity to ensure communities are not harmed by the executive overreach of previous presidents and that these designations follow the spirit and letter of the law.

While a precious few monuments currently included in your review reflect the judicious application of the Antiquities Act, far too many represent egregious overreach and legacy building efforts that catered to out-of-state special-interest groups and in one case, a blatant example of pay-to-play politics.

Your analysis is important to so many of our constituents throughout the country who share our concerns. We are encouraged by your dedication and commitment to ensuring proper application of the Antiquities Act and prioritization of local coordination, and are pleased to provide the following analysis of the 27 monuments currently under your review.

## **Comments on National Monuments Under Initial Review**

### ***Basin and Range, Nevada***

Designated in 2015, the Basin and Range National Monument is larger than the state of Rhode Island at 704,000 acres, and was a personal favor to then-Senate Minority Leader

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<sup>1</sup> Congressional Research Service, “Executive Order for Review of National Monuments”, May 2017.

<sup>2</sup> <https://fas.org/sgp/crs/misc/R42346.pdf>

Harry Reid. According to a former Obama adviser, “it is only due to Harry Reid that [Basin and Range] is getting done.”<sup>3</sup>

As with many states in the West, the federal government already owns more than 80 percent of Nevada’s land. However, the vast majority of that land belongs to the Bureau of Land Management (BLM) and supports a multiple-use management plan. The designation of monuments like the Basin and Range wall off lands crucial to recreation, grazing and resource development. The Nevada Farm Bureau (NVFB) expressed concerns that “the designation will make those preservation efforts more difficult and will negatively affect local ranchers who diligently conserve the land while feeding our growing population... This decision eliminated local input of those individuals who are directly affected by the designation and who possess the expertise to make decisions about lands in Nevada.”<sup>4</sup>

Nye County Commissioner Lorinda Wichman called the monument “an excellent example of hypocrisy” noting that it was Senator Reid “that insisted we must have a consent-based location for the nation’s spent nuclear fuel and it was our former senior senator that gifted us with a monster of a monument without consent.”<sup>5</sup> Similarly, Lincoln County Commission Chair Kevin Phillips called the monument “disgusting... loathsome... illegal... [and] unfair,”<sup>6</sup> and stated that the county had fought the monument for years.

The designation does not meet the letter or intent of the Antiquities Act, which specifically requires national monuments to protect objects of antiquity. The City, one of the most prominent “objects” in the monument, is a modern art installation on a mile and a half stretch of private land.<sup>7</sup> Additional antiquities include petroglyphs that already receive protection under the National Register of Historic Places and as Wilderness Areas.<sup>8</sup> These areas, which are already protected, are only a few acres and hardly warrant a 700,000 acre monument.

**Recommendation:** We recommend the Basin and Range National Monument be “confined to the smallest area compatible with proper care and management of the objects to be protected,” approximately 2,500 acres in our estimation, in coordination with state and local stakeholders.

### *Bears Ears, Utah*

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<sup>3</sup> [https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55\\_story.html?utm\\_term=.f0ba83cd7988](https://www.washingtonpost.com/politics/with-obamas-help-harry-reid-leaving-an-indelible-mark-in-the-nevada-desert/2015/07/07/8131bd88-1e75-11e5-aeb9-a411a84c9d55_story.html?utm_term=.f0ba83cd7988)

<sup>4</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>5</sup> <http://pvtimes.com/nevada-basin-and-range-reversal-won-t-bolster-yucca-mountain>

<sup>6</sup> <http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/>

<sup>7</sup> Nevada Association of Counties, “Designation on National Monuments Using the Antiquities Act”, April 2016. <http://www.nvnaco.org/wp-content/uploads/4-13-16-FINAL-White-Paper-Antiquities-Act-Basin-and-Range1.pdf>.

<sup>8</sup> Ibid.

As the final hours of the Obama Administration wound down, monument designations ramped up. President Obama designated the Bears Ears National Monument (BENM), spanning 1.3 million acres on December 28, 2016 despite vehement opposition to the monument by tribal, local, state and congressional stakeholders. The concept of the monument arose from a brain-trust meeting of environmental groups in San Francisco. Knowing that there could be strong tribal opposition to a monument in southeastern Utah, stopped using a tribal name for the initiative, instead opting for “Bears Ears.”<sup>9</sup> In fact, San Juan County Commissioner Rebecca Benally, a Diné and Navajo woman stated, “Bears Ears National Monument campaign is a cynical political stunt that...will deny grass roots Utah Navajos access to their sacred spiritual grounds...Traditional Utah Navajo people are not magazine environmentalists but are real stewards of the land whose interests will be destroyed by a [BENM].”<sup>10</sup>

Further, 109,000 acres of Utah School and Institutional Trust Administration (SITLA) land were locked up.<sup>11</sup> SITLA land generates revenue from mineral and energy development, forestry activities and grazing. This revenue is then deposited into the State School Fund that supports the state’s K-12 public education system. Locking up SITLA land has sweeping repercussions for the education system and schoolchildren statewide. Equally troubling, Energydesk estimates that 90% of Bears Ears sits above potential oil and gas leases.<sup>12</sup>

A locally-driven, comprehensive land management bill, the Utah Public Lands Initiative Partner Act, was introduced last Congress by House Committee on Natural Resources Chairman Rob Bishop (UT-01) and Rep. Jason Chaffetz (UT-03) in an effort to build a consensus to solve some of the most challenging land use issues, including protections for certain areas of the Bears Ears region. Instead of negotiating in good faith with Members of Congress, the administration waited until the last moment to designate this national monument, over the strong objections of the Congressional delegation. Despite promising to give the tribes important authorities, such as co-management authority, the executive designation failed to include this provision or engage with the tribes in any meaningful way.

Overwhelming opposition to BENM is evidenced by the fact that a mere 17 percent of Utahans favored the designation.<sup>13</sup> Further, the entirety of the Utah Congressional delegation voiced unanimous support of the rescission of the monument and called for “the establishment of a new precedent for designating national monuments – one that corrects past abuses and remains consistent with the original intent of the Antiquities

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<sup>9</sup> <http://conservationlands.org/wp-content/uploads/2015/05/Fall-2014-meeting-minutes.pdf>

<sup>10</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_benally.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_benally.pdf)

<sup>11</sup> <https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/>

<sup>12</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>13</sup> <http://utahpolicy.com/index.php/features/today-at-utah-policy/9551-poll-only-17-of-utahns-want-obama-to-designate-bears-ears-as-a-national-monument>

Act.”<sup>14</sup> We concur with this sentiment and encourage this tack as you continue your evaluation of national monuments identified for review.

**Recommendation:** We recommend a total rescission of the Bears Ears National Monument.

### ***Berryessa Snow Mountain, California***

Berryessa Snow Mountain National Monument (Berryessa) designated by President Obama in 2015, consists of 330,780 acres in northern California. President Obama falsely claimed the boundaries of this monument were “confined to the smallest area compatible with proper care and management of the objects to be protected.” We disagree with that claim.

According to a column in the Lake Berryessa News, “The original proposal for some form of federal designation for a small part of Northern California ballooned into an attempt to create a large conglomerate National Conservation Area stretching across most of Northern California. When the NCA proposal met strong resistance by local governments and citizens groups, it could not move forward on its own merits. The strategy of the proponents then turned to having President Obama create a National Monument in the final days of his presidency.”<sup>15</sup>

The Lake Berryessa Chamber of Commerce voted to oppose the creation of this monument. Chamber President Craig Morton stated, “It is a geographically and ecologically incoherent patchwork of federal parcels. Lake Berryessa is not even geographically connected on the map to the rest of the proposed National Monument, which stretches far into Northern California. The eastern boundary of the map is coincident with the borders of Glenn and Colusa counties. The reason is political, not ecological.”<sup>16</sup>

This misguided effort was pushed by extremist special-interest groups and does not warrant national monument status.<sup>17</sup>

**Recommendation:** We recommend a total rescission of the Berryessa National Monument.

### ***Canyons of the Ancients, Colorado***

Designated by President Clinton in 2000, Canyons of the Ancients (Canyons) is an example of the judicious and restrained application of the Antiquities Act. Canyons has and extremely high density of archeological sites with roughly 6,000 sites already

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<sup>14</sup> <https://www.hatch.senate.gov/public/index.cfm/2017/5/hatch-congressional-delegation-urge-full-rescission-of-bears-ears-in-letter-to-zinke>

<sup>15</sup> <http://lakeberryessanews.com/berryessa-snow-mountain.html>

<sup>16</sup> <http://www.dailydemocrat.com/article/ZZ/20150114/NEWS/150117514>

<sup>17</sup> <http://www.sierraclub.org/redwood/berryessa-snow-mountain-national-monument>

recorded, and an estimated total of 20,000-30,000 sites within the 175,160-acre monument. According to BLM, “lands within and around the Monument have been used or inhabited by humans, including the Northern Ancestral Puebloan culture, for 10,000 years, and continue to be used by humans today. Historic uses of the Monument include recreation, hunting, livestock grazing and energy development.”<sup>18</sup>

On May 23, 2017, Senator Cory Gardner (R-CO) and Congressman Scott Tipton (CO-03) sent you a letter regarding the monument stating, “Any review of Canyons should conclude that no changes to the designation are necessary.”<sup>19</sup> We concur with their assessment and encourage the preservation of Canyons of the Ancients as designated by President Clinton. Further, we applaud the proper application of the Antiquities Act in designating the smallest area compatible with proper care and management of the object to be protected.

**Recommendation:** We recommend no changes to the boundaries of the monument.

### *Carrizo Plain, California*

In 1988, BLM, the California Department of Game and Fish, and the Nature Conservancy purchased 82,000 acres of land to preserve the area known as Carrizo Plain and in 1996 formed a joint initiative called the Carrizo Plain Natural Area Plan. Eight days before the end of his administration, President Clinton designated 204,107 acres of land as the Carrizo Plain National Monument (CPNM).

Despite bipartisan legislation to protect and preserve the plan in coordination with local stakeholders<sup>20</sup>, President Clinton turned to the Antiquities Act in an effort to block any oil and gas exploration, once again using the stroke of a pen to unilaterally cut Congress and the will of the people out of the conversation.

The nonpartisan Energy Information Administration estimates that more than a quarter of the 204,107-acre monument sits above rich fossil fuel basins.<sup>21</sup> BLM estimated in 2010 that there were 45 oil wells within the monument, 15 wells were actively in production and that giant fields with billions of barrels of reserves surround the monument.<sup>22</sup>

**Recommendation:** We recommend the reduction of the Carrizo Plain National Monument consistent with the original Carrizo Plain Natural Area Plan and “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders.

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<sup>18</sup> <https://www.blm.gov/programs/national-conservation-lands/colorado/canyons-of-the-ancients>

<sup>19</sup> [http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton\\_Canyons%20of%20the%20Ancients.pdf](http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton_Canyons%20of%20the%20Ancients.pdf)

<sup>20</sup> <https://www.congress.gov/bill/106th-congress/house-bill/1751?q=%7B%22search%22%3A%5B%22lois+capps%22%5D%7D>

<sup>21</sup> <http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/>

<sup>22</sup> <http://www.npshistory.com/publications/blm/carrizo-plain/rod-rmp-2010.pdf>



## *Cascade Siskiyou, Oregon*

During the waning days of his administration, President Obama expanded the Cascade Siskiyou National Monument (CSNM) by 47,624 acres. The original monument unilaterally designated by President Clinton comprised 52,000 acres, allowed for grazing leases to be retired and prohibited vegetative management as well as timber harvesting.

The American Forest Resource Council and BLM identified the lands within the CSNM expansion as being at high risk for wildfire.<sup>23</sup> Despite these facts and other science-based pleas not to designate more land within the region as a national monument, President Obama placed legacy-building above the safety of communities and forests when expanding CSNM.

Natural Resources Chairman Rob Bishop aptly noted that “The local communities did not vote for this and do not support it. When they fought to prevent it, the president looked the other way. He didn’t listen or care. It’s clear this decision was self-serving. It was made to dignify national special interests rather than the people impacted. Our committee will fight to make local voices heard and undo the damage created by the president’s unrelenting abuse of power.”<sup>24</sup>

This unilateral designation took millions of acres of board feet that had already gone through the environmental process out of production and is already causing significant harm to communities in Oregon. In fact, 18 counties filed a lawsuit as a result of President Obama’s expansion. “Douglas County stands to lose the most. That’s because the county takes the biggest share of receipts from timber harvested on O&C timberlands, and the monument’s expanded boundaries swallow up about 40,000 acres of those lands. Because it’s a national monument — managed much like a national park — the forests on those lands would be locked up and unavailable for timber harvests...Douglas County Commissioner Tim Freeman said a rough estimate is that those lands could have brought \$2.5 million a year into the county’s general fund. That’s more than the annual cost of the library system which is about to shut down for lack of funds.”<sup>25</sup>

Chairman Bishop and the Members of Congress who represent the area in question predicted this occurrence and sent a letter to President Obama urging him not to expand CSNM warning of the devastating impacts a designation would have on forest health and water abundance.<sup>26</sup> This plea that was arrogantly ignored.

Rep. Greg Walden (OR-02) put out a strong statement denouncing President Obama’s action stating, “The outgoing administration is locking up more of our public lands through a process that cut out many in the surrounding communities. I will work with the

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<sup>23</sup> [https://naturalresources.house.gov/uploadedfiles/american\\_forest\\_resource\\_council\\_letter.pdf](https://naturalresources.house.gov/uploadedfiles/american_forest_resource_council_letter.pdf)

<sup>24</sup> <https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=401463>

<sup>25</sup> [http://www.nrtoday.com/news/government/douglas\\_county\\_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article\\_b924d117-5783-546a-abcf-9095e96f78f8.html](http://www.nrtoday.com/news/government/douglas_county_government/o-c-counties-sue-feds-over-cascade-siskiyou-monument-expansion/article_b924d117-5783-546a-abcf-9095e96f78f8.html)

<sup>26</sup> [https://naturalresources.house.gov/uploadedfiles/letter\\_to\\_wh\\_natl\\_monument\\_designation.pdf](https://naturalresources.house.gov/uploadedfiles/letter_to_wh_natl_monument_designation.pdf)

Trump Administration to do what we can to roll back this midnight expansion.”<sup>27</sup>

In addition, we believe the administration also ignored compelling evidence that this designation was illegal and ignored the will and intent of Congress by violating the Oregon and California Revested Lands Sustained Yield Management Act. According to a 1940 opinion from DOI Solicitor General Nathan R. Margold, “There can be no doubt that the administration of the lands for national monument purposes would be inconsistent with the utilization of the O&C lands as directed by Congress. It is well settled that where Congress has set aside lands for a specific purpose the President is without authority to reserve lands for another purpose inconsistent with that specified by Congress.”<sup>28</sup>

Congress specifically mandated that these lands be used for sustained yield and permanent forest production and the Department should rescind any designation that conflicts with the clear intent of Congress.

**Recommendation:** We recommend a complete rescission of the Clinton-era and Obama-era Cascade Siskiyou National Monument designations.

### *Craters of the Moon, Idaho*

The Craters of the Moon National Monument was first established by Presidential Proclamation in 1924 and originally comprised 54,000 acres. Following the recommendation of then Secretary of the Interior Bruce Babbitt, President Clinton expanded the boundaries of the monument to comprise a total acreage of 661,287 acres in 2000.

This expansion was met with resistance from Members of Congress. “Babbitt's efforts to solicit public input as a pale imitation of the public comment collected before Congress makes land-use decisions. Three public meetings that Babbitt held in Idaho to gather opinions about expanding Craters of the Moon National Monument were the equivalent of “a drive-by shooting,” Senator Craig said.

In a speech on the House floor on June 15, 2000, Rep. Mike Simpson (ID-02) stated, “What I am opposed to is a process by which any administration, Republican or Democrat administration, can ignore the input of local- and State- and Federal-elected officials and Congress can ignore its constitutional responsibility to dictate land management policies. It is a process that is the problem here.”<sup>29</sup>

Rep. Simpson went on to state, “Mr. Chairman, I have requested information on the designation...They are supposed to use the least amount of land to protect this area. The Secretary has not sent me information on that. Thirdly, the area being protected is

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<sup>27</sup> <http://www.opb.org/news/article/cascade-siskiyou-monument-expansion-obama/>

<sup>28</sup> Department of the Interior Solicitor General Nathan R. Margold, M. 30506, 03/09/40, pgs. 3-4.

<sup>29</sup> Congressional Record of the House, June 15, 2000.

supposed to be of some geological scientific or historic nature. The Secretary has not told me what the nature that he is trying to preserve of this area is. But fourthly, the most important thing is the area is supposed to be under some threat, some imminent threat. So far, the Secretary has refused to tell me what the imminent threat is in this area. Mr. Chairman, this is not pristine habitat or natural forests or salmon habitat or anything like that. What it is is lava rocks. It is under no threat currently, and the Secretary refuses to acknowledge that.”<sup>30</sup>

**Recommendation:** We recommend a reduction of the Craters of the Moon National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders.

### *Giant Sequoia, California*

The unique beauty of the Sierra and Sequoia National Forests is undeniable. However, despite lacking local and congressional support, President Clinton designated the 327,760-acre Giant Sequoia National Monument in 2000. While well intentioned, this designation had the adverse effect of putting the Giant Sequoia groves in imminent risk of destruction due to catastrophic wildfire as a result of the lack of active management in the surrounding forest. In order to maintain the health and safety of this forest, not to mention its scenic and historic beauty, responsible, active forest management must be a priority.

In Clinton’s Presidential Proclamation, the monument was subject to valid existing rights and authorized the removal of trees for the purposes of “ecological restoration and maintenance or public safety.”<sup>31</sup> Since that time, frivolous lawsuits have prevented such maintenance of the forest and legislation to pursue such endeavors has stalled.<sup>32,33</sup> In order to preserve the Sierra and National Forests and the Giant Sequoia (*Sequoiadendron giganteum*) groves, it is essential that active management take place in the surrounding forest to reduce hazardous fuels and the risk of catastrophic wildfire.

**Recommendation:** We recommend a reduction of the Giant Sequoia National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” in coordination with state and local stakeholders. Further, any review ought to consider and implement policies for active forest management so as to preserve the monument for generations to come.

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<sup>30</sup> Ibid.

<sup>31</sup> <https://www.gpo.gov/fdsys/pkg/FR-2000-04-25/pdf/00-10312.pdf>

<sup>32</sup> <https://naturalresources.house.gov/uploadedfiles/duysentestimony07.27.06.pdf>

<sup>33</sup> <https://www.congress.gov/bill/109th-congress/house-bill/5760?q=%7B%22search%22%3A%5B%22%5C%22Giant+Sequoia+National+Monument%5C%22%22%5D%7D&r=1>

## ***Gold Butte, Nevada***

In the last month of his administration, President Obama designated 296,937 acres in southeastern Nevada as the Gold Butte National Monument (GBNM) without the support of state or local stakeholders and in opposition to nearly all of Nevada's Congressional delegation. The Presidential Proclamation explicitly banned grazing.

Like the Basin and Range National Monument, this designation came at the urging of former Senator Harry Reid as political retribution to the Bundy family, which once grazed in the area. It is irresponsible for the executive branch to use its power for this purpose, yet nonetheless President Obama designated this area during the waning days of his administration to appease Senator Reid and deliver a strong rebuke to the Bundy family.

Nevada Governor Brian Sandoval aptly observed that, "[The monument] bypassed Congress and the public. I believe that our Congressional delegation should have had a primary role in working to build consensus as has been accomplished successfully in the past."<sup>34</sup> Senator Heller (R-NV) wrote a letter to President Obama informing him of the thoughtful ways in which Nevadans collaborate with state and local governments and stakeholders to develop management plans for their public lands, and urging him not to unilaterally lock up hundreds of thousands of acres with the stroke of a pen.<sup>35</sup> Unfortunately, this request and many others fell on deaf ears and President Obama created the Gold Butte National Monument.

Former Rep. Crescent Hardy (NV-04) stated, "If you want to protect the petroglyphs, and you want to designate that as the monument, that's what the Antiquities Act was set up to do, is protect the minimum possible footprint of that of what you're trying to designate. Not an extra 300,000 acres on top of the 50-100 acres that you could have protected."<sup>36</sup>

**Recommendation:** We recommend Gold Butte National Monument be "confined to the smallest area compatible with proper care and management of the objects to be protected," approximately 2,500 acres in our estimation, in coordination with state and local stakeholders.

## ***Grand Canyon – Parashant, Arizona***

Designated in 2000, the Grand Canyon-Parashant National Monument (GCPNM) designation covers a staggering 1.01 million acres of land in northwestern Arizona. GCPNM is a glaring example of overreach that used the Antiquities Act as a scapegoat. According to a report by the Arizona Game and Fish Department (AZGFD), prior to the

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<sup>34</sup> <http://gov.nv.gov/News-and-Media/Press/2016/Sandoval-Statement-on-Gold-Butte-Designation/>

<sup>35</sup> <https://www.heller.senate.gov/public/cache/files/c12324dc-c094-49f7-8f81-9a0ea6379e27/11172016%20Heller%20Letter%20to%20President%20Obama%20on%20National%20Monument%20Designati....pdf>

<sup>36</sup> <http://www.pbs.org/newshour/bb/gold-butte-national-monument-controversial-locals/>

designation, BLM provided a map detailing an appropriate boundary for a possible monument. This map “encompassed approximately 570,000 acres. However when [GCPNM] was designated, the size almost doubled.”<sup>37</sup> A lack of sufficient public input or coordination with BLM and the massive increase in acreage indicate that the monument does not reflect the “smallest area compatible” and “provides evidence that coordination with affected state and local management agencies was severely lacking.”<sup>38</sup>

Additionally, it appears that then-Secretary of the Interior Bruce Babbitt wielded his position to inflict his own will on the state he once served as governor, albeit for little more than a year. Instead of coordinating with those who knew the area and its needs best, Secretary Babbitt ignored the legislative efforts of Congressman Bob Stump that would have preserved the “native biodiversity and ecological richness...while at the same time increasing public awareness, outdoor recreation use and enjoyment.”<sup>39</sup> Equally as important, “[Stump’s bill] preserved the ranching lifestyle and maintains existing, historic and traditional uses of the [land].”<sup>40</sup> The bill encompassed the aforementioned 570,000 acres.

Further troubling is the disruption to collaborative fish and wildlife management and recreational activities. By locking up 1.01 million acres from collaborative efforts to preserve multiple-use management plans, important stakeholders were cut out of the conversation and have suffered as a result. Additionally, at a time when DOI has a maintenance backlog of roughly \$15.4 billion (more than \$353.4 million of which belonging to the Grand Canyon National Park alone<sup>41</sup>), the designation of a national monument such as GCPNM places an unnecessary and often insurmountable administrative burden on an already stretched agency.

**Recommendation:** We recommend a total rescission of the Grand Canyon-Parashant National Monument.

### *Grand Staircase- Escalante, Utah*

Utah has fallen victim to legacy building and land grabs on a massive scale under both the Clinton and Obama Administrations. In 1996, President Clinton designated 1.7 million acres as the Grand Staircase – Escalante National Monument (GSENM), blatantly trampling the requirement to designate the “smallest area compatible.” Grazing, mineral royalties and coal reserve leases were jeopardized by this designation, having an extremely costly and detrimental effect on the economy of Utah. According to Democratic Carbon County Commissioner John Jones from Utah, when President

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<sup>37</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>38</sup> Ibid.

<sup>39</sup> <http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Parshant%20Stump%20Testimony.pdf>

<sup>40</sup> Ibid.

<sup>41</sup> <https://www.nps.gov/subjects/plandesignconstruct/loader.cfm?csModule=security/getfile&PageID=5547454>

Clinton failed to engage Utahans, much less give local officials any advance notice in the creation of the monument, he also “deprived the people of Utah and the nation of its cleanest low sulfur-high BTU coal supply across the Kaiparowits Plateau.”<sup>42</sup>

As a result, Utah taxpayers saw more than \$2 billion mineral lease royalties and 60 percent of their known coal reserves disappear before their eyes.<sup>43</sup> Like BENM, GSENM also included a significant amount of SITLA land, resulting in a huge socioeconomic loss to the State of Utah. According to the Utah Geological Survey, “the value of the recoverable coal on School Trust lands [was] at least \$17 billion but could [have been] \$25 billion or more” with potential royalties worth \$1.4-2 billion.<sup>44</sup>

With regard to the public land grazing industry, the onerous restrictions placed on ranchers who historically managed the land are wreaking havoc on the range. Hal Hamblin, a fifth-generation rancher near GSENM noted, “We were told in [President Clinton’s] proclamation that...nothing would change on the monument pertaining to grazing, and that just isn’t true, because we can’t take care of the land. We can’t control the brush and the pinion and juniper, and we can’t even control the erosion, which is terrible out there.”<sup>45</sup>

In his testimony before the House Committee on Natural Resources, David Eliason, Secretary/Treasurer of the Public Lands Council and Past President of the Utah Cattlemen’s Association, reminded Congress of the important role ranchers play: “[They] provide food and fiber for our nation, protect open spaces and critical wildlife habitat, and promote healthy watersheds for the public.”<sup>46</sup> Ranchers do not want to destroy the range, they want to conserve and preserve it.

GSENM lacked public support and outreach and was a gross abuse of the Antiquities Act. Maintaining the status quo of the monument has already had disastrous effects on Utah’s education, grazing, and energy sectors.

**Recommendation:** We recommend a total rescission of the Grand Staircase – Escalante National Monument.

### ***Hanford Reach, Washington***

President Clinton created the 194,450 acre Hanford Reach National Monument in 2000. The monument explicitly banned livestock grazing and OHV use. Local stakeholders had

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<sup>42</sup> <https://naturalresources.house.gov/uploadedfiles/jonestestimony04-16-13.pdf>

<sup>43</sup> Ibid.

<sup>44</sup> Ibid. “A Preliminary Assessment of Energy and Mineral Resources within the Grand Staircase - Escalante National Monument”

<sup>45</sup> <http://www.stgeorgeutah.com/news/archive/2015/07/06/ccj-battle-cattle-controversy-grand-staircase-escalante-national-monument/#.WUKWcvnyUk>

<sup>46</sup> <https://naturalresources.house.gov/uploadedfiles/eliasontestimony04-16-13.pdf>

hoped to utilize some of this land for irrigated farmland.

“Abandoning hope of protecting the Reach through Congressional action, environmentalists pressed President Bill Clinton to designate the area as a national monument under the 1906 Antiquities Act.”<sup>47</sup>

“The move angered Republicans, who said the administration is ignoring the wishes of local residents and wiping away the efforts of the Washington delegation to reach a compromise. ‘This is insulting,’ Rep. Doc Hastings, R-Wash., said. ‘Either Sen. Murray doesn’t know what the residents of central Washington want - or she doesn’t care.’ Sen. Slade Gorton said in a statement, ‘In one fell swoop this administration is destroying years of negotiations, shutting out the concerns of the local people and blowing any chance of protecting the reach in a manner that accommodates the needs of all parties involved.’”<sup>48</sup>

In a passionate speech on the House floor on June 15, 2000, Doc Hasting reminded the Congress that they had already acted to protect Hanford Reach by passing legislation in 1995 to prevent any dam building or dredging of the river. Rep. Hastings went on to state, “This monument designation for the Hanford Reach is more likely, more extreme than any bill that has been introduced addressing this issue in the time that I have been in Congress. So I think, frankly, it is a slap in the face to those that live and work in the area.”<sup>49</sup>

This unilateral monument designation was also opposed by the agribusiness, the Washington Farm Bureau, and the Grant County commissioners, amongst others. Al Gore showed up for the monument dedication and took a ride on a jet boat.<sup>50</sup>

**Recommendation:** We recommend a total rescission of the Hanford Reach National Monument.

### ***Ironwood Forest, Arizona***

President Clinton created the Ironwood Forest National Monument in June 2000, locking up 128,917 acres of land, including a large amount of land that belongs to the Arizona State School Land Trust. This monument prevents multiple-use on State Trust lands and has subsequently caused harm to the common schools beneficiary, K-12 education. The monument proclamation explicitly prohibited future mineral and geothermal energy production as well as OHV use. Further, the Ironwood Forest National Monument has enacted a complete ban on recreational shooting.

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<sup>47</sup> <http://www.historylink.org/File/7438>

<sup>48</sup> [http://web.kitsapsun.com/archive/2000/06-01/0127\\_national\\_monuments\\_protection\\_so.html](http://web.kitsapsun.com/archive/2000/06-01/0127_national_monuments_protection_so.html)

<sup>49</sup> Congressional Record of the House, June 15, 2000.

<sup>50</sup> <http://www.seattlepi.com/local/politics/article/Connelly-AG-Ferguson-to-Trump-we-ll-sue-if-you-11139695.php>



AZGFD has expressed concerns regarding their ability to effectively manage the land that is incorporated in the monument. According to their June 1, 2017 response to this review of national monument designations, AZGFD has been unable to fully implement vital management activities such as: “fencing to protect wildlife habitats and/or restrict wildlife and fence removal...introduction, supplementation and/or translocations of native and/or naturalized species, predator control, Law Enforcement wildlife investigations and response to illegal wildlife activities.”<sup>51</sup> Ranchers, whose herds have grazed the land for generations and who were the original stewards of the land by protecting riparian areas, maintaining a healthy rangeland and wildlife habitat, echo these concerns regarding access.

Furthermore, misguided monument resource management plans (RMPs) can lead to severe regulatory impediments that prevent the security of safe and reliable energy. Prior to the designation, electric cooperatives installed and maintained a transmission line in the area; however, under the adopted RMP for the monument, reparations and reconstruction of the line are nearly impossible. According to Tyler Carlson, the CEO of the Mohave Electric Cooperative, “When [a] line is no longer functional, it will have to be re-routed and any new capacity needed in that area will need to come from somewhere else at greater expense.”<sup>52</sup> This sort of red tape that faces AZGFD, ranchers and electricity providers is unnecessary, costly and irrationally onerous.

**Recommendation:** We recommend a total rescission of the Ironwood Forest National Monument.

### *Katahdin Woods and Waters, Maine*

Katahdin Woods and Waters is the result of an unsuccessful campaign to accrue Congressional, state and local support for a national park in Maine. Roxanne Quimby, founder of Burt’s Bees and Elliotsville Plantation, purchased more than 100,000 acres in the state over the course of several years, making her one of Maine’s largest (private) landowners. On a quest to create a 3.2 million acre national park in the state, despite overwhelming opposition to the creation of a monument by three local communities, Ms. Quimby and her organization denied long-standing access to campers, burned down cabins and closed large areas of land to “hunters and snowmobilers who had long-relied on it for north-south access.”<sup>53</sup>

On August 23, 2016, Elliotsville Plantation donated nearly 88,000 acres and dedicated \$40 million to DOI on the condition President Obama unilaterally created a new national monument. One day after the donation, President Obama designated the Katahdin Woods

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<sup>51</sup><http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>52</sup> <http://gosar.house.gov/sites/gosar.house.gov/files/Tyler%20Carlson%20testimony.pdf>

<sup>53</sup> <https://www.bostonglobe.com/magazine/2013/11/17/son-burt-bees-cofounder-leads-fight-for-maine-national-park/iQHv6w2s7fUJc6MBt6ZJSN/story.html>



and Waters National Monument. This type of shameful pay-to-play politics cannot be dismissed.

Additionally, the monument designation lacked state and federal support at nearly every echelon. In November 2015, Congressman Bruce Poliquin and Senators Collins and King wrote a letter to President Obama expressing, “serious reservations and significant concerns” about the proposed monument.<sup>54</sup> After learning of the Quimby family’s intention to circumvent congress and lobby the administration for a national monument, the Maine legislature enacted bipartisan legislation in April 2016 that required legislative approval for a designation in the state.<sup>55</sup>

Governor LePage testified before the House Committee on Natural Resources that, “Mainers understand the benefits of our 17 million acres of forests to our economy, and we have historically been able to support the industries that rely on this land without interference from the federal government.”<sup>56</sup>

Maine’s state parks provide an excellent example of land conservation working in concert with commercial recreation and resource development. Unfortunately, President Obama chose to ignore the will of the people and instead sided with special-interest groups who perceived themselves to be above the rule of law.

**Recommendation:** We recommend a total rescission of the Katahdin Woods and Waters National Monument.

### *Mojave Trails, California*

President Obama created the 1.6 million acre Mojave Trails National Monument (MTNM) in early 2016 in spite of local and congressional efforts to protect and manage the land in a collaborative fashion while not increasing federal landownership. This monument is one of the largest in the nation and has been hotly contested for the larger portion of the last decade. While there are many areas within the designation that merit protective conservation, several mineral leases were negatively impacted by the monument. With a known agenda of stamping out mineral extraction in the desert, the Obama Administration drew the boundary of MTNM to include operations such as the Bagdad Chase Mine and the Baxter Iron Mine. Although the proclamation of the monument included language that permitted current operations, future expansion would likely be prohibited causing potential interruptions in supply chain health.

“Miners, hunters, off-road vehicle enthusiasts and collectors of rocks and minerals opposed a presidential monument designation, fearing they would be shut out from enjoying the land.” Recreational enthusiasts are worried “the monument’s 1,400

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<sup>54</sup> <https://poliquin.house.gov/media-center/press-releases/collins-king-poliquin-send-letter-president-possible-national-monument>

<sup>55</sup> <https://static.votesmart.org/static/billtext/56445.pdf>

<sup>56</sup> [https://naturalresources.house.gov/uploadedfiles/testimony\\_lepage.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_lepage.pdf)

miles of off-highway vehicle roads will be closed.”<sup>57</sup>

Unfortunately, President Obama ignored bipartisan and bicameral efforts that coordinated with local stakeholders from San Bernadino County and chose to implement a top-down mandate. The monument included land that had never been debated in a public setting nor was any outreach on the matter conducted, and included hundreds of thousands of acres of non-designated BLM land in addition to swaths of private land as well.

**Recommendation:** We recommend the reduction of the size of Mojave Trails National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Organ Mountains – Desert Peaks, New Mexico*

In May 2014, President Obama designated nearly 500,000 acres as the Organ Mountains-Desert Peaks National Monument. This unilateral move not only bypassed public comment and ignored attempts at a state-level solution, but it created a dangerous national security predicament given the area’s proximity to the U.S.-Mexico border.<sup>58</sup> The remote nature of the monument, in addition to logistical and bureaucratic red tape, creates a welcome target for smugglers, gangs, and other ill-intentioned groups.<sup>59</sup> Restrictive environmental laws in these areas limit the ability of Border Patrol agents to patrol, creating safe zones for illegal activity – a problem identified as far back as 2009 under former Homeland Security Secretary Janet Napolitano. Despite this warning, President Obama persisted onward, exposing the people of New Mexico, and our country as a whole, to serious security threats.

Further, impacts on grazing rights hamper rangeland and the economic viability of New Mexico. The designation will prevent farmers and ranchers, who have operated in this area for generations, from accessing certain parts of their allotments to do necessary maintenance work. The monument envelops a number of ranches, which may eventually lead to a reduction of cattle that those ranches can run. This could make certain ranches uneconomical, crushing a ranching industry that is part of the identity of the area. The monument also creates a number of other economic issues as it prevents solar and geothermal energy development and threatens a number of other projects that could bolster the local economy.

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<sup>57</sup> <https://www.usatoday.com/story/news/environment/2017/04/26/trump-executive-order-targets-sand-snow-mojave-trails-national-monuments-california/306620001/>

<sup>58</sup> <http://www.lcsun-news.com/story/news/local/2016/11/25/trump-urged-abolish-organ-mountains-monument/94425036/>

<sup>59</sup> <https://westerncaucus.house.gov/Blog/congressman-bishop-urges-president-obama-to-reconsider-using-the-controversial-antiquities-act>

President Obama also ignored the good work of Congressman Steve Pearce (NM-02), who introduced legislation widely supported by local law enforcement, recreational, and conservation groups. This proposal struck the appropriate balance between preserving the portions of the national monument worthy of protection while still allowing responsible recreational access and ensuring public safety on the border.

Rep. Pearce stated following introduction of his bill, “This legislation was developed with close involvement and significant input from local ranchers, business owners, conservationists, sportsmen and other constituents” said Pearce. “All New Mexicans want to protect the Organ Mountains. This proposal achieves our shared conservation objectives and ensures economic health by making sure that this national treasure is protected without threatening local jobs. We can find common ground through the legislative process with input from the community.”

Rep. Pearce recently submitted a list of 800 businesses and individuals who oppose this monument designation.<sup>60</sup>

**Recommendation:** We recommend that the Organ Mountains-Desert Peaks National Monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” by being reduced to the 54,800 acre footprint proposed in Representative Pearce’s Organ Mountains National Monument Establishment Act during the 113<sup>th</sup> Congress.

### *Rio Grande del Norte, New Mexico*

President Obama designated 242,555 acres of land as the Rio Grande del Norte National Monument in March of 2013. The monument proclamation explicitly prohibited future mineral and geothermal energy production.

The land is currently managed by BLM, which was tasked in the proclamation with preparing a management plan for the monument that “shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with tribal, State, and local governments as well as community land grant and acequia associations.”<sup>61</sup>

**Recommendation:** We recommend the reduction of the size of Rio Grande del Norte National Monument so the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected” and closely monitoring the RMP process to ensure adequate stakeholder consultation and multiple-use management.

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<sup>60</sup> <https://www.usnews.com/news/best-states/new-mexico/articles/2017-06-22/gop-new-mexico-lawmaker-wants-to-shrink-national-monument>

<sup>61</sup> <https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument>

### *San Gabriel Mountains, California*

The San Gabriel Mountains National Monument was designated by former President Obama in October 2014. It encompasses a total of 346,177 acres across Los Angeles and San Bernardino counties in California. Despite the fact that the 346,177 acre monument spans both Los Angeles and San Bernardino counties, little to no outreach regarding the designation was conducted in San Bernardino County (SBC). The portion of the monument in SBC includes 4,873 acres of non-wilderness Forest Service land, in addition to the Sheep Mountain Wilderness area. The designation also included small mining operations within the boundary of the National Monument with no prior consultation with the affected owner.

Local stakeholders opposed the inclusion of the non-wilderness Forest Service land on account of encroachment on local communities and economic activity and for its detrimental impact on forest management activities.

The San Bernardino County Board of Supervisors passed a resolution opposing the monument. ‘As far as I know, there's no more money that Congress has available to fund this proposal in some of our most fire-prone areas,’ said Janice Rutherford, a San Bernardino County Supervisor.<sup>62</sup>

Mt. Baldy residents also opposed the monument citing, “[concern] about the ability of local fire agencies to battle wildfires if they are encircled by national monument lands. They also worry about fees and land use restrictions that could stunt local economies. ‘We don't want any part of this thing,’ said Ron Ellingson, owner of a lodge and ski lift business in Mt. Baldy.”<sup>63</sup>

**Recommendation:** We recommend a reduction of the San Gabriel Mountains National Monument due to a lack of public outreach and support so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend working with private landowners within the national monument to resolve conflicting uses.

### *Sand to Snow, California*

President Obama designated 154,000 acres as the Sand to Snow National Monument in early 2016, superseding bipartisan legislation introduced by Congressman Paul Cook (CA-08), who represents the region in question, which would have created a Sand to Snow National Monument also totaling 154,000 acres in size. The bill would have created an advisory committee with representatives from a wide variety of stakeholders

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<sup>62</sup> <http://www.latimes.com/local/la-me-san-gabriels-monument-20141009-story.html>

<sup>63</sup> Ibid.

including tribes, sportsmen, conservationists, the Department of Defense, natural resource developers and ranchers to name a few.<sup>64</sup>

While the designation by President Obama circumvented active legislation that enjoyed widespread support among local officials and stakeholders, it largely adhered to the proposed boundaries and management plans.

**Recommendation:** We recommend no changes to the boundaries of the Sand to Snow National Monument.

### *Sonoran Desert, Arizona*

Precisely three days before the end of his administration, President Clinton locked up 486,149 acres of land in southeastern Arizona. The monument proclamation explicitly prohibited future mineral and geothermal energy production, terminated grazing leases and allowed for significant road closures.

Due to the proximity to our nation's southern border, unique and significant issues exist regarding effective management of the land. Similar to the concerns raised about the Organ Mountains – Desert Peaks National Monument in New Mexico, the Sonoran Desert National Monument's proximity to the U.S.-Mexico border presents a unique challenge as it pertains to land management. More than 85 percent of the land abutting the border belongs to DOI and the U.S. Department of Agriculture. In order to conduct routine patrols, Border Patrol agents must receive permission from agencies such as the U.S. Fish and Wildlife Service and the National Park Service. When response times are paramount, bureaucratic red tape only hinders effective border patrol operations.

This designation jeopardizes national security for the sake of legacy building and prevents those tasked with managing the wildlife within the monument from doing their job.

Former Chairman of the Arizona Game and Fish Commission Robert Mansell stated, "The creation of the Sonoran Desert National Monument in 2001 is a cautionary tale. In 1999, the Arizona Game and Fish Department biologists counted 103 bighorn sheep in the Maricopa Mountains, located within the monument's boundaries in southwest Arizona. Today's surveys indicate fewer than 35 sheep roam this area. The department's limited access inside the monument to provide new and sustainable water sources no doubt was a contributing factor to the steep decline in the sheep population in the Maricopa Mountains. It was a harsh lesson that shouldn't be repeated with any wildlife species anywhere else in Arizona."<sup>65</sup>

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<sup>64</sup> <https://www.congress.gov/bill/114th-congress/house-bill/3668/text#toc-H72AFEF7974FC4FBEAF0E0DD8FD347E7A>

<sup>65</sup> <http://azcapitoltimes.com/news/2015/05/11/proposed-national-monument-federal-land-grab-protection-or-feel-good-folly/>

Further, the monument has limited access for sportsmen and recreational enthusiasts. The Sonoran Desert National Monument has prevented recreational shooting and resulted in expensive litigation. Recreational shooting is appropriate under federal multiple-use mandates and would not be unnecessarily restricted if it weren't for this monument. Hunting has also been negatively impacted as motorized access for big game retrievals has been limited or prohibited. According to AZGFD, "This impacts the Department's ability to distribute hunting pressure, optimize big game harvest objectives, and meet game management goals. In 2008, BLM closed 88 miles of routes to protect monument objects on the Sonoran Desert National Monument. Route closures on the Sonoran Desert National Monument provide just one example of post-designation access restrictions."<sup>66</sup>

**Recommendation:** We recommend the total rescission of the Sonoran Desert National Monument.

### *Upper Missouri River Breaks, Montana*

On the same day he designated the Sonoran Desert National Monument, and 72 hours before the sunset of his Administration, President Clinton created the Upper Missouri River Breaks National Monument in Montana locking up 377,346 acres. The monument prohibited future mineral and geothermal energy production as well as restricted OHV use. While the timing of the designation is highly suspect, objections from Montana's local stakeholders are also concerning.

Regarding the monument, Ron Poertner, a member of the Missouri River Steward organization stated, "The white cliffs, yeah they're special, and that's an area we have no problems [protecting]. But, just all this extra land that includes 82,000 acres of private land and 39,000 acres of state land...not even a quarter of the monument is federal land."<sup>67</sup> One rancher in the area owns more than 6,000 acres that are currently within the boundaries of the monument, which creates a legal morass that often attracts out-of-state frivolous lawsuits.<sup>68</sup> Approximately 120 different landowners who belong to the Stewards Organization have private land within the monument's boundaries.

Although many ranchers and sportsmen are currently able to continue the activities they enjoyed prior to the designation, there are concerns regarding the lack of local input and coordination in addition to persistent legal battles.

**Recommendation:** We recommend a reduction of the Upper Missouri River Breaks National Monument so that the monument is actually "confined to the smallest area compatible with proper care and management of the objects to be protected." We also

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<sup>66</sup><http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf>

<sup>67</sup> <http://www.krtv.com/story/35649394/upper-missouri-river-breaks-national-monument-debate>

<sup>68</sup> [http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article\\_77b3a148-85c5-5fad-b115-db7861e2ffab.html](http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article_77b3a148-85c5-5fad-b115-db7861e2ffab.html)

recommend removing an unnecessary energy restrictions as well as implementation of a sustainable multiple-use management plan in coordination with state and local stakeholders. Finally, we recommend working with private landowners within the national monument to resolve conflicting uses and remove private land from within the monument boundaries.

### ***Vermilion Cliffs, Arizona***

Designated in November 2000 by President Clinton, the Vermilion Cliffs National Monument encompasses 279,568 acres of land in northern Arizona. The monument proclamation explicitly prohibited future mineral and geothermal energy production as well as OHV use. Designation of the monument caused unnecessary administrative burdens for the state of Arizona in relation to managing wildlife and has resulted in animals being placed in less suitable locations. Prior the monument designation, the land in question was already a wilderness area with a viable and effective management plan in place.<sup>69</sup> Similar to the Grand Canyon – Parashant designation, an overzealous Secretary Babbitt failed to coordinate with local stakeholders, including Congressman Bob Stump, who represented the Vermilion Cliffs area.

After years of diligent work wherein a wide range of stakeholders with varying interests came to an agreement that supported a mutually agreeable multiple-use plan, the Arizona Desert Wilderness Act of 1984 was ultimately passed into law.<sup>70</sup> However, Secretary Babbitt's desire for a national monument was not quelled by the management efforts of those closest to the land, and he made an unsupported and inappropriate recommendation to President Clinton to designate the land as a national monument.

**Recommendation:** We recommend the total rescission of the Vermilion Cliffs National Monument.

## **Marine Monuments**

### ***Marianas Trench, CNMI, Pacific Ocean***

President Bush designated the Marianas Trench Marine National Monument during his final days in office. The monument contains no dry land, and encompasses 60.9 million acres of submerged lands and waters in the Mariana Archipelago.<sup>71</sup> All fishing is prohibited within the monument. The monument also bans oil and gas production as well as other energy development activities.

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<sup>69</sup> <http://mobile.wnd.com/2000/11/4675/>

<sup>70</sup> <https://www.congress.gov/bill/98th-congress/house-bill/4707>

<sup>71</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2010-title3-vol1/pdf/CFR-2010-title3-vol1-proc8335.pdf>



**Recommendation:** We recommend no changes to the boundary of the monument at this time; however, should stakeholder support for the monument deteriorate coordination to provide a mutually acceptable solution should be implemented. We also recommend you consider rescinding all fishing restrictions via executive order and returning management back to regional fishery management councils.

### *Northeast Canyons and Seamounts, Atlantic Ocean*

President Obama designated 3.1 million acres when creating the Northeast Canyons and Seamounts Marine National Monument in 2016 and establishing the first marine monument in the Atlantic Ocean. The president's proclamation explicitly prohibited offshore oil and gas exploration and production as well as restricted fishing. States and fisheries impacted by the designation immediately condemned the decision. The monument's restrictions stunt the growth of the fishing industry as well as significantly harm economic development for towns and communities along the coast.

In March of 2017, the Pacific Legal Foundation (PLF), on behalf of a coalition of New England fishermen, challenged the National Monument on the grounds that the president does not have the authority to designate submerged lands and waters as a national monument. 'By declaring over 5,000 square miles of ocean — an area the size of Connecticut — to be a national monument, President Obama set this entire area off-limits to most fishing immediately, with what remains of fishing opportunities to be phased out over the next few years,' said PLF attorney Jonathan Wood. 'This illegal, unilateral presidential action threatens economic distress for individuals and families who make their living through fishing, and for New England communities that rely on a vibrant fishing industry... In short, the designation of a vast area of ocean as a national monument was a blatant abuse of presidential power.'<sup>72</sup>

Wood also said, 'Beyond its violation of the law, the monument designation also threatens to harm the environment by pushing fishermen to other, less sustainable fisheries, and increasing conflicts between their gear and whale. Instead of punishing New England's fishermen — and shutting down their businesses — federal officials should be acknowledging their positive role as stewards of the ocean's environmental resources.'<sup>73</sup>

Peter deFur, a member of the Mid-Atlantic Fisheries Management Council, stated, "The public process leading up to the presidential designation of a monument is lacking compared to the councils' process of engaging the public...The monument process does not have those provisions as a statutory requirement and that gets under our skin so I think the New England council is very concerned that this just sort of happened out from

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<sup>72</sup> <https://www.pacificlegal.org/release-3-7-17-massachusetts-lobstermen-1-1536>.

<sup>73</sup> Ibid.



underneath them.”<sup>74</sup>

**Recommendation:** We recommend a rescission of the Northeast Canyons and Seamounts Marine National Monument (preferred) or repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama’s proclamation as well as returning fishing management back to regional fishery management councils.

### *Pacific Remote Islands, Pacific Ocean*

In 2014, President Obama added 261.3 million acres to the Pacific Remote Islands National Monument, dramatically expanding this marine national monument and prohibiting commercial fishing in this area in the process. This unnecessarily large monument has also hindered energy development. Not only does this monument significantly impact the fragile economies of the Pacific territories, it drastically affects their food security and cultural stability. Despite promises to allow the territories closest to the monument to co-manage the area, the Obama Administration was unable to follow through on that promise and the territories remain largely left out of the decision-making process.

In March 2017, House Committee on Natural Resources Chairman Rob Bishop (R-UT) and Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in a letter to President Trump, “The loss of U.S. fishing grounds makes our consumers more dependent on foreign seafood sources as only ten percent of the seafood consumed in the U.S. is domestically produced. Marine national monuments created in the U.S. Pacific Islands resulted in the U.S. tuna purse-seine fleet losing access to historical fishing areas including all U.S. waters (0-200 miles) surrounding Jarvis Island, Wake Island, and Johnston Atoll, remote, uninhabited equatorial possessions of the United States, totaling 1,184,000 square miles.”<sup>75</sup>

**Recommendation:** We recommend a reduction of the size of the Pacific Remote Islands National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all fishing and unnecessary energy restrictions via executive order and returning management back to regional fishery management councils.

### *Papahānaumokuākea, Hawaii*

Originally designated by President George W. Bush, the Papahānaumokuākea Marine National Monument consists entirely of submerged lands and waters off the coast of Hawaii. In 2016, President Obama expanded the size of the monument by enlarging it by

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<sup>74</sup> <http://www.southcoasttoday.com/news/20170530/fisheries-council-seeks-voice-in-marine-monument-review>

<sup>75</sup> [https://naturalresources.house.gov/uploadedfiles/03.07.17\\_ltr\\_to\\_potus\\_re\\_monuments.pdf](https://naturalresources.house.gov/uploadedfiles/03.07.17_ltr_to_potus_re_monuments.pdf)

283.4 million acres. The expansion is a clear overreach by the Obama Administration preventing “all energy development activities within the Monument Expansion” and unnecessarily restricting traditional uses of the waters by responsible stewards.

According to the House Committee on Natural Resources, “Former U.S. Senator Daniel Akaka (D-HI) and former Hawaii Democratic Governor George Ariyoshi, saw it as an act of federal overreach that would harm native Hawaiian livelihoods and cultural practices. Akaka and Ariyoshi further suggested that such an expansion would impact Hawaii’s ability to follow through with trust responsibilities to island natives.”<sup>76</sup>

There was also a lack of public outreach and communication prior to making this designation. “Kitty Simonds, executive director of the Western Pacific Fishery Management Council -- a joint federal, state and private sector agency set up under U.S. law to prevent overfishing and manage fisheries stocks in that region – ‘someone sent us an embargoed press release’ about the latest expansion a day before the announcement was made public. Simonds, whose agency had previously called for a “public, transparent, deliberative, documented and science-based process” in advance of the proposed monument expansion, called it “unbelievable that the government is kicking U.S. fishermen out of U.S. waters when the fishery is healthy.”

Simmonds discussed other negative impacts associated with the monument designation including, “The restriction would force U.S. fishing vessels -- about 145 of them -- into international waters to make their catches, where they would compete against fleets from China, South Korea and Indonesia, among others, ‘that have lower fishing standards.’ The move would also, she charged, increase fish imports -- currently about 92 percent of consumption -- rather than lower demand for seafood...The monument designation also over-rode a 40-year-old, federally legislated process of managing fish stocks in all U.S. waters by means of fishery management councils like the Western Pacific agency.”<sup>77</sup>

**Recommendation:** We recommend a reduction of the size of the Papahānaumokuākea Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” We also recommend repealing all fishing, oil and gas, mineral and energy development restrictions resulting from President Obama’s proclamation as well as returning fishing management back to regional fishery management councils.

### ***Rose Atoll, American Samoa***

The Rose Atoll Marine National Monument was designated in the final days of President Bush’s presidency on January 6, 2009. This monument encompasses more than 8.6 million acres of waters and submerged lands approximately 130 nautical miles from Pago-Pago Harbor in American Samoa. The monument prohibits all fishing.

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<sup>76</sup> [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo -- ov\\_hrg\\_on\\_03.15.17.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_ov_hrg_on_03.15.17.pdf)

<sup>77</sup> <http://www.foxnews.com/politics/2016/09/13/will-obama-fence-off-more-ocean-us-fishermen-are-fearful.html>

Rep. Aumua Amata Coleman Radewagen (AS-At Large) stated in May, “We are simply looking to remove the fishing restrictions on the American Samoa fleet for the migratory fish who travel through the monuments. The monuments serve a good purpose, and I support that effort, but not at the expense of access to our people who have utilized these areas for centuries before any relationship with the United States. Also, our fishermen are the most responsible and regulated in the world...as it stands currently, these fish swim through the monuments and are then caught by nations with little to no environmental regulations...that is not helping the sustainability for the future.”<sup>78</sup>

**Recommendation:** We recommend a reduction of the size of the Rose Atoll Marine National Monument so that the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected,” as well as repealing all fishing restrictions via executive order and returning management of the atoll to American Samoa.

### **Concluding Remarks**

We thank you for your thoughtful review and this opportunity to contribute our perspective on these national monuments as they have significant and far-reaching impacts on our communities, states and regions.

The Antiquities Act of 1906 is broken and in desperate need of reform. No one person should be able to unilaterally lock-up millions of acres of public land from multiple-use with the stroke of a pen. Local stakeholders deserve to have a voice on public land-use decisions that impact their livelihoods.

We hope you share our concerns and recommend shrinking many of these national monuments under your review to “the smallest area compatible with proper care and management of the objects to be protected,” and in some cases, recommend rescission of national monuments unilaterally designated by presidents in the last 20 years that are larger than 100,000 acres and that lacked public outreach and coordination with relevant stakeholders.

Additionally, your comments published in the Federal Register also request information on any additional monuments that should be reviewed. While we do not have any additional monuments to be added at this time, we request that the Department of the Interior and the Department of Commerce review the full acreage of all 27 monuments under review including the Pacific Remote Islands National Monument (316.9 million acres) and the Papahānaumokuākea Marine National Monument (372.9 million acres).

Finally, we hope that your review will contribute to substantive policy reforms. A 2001 review by the Department of the Interior of misuse by President Clinton was a step in the right direction, but ultimately the review did not result in any substantive policy changes to curb future abuse.

We ask that the Department commit to working with Congress to rein in this outdated law, protect private property rights, ensure local stakeholder coordination and prevent massive unilateral designations.

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<sup>78</sup> <https://radewagen.house.gov/media-center/press-releases/amata-reiterates-support-marine-monuments>

We would be pleased to discuss our recommendations and this letter with you and your staff should you have any questions or like additional information.

As always, we ask that this request be handled in strict accordance with existing rules, regulations and ethical guidelines.

Thank you for your consideration of our comments.

Sincerely,