

To: Scott Aikin[scott_aikin@fws.gov]
Cc: Betsy Hildebrandt[betsy_hildebrandt@fws.gov]; Scott Kahan[scott_kahan@fws.gov]; Charles Parrott[charles_parrott@fws.gov]
From: Rupert, Jeff
Sent: 2017-05-22T14:50:50-04:00
Importance: Normal
Subject: Re: Tribal listening sessions-monument review
Received: 2017-05-22T14:51:00-04:00
[tribal listening session schedule.pdf](#)
[tribal listening session tribal letter.pdf](#)
[Monuments Review EO.docx](#)

Scott, I wanted to get you some additional information about these upcoming tribal listening sessions. I've attached the scheduled dates for all of the sessions, again I think we'd like to target two, Oregon and Connecticut; the draft information going to the tribes, and EO 13792. I'll try to contact you by telephone, so we can talk in a bit more detail. my cell phone number is: 571-451-6525. Thanks--Jeff

On Sat, May 20, 2017 at 9:31 AM, Jeff Rupert <jeff_rupert@fws.gov> wrote:

Hello Scott, sorry for the weekend note, but I wanted to get a couple of upcoming events on your radar screen in hopes that you could participate. I've been working with Betsy Hildebrandt to coordinate the FWS response to EO 13792 which directs Interior, and several other agencies to review a number of Monuments. BIA is coordinating four tribal listening sessions in conjunction with the review. After a short discussion with Jim Kurth yesterday we're hoping that you'll be able to participate in two of them.

The first is next Thursday, May 25, 3:15-5:00 pm in Portland, OR at the Hilton Doubletree Lloyd Center, in conjunction with the Affiliated Tribes of Northwest Indians Mid-Year Conference.

The other is Monday, June 12, 3:00-5:00 pm in Uncasville, CT at the Mohegan Sun, in conjunction with the National Congress of American Indians Mid-Year Congress.

Any chance you fit these sessions into your schedule? I'll follow-up Monday with supporting material, but again wanted to get you the dates as soon as possible. Thanks--Jeff Rupert

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Jeff Rupert
Chief, Division of Natural Resources
703-358-2660

The White House
Office of the Press Secretary
For Immediate Release
April 26, 2017

Presidential Executive Order on the Review of Designations Under the Antiquities Act

EXECUTIVE ORDER 13792

REVIEW OF DESIGNATIONS UNDER THE ANTIQUITIES ACT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in recognition of the importance of the Nation's wealth of natural resources to American workers and the American economy, it is hereby ordered as follows:

Section 1. Policy. Designations of national monuments under the Antiquities Act of 1906, recently recodified at sections 320301 to 320303 of title 54, United States Code (the "Antiquities Act" or "Act"), have a substantial impact on the management of Federal lands and the use and enjoyment of neighboring lands. Such designations are a means of stewarding America's natural resources, protecting America's natural beauty, and preserving America's historic places. Monument designations that result from a lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders may also create barriers to achieving energy independence, restrict public access to and use of Federal lands, burden State, tribal, and local governments, and otherwise curtail economic growth. Designations should be made in accordance with the requirements and original objectives of the Act and appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.

Sec. 2. Review of National Monument Designations. (a) The Secretary of the Interior (Secretary) shall conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with

relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of this order. In making those determinations, the Secretary shall consider:

- (i) the requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected";
- (ii) whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest";
- (iii) the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
- (iv) the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;
- (v) concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;
- (vi) the availability of Federal resources to properly manage designated areas; and
- (vii) such other factors as the Secretary deems appropriate.

(b) In conducting the review described in subsection (a) of this section, the Secretary shall consult and coordinate with, as appropriate, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Secretary of Homeland Security, and the heads of any other executive departments or agencies concerned with areas designated under the Act.

(c) In conducting the review described in subsection (a) of this section, the Secretary shall, as appropriate, consult and coordinate with the Governors of States affected by monument designations or other relevant officials of affected State, tribal, and local governments.

(d) Within 45 days of the date of this order, the Secretary shall provide an interim report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section with respect to Proclamation 9558 of December 28, 2016 (Establishment of the Bears Ears National Monument), and such other designations as the Secretary determines to be appropriate for inclusion in the interim report. For those designations, the interim report shall include

recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

(e) Within 120 days of the date of this order, the Secretary shall provide a final report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section. The final report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
April 26, 2017.

Listening Sessions on Interior's Review of National Monuments Identified under E.O. 13792

Date	Time	Location
Thursday, May 25, 2017	3:15 p.m. – 5:00 p.m. Local Time	Hilton DoubleTree Lloyd Center 1000 NE Multnomah Street Portland, OR 97232 (In conjunction with the Affiliated Tribes of Northwest Indians Mid-Year Conference)
Tuesday, May 30, 2017	8:30 a.m. – 12:00 p.m. Local Time	Northern Hotel 19 North Broadway Billings, MT 59101 (406) 867-6767
Thursday, June 1, 2017	1:00 p.m. – 4:00 p.m. Local Time	Phoenix Convention Center 100 N 3rd Street Phoenix, AZ 85004 (602) 262-6225
Monday, June 12, 2017	3:00 p.m. – 5:00 p.m. Local Time	Mohegan Sun 1 Mohegan Sun Boulevard Uncasville, CT 06382 (In conjunction with the National Congress of American Indians Mid-Year Conference)



Tribal Listening Session
E.O. 13792 – Review of Designations Under the Antiquities Act



Office of the Assistant Secretary – Indian Affairs

Why are these listening sessions being held?

In order to implement Executive Order 13792 (April 26, 2017), the Department of Interior (DOI) seeks tribal input to inform DOI's reviews of 27 National Monuments designated or expanded since 1996 under the Antiquities Act of 1906. The Secretary of Interior will use the reviews to determine whether each designation or expansion conforms to the policy stated in the Executive Order and to formulate recommendations for Presidential actions, legislative proposals, or other appropriate actions to carry out that policy.

In addition to comments at the listening sessions, written comments are being accepted until May 26, 2016, for the Bears Ears Monument, and for all other monuments until July 10, 2017. Written comments may be submitted by email to consultation@bia.gov. The Department is also accepting comments from the general public online at <http://www.regulations.gov> by entering "DOI-2017-0002" in the Search bar and clicking "Search," or by mail to Monument Review, MS-1530, U.S. Department of Interior, 1849 C Street NW, Washington, DC 20240.

What is Executive Order 13792 *Review of Designations Under the Antiquities Act*?

E.O. 13792 requires that the Secretary of the Interior review national monuments that have been designated or expanded since January 1, 1996, where the designation covers more than 100,000 acres or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.

In making the determinations about the monuments, the Secretary is directed to consider:

- i. the requirements and original objectives of the Antiquities Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected;"
- ii. whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest;"
- iii. the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
- iv. the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;



- v. concerns of state, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected states, tribes, and localities;
- vi. the availability of federal resources to properly manage designated areas; and
- vii. such other factors as the Secretary deems appropriate.

How will the information from the listening sessions be gathered and utilized?

- ✓ Meetings will be recorded and transcribed.
- ✓ Comments will be collected in writing.
- ✓ Copies of the transcripts will be available at www.bia.gov.
- ✓ Your comments, ideas, and suggestions will be used by DOI in its review of the 27 monument designations and the subsequent recommendations to the President.

What will happen after these listening sessions?

- ✓ Transcripts and written comments will be analyzed and recommendations reported to the Assistant Secretary – Indian Affairs and the Secretary of the Interior.
- ✓ The Secretary will provide an interim report to the President summarizing the findings of the review and provide recommendations for such Presidential actions, legislative proposals, or other actions within 45 days of the date of the Executive Order (June 10, 2017).
- ✓ The Secretary will provide a final report to the President summarizing the findings of the review and provide recommendations for such Presidential actions, legislative proposals, or other actions within 120 days of the date of the Executive Order (August 24, 2017).

Topics we would like to discuss:

1. Are there other monuments in addition to the 27 being currently reviewed that should also be reviewed because they were designated after January 1, 1996, without adequate public outreach and coordination with relevant stakeholders?
2. Comments on the application of the seven factors (i-vii) listed in the Executive Order 13792 that the Secretary of the Interior is to use in reviewing the 27 monument designations. Please share other factors that should be considered.