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Here's the old TPs mixed with the newer ones I drafted in August.

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## **TALKING POINTS & BACKGROUND**

### **Executive Order: Reviewing Abuses of the Antiquities Act of 1906**

Secretary Zinke submitted his recommendations to President Trump which adjusted the boundaries for six monuments (both land- and marine-based) and modified the proclamation and management of others. The actions recommended by Zinke and implemented by President Trump will reverse decades of federal abuse of the Antiquities Act and restore balance to federally-owned lands. This will allow rural communities to once again access lands that were traditionally used for grazing, timber harvest, recreation, and mineral development.

## **BACKGROUND**

The Antiquities Act of 1906, (Pub.L. 59–209, 34 Stat. 225, 54 U.S.C. § 320301–320303), is an act passed by the United States Congress and signed into law by Theodore Roosevelt on June 8, 1906. The Act grants the President the authority to declare “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” on federal lands.

Concerned about potential federal overreach, Antiquities Act authors noted the scope of the authority was to designate the “smallest area compatible with proper care and management of the objects to be protected.”

The President’s authority is singular; there is no requirement for public input before the designation of a monument. There is also no NEPA requirement.

## **HISTORIC TRENDS**

The Act was first used in 1906 to designate Devils Tower National Monument (WY) on 1,193.9 acres. Today, it’s not uncommon for monuments today to be more than one million acres in footprint.

President Obama designated more areas of land and water than any previous President. Added up, Obama has established or expanded land-use restrictions on more than 550 million acres of land and water.

The designations of the Grand Staircase-Escalante National Monument (GSENM) in 1996 and the Bears Ears National Monument (BENM) in 2016 represent the book-ends of modern Antiquities Act overreach.

## **LOCAL CONCERN: Abuse of the Antiquities Act**

- Over the last ten years in particular, the Antiquities Act has been used to designate millions of acres of land and many times puts this land “off limits” for traditional

multiple-uses like ranching, timber harvest, resource development, infrastructure upgrades, and motorized recreation.

- Designating too much land for a national monument is harmful to the local tax base via the elimination of grazing, timber and mineral leases, as well as the elimination of hunting and fishing access.
  - In one instance, the Gold Butte National Monument infringed on existing water rights of the Virgin Valley Water District

(b) [REDACTED]

## Utah

- Two-thirds of Utah's land is owned by the federal government, making rural communities almost completely dependent upon federal land to make a living.
- President Clinton's designation of GSENM marked the first time a monument was designated on BLM land, and was called the "mother of all land grabs" by Senator Hatch, at 1.7 million acres.
- Garfield County in Utah has stated that GSENM hurt the county by causing a decrease in personal and per capita income, a drop in school enrollment, and an exodus of some residents.
- The monument locked away access to low-sulfur coal in the Kaiparowitz region as well as oil. Senator Hatch stated at the time that the coal reserves were valued at over \$1 trillion.
- In 2016, President Obama designated the 1.3 million acre BENM over significant opposition from Utah local elected officials, the state legislature, the Governor, and the Congressional delegation.

## **EXECUTIVE ORDER: Reviewing Antiquities Act of 1906**

The Executive Order directs the Department of the Interior to review monuments designated using the Antiquities Act over the past 21 years. There are 52 DOI-managed national monuments that were created over the past 21 years using the Antiquities Act. (full list of reviewable monument designations attached)

- This country has many significant objects of cultural, historical, and scientific value that should be protected for the benefit and enjoyment of the public.
- But that shouldn't come at the expense of valuable economic activity that provides tangible benefits through increased wages and reduced costs of goods for families and workers.
- The Antiquities Act, passed in 1906, recognizes this: When designating a monument, the President must choose a boundary that is *the smallest area necessary* to protect the objects of significance.
- Over the last 20 years, and especially over the last 8, certain monument designations have locked up millions of acres of economically productive land and waters and shut out some recreation opportunities.
- The onerous restrictions resulting from monument designations have taken energy development, timber harvesting, grazing, the construction of infrastructure, and commercial fishing off the table on federal lands and waters.
- This has hurt families and workers in the counties and local areas in or near the monuments, counties that in many cases are some of the most impoverished in the country.
- This Administration and Congress has heard from states and local leaders that, in some cases, the designations of monuments have resulted in lost jobs, reduced wages, and residents moving away. That's why the President is asking for a review of all the monuments designated in the last 20 years, to see what changes and improvements can be made, and to give states and local communities a meaningful voice in this process.

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

- The Antiquities Act allows for the President to designate objects such as "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.

- The Antiquities Act mandates that land reserved as National Monuments “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.”
- Despite this clear directive, objects have been extended to include landscape areas, biodiversity, and view sheds, and 'smallest area' has become the exception and not the rule.
- Many of the most controversial national monuments were designated or expanded in the waning days of a presidency after partisan efforts to designate the land stalled in Congress. This is a clear violation of the will of the People and an abuse of executive power.
- On April 26, 2017, President Donald J. Trump signed Executive Order 13792, entitled “Review of Designations under the Antiquities Act.”
- President Trump’s executive order limited the review to monuments designated after January 1, 1996 and over 100,000 acres in size, or monuments that the Secretary deems to have been created without adequate public input.
- The order directed the Secretary to submit an interim report on Bears Ears National Monument within 45 days. The report was delivered to the White House on June 10, 2017.
- The order directed the Secretary to submit a report on all other monuments under review within 120 days, which is August 24, 2017.

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

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

stakeholders. (He had also been to Upper Missouri River Breaks and Great Sequoia national monuments in the past)

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

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

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

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

**False:** This is not true. Under the Antiquities Act, the monuments are designated on already federal land

Therefore, if any monument is rescinded or shrunk, the land would remain federally owned and be managed by one of the land management agencies such as the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, and the National Park Service.

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

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

**Myth:** Reducing the size of a monument will leave the land without protections and will damage dinosaur fossils and Native American artifacts.

**False:** This is false. Under federal law, it is illegal to remove Native American artifacts or fossils from federally-owned land unless one acquires the necessary permits. This is the same whether the land is a monument or not.

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

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

**Myth:** Tribal governments were not consulted during the monument review

**False:** The Secretary met with the Bears Ears Inter-Tribal Coalition on May 7th in Salt Lake City and the Department hosted several Tribal listening sessions across the country over the 120-day review period. One such listening session was presided over by the Acting Deputy Secretary and lasted roughly four hours. Additionally, the Secretary personally had multiple meetings and conversations with several Tribal representatives over the course of the review.