Congress of the United States
Washington, DC 20515

November 9, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20002

Dear President Trump:

We write in order to provide you our comments and recommendations with regards to the 27 land and marine monuments placed under review at the behest of your Executive Order (EO) 13792 issued on April 26, 2017. We applaud your decision to initiate a review in the first place – far from being unprecedented, monuments have been shrunk 12 times in the past by Presidents. We wish to make clear in this letter the overwhelming need expressed to us by stakeholders, state and local lawmakers and citizens alike for comprehensive revisions to many of the monuments in question, as well as to indicate which monuments under review appear consistent with the Antiquities Act as designated. We sincerely appreciate your interest in giving review to a process that has been abused and subsequently unaccountable to the American people.

The story of the majority of these monuments is one in which a former President – hoping to cement his legacy, or bowing to pressure from special-interest groups – unilaterally sequesters away thousands and even millions of acres of land from use by the stroke of a pen. The Act has been repeatedly misused in this way by presidents who neglected to provide appropriate notice or solicit local input before issuing proclamations – effectively depriving those affected of any chance to make their case. It is incumbent on those with great power to exercise a corresponding level of responsibility – but in the case of government, we observe that responsibility is too rarely exercised when the power in question is unfettered. Though Congressional reform of the Antiquities Act is in order, Executive review can right many past wrongs immediately.

As a consequence of these oversteps, the number of important t projects which would grow the economy and boost employment, but which have shuttered due to overzealous monument designations, is uncountably large. Concerns about restricted use are especially relevant in Western states. The federal government owns and controls *47% of all land* in Western states. In order to sustain government revenues and maintain a semblance of a vibrant economy, these states rely on multiple-use arrangements. But the result of the monuments of recent decades is too often to halt energy development, trample on water rights, neglect wildfire prevention work, and ignore grazing rights, hunting, fishing, and Off Highway Vehicle (OHV) use. Not only is it the result, but it is the motivation behind supermassive monuments in the first place. In these cases, protection of "objects of historic or scientific interest" only enters the picture afterwards.

With massive designations, objects in legitimate need of protection are imperiled too. We lack the resources to protect and patrol monuments that are hundreds of millions of acres in size. The worry that monument designation can bring counterproductive public attention to sensitive spaces which would otherwise be left untouched has often proved legitimate.

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Presidents from both sides of the aisle have used the stroke of a pen to unilaterally lock up hundreds of millions of acres. According to the House Committee on Natural Resources, previous Presidents have designated or enlarged monuments 233 times to lock-up a total of 840.4 million acres of land and water. This is an area roughly 10 times the size of the entire National Park System.[1] Since 1996, the Act has been used by Presidents 26 times to create monuments over 100,000 acres or more.

Compared to the early application of the Antiquities Act, where the average size of a national monument was 422 acres, it became commonplace for monuments President Obama designated to exceed one million acres in size. 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.

As a businessman whose goals as President include bringing back a vibrant economy, we know you understand the obvious problems with how the Antiquities Act was misused. The major roadblock to job creation and economic prosperity in our country is not deficient work ethic or lack of ingenuity on the part of the American people. The issues are an all-too-powerful federal government, an expansive bureaucracy, and dictatorial land-use decisions that intentionally block economic development opportunities.

Along these lines, the Antiquities Act has morphed into an astonishing example of bad governance in our otherwise great country. Major land-use policies should come as a consequence of policy leaders, legislatures, industries and the American people coordinating around an established problem so the resolution represents a balance of interests – one that swings overall in the public's favor due to the broad representation comprising it. Most of the 27 monuments in question represent just the opposite – and accordingly, they are worse than merely bad economic policy. They are affronts to our very mode of governance. We must remember that we are the envy of nations around the world precisely because our system, operating properly, prevents the arbitrary use of power for personal gain and the confiscation of property.

Powerfully vocal special-interest groups have been undeniably effective in mobilizing their contributors to flood public comment periods in favor of these monuments under review. Many of the petitioners are motivated, quite commendably, to "protect our public lands," and have been told that the proper way to do this is through gigantic monuments. While preservation of our interior is something we all care about, we are concerned that the volume of the megaphones of well-funded interest-groups – whose contributors have often never visited the locations in question – have drowned out the voices of local officials and stakeholders suffering demonstrated harm. Generic form comments prompted by extremist groups should be given low credence as a result. Furthermore, many average working Joes and blue collar folks are not familiar with the Federal Register, comment period and pending deadlines. Their voices should not be forgotten or ignored because of a bureaucratic process established by the federal government.

We have used a simple framework to determine whether a given monument should be retained as-is. The boundaries of the monument must be compliant with the statute – that is, in keeping

[1] https://naturalresources.house.gov/uploadedfiles/markup_memo_--_hr_3990_on_10.11.17.pdf

with the "smallest area compatible with proper care and management of the objects" clause of the Antiquities Act – and they must also be of demonstrated scientific or historic interest. These are two essential legal justifications for a monument, but the vast majority of the 27 in question appear to violate one or both requirements. As such, the parameters forming our consensus necessarily demand the shrinkage or rescission of a majority of the monuments under review. This is not to say that some of the areas in question should not be considered for other kinds of protection – as National Parks, for example – only that their boundaries are noncompliant with the Act in question.

We are steadfast carriers of the conservationist legacy carried out by the likes of Teddy Roosevelt and many others. The conservationist tradition centers around the notion of collective responsibility, and the principle that *we the people* collectively decide the lands we must preserve for ourselves and for posterity. A glance at the circumstances surrounding the offending monuments shows that conservationism, common sense, and business-friendly land use policy have been run roughshod in the process of their declaration.

One dispiriting aspect of lawmaking in Washington is the way that status-quo complacency and self-enriching motivations allow bad policy to become a drain on the economy and a temper on the American spirit for decades at a time. And yet, an inspiring part of your Presidency is that it demonstrates that mediocre policy having been a feature of the past does not mean it has to be determinant of our nation's future. In these considerations we recall Teddy Roosevelt's words, immortalized in his speech "True Americanism," which jump off the page for their present relevance: "What is true of patriotism and reform is true also of Americanism. There are plenty of scoundrels always ready to try to belittle reform movements or to bolster up existing iniquities in the name of Americanism; but this does not alter the fact that the man who can do most in this country is and must be the man whose Americanism is most sincere and intense."

We're pleased that this letter has been endorsed and is supported by the American Farm Bureau, the Americans for Responsible Recreation Access, the National Cattlemen's Beef Association and the Public Lands Council.

Your decision 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 are pleased to provide the following analysis of the 27 monuments currently under your review. We ask that you take these recommendations to heart and that you not be deterred by a few vocal special-interests groups from finishing what you set out to accomplish with this review. In order to correct egregious abuse by previous presidents, you must think big and act even bigger!

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 is known to have been declared as a personal favor to

then-Senate Minority Leader Harry Reid. According to a former Obama adviser, "it is only due to Harry Reid that [Basin and Range] is getting done."[2]

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) operated under the multiple-use doctrine. 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."[3]

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."[4] Similarly, Lincoln County Commission Chair Kevin Phillips called the monument "disgusting… loathsome... illegal… [and] unfair,"[5] in recounting the county's years-long fight to prevent a monument.

The boundaries designated crucially fail to meet the requirements for a monument in 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.[6] Additional antiquities include petroglyphs that already receive protection under the National Register of Historic Places and as Wilderness Areas.[7] These areas, which are already protected, are only a few acres total out of the 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. The mapped recommendation of these stakeholders along with an alternative compromise have been submitted to both the Department of Interior and the White House.

Bears Ears, Utah

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[2] 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
[3] http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/
[4] http://pvtimes.com/nevada-basin-and-range-reversal-won-t-bolster-yucca-mountain
[5] http://www.lccentral.com/2015/07/17/basin-and-range-declared-national-monument/
[6] 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.
[7] 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."[8] 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]."[9]

Equally troubling, 109,000 acres of Utah School and Institutional Trust Administration (SITLA) land were locked up with this declaration.[10] 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.[11]

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.

As Secretary Zinke accurately noted, the Bears Ears Proclamation also failed to "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

Overwhelming opposition to BENM is evidenced by the fact that a mere 17 percent of Utahans favored the designation according to a scientific poll.[12] Further, the entirety of the Utah Congressional delegation voiced unanimous support of the rescission of the

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[8] http://conservationlands.org/wp-content/uploads/2015/05/Fall-2014-meeting-minutes.pdf
[9] https://naturalresources.house.gov/uploadedfiles/testimony_benally.pdf
[10] https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/
[11] http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/
[12] 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

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 Act."[13] We concur with this sentiment and encourage this tack.

Recommendation: We recommend 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."[14]

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."[15]

This misguided effort was pushed by extremist special-interest groups and does not warrant national monument status. [16]

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 an extremely high density of archeological sites with roughly 6,000 sites already 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

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[13] https://www.hatch.senate.gov/public/index.cfm/2017/5/hatch-congressional-delegation-urge-full-rescission-of-bears-ears-in-letter-to-zinke

[14] http://lakeberryessanews.com/berryessa-snow-mountain.html

[15] http://www.dailydemocrat.com/article/ZZ/20150114/NEWS/150117514

[16] http://www.sierraclub.org/redwood/berryessa-snow-mountain-national-monument

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."[17]

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."[18] 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[19], 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.[20] 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.[21]

Recommendation: We recommend the reduction of the Carrizo Plain National Monument consistent with the original Carrizo Plain Natural Area Plan, that the Monument be revised in order to allow responsible American energy production 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.

Cascade Siskiyou, Oregon

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[17] https://www.blm.gov/programs/national-conservation-lands/colorado/canyons-of-the-ancients

[18] http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Gardner%20%20Tipton_Canyons%20of%20the%20Ancients.pdf

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

[20] http://energydesk.greenpeace.org/2017/05/10/donald-trump-national-monuments/

[21] http://www.npshistory.com/publications/blm/carrizo-plain/rod-rmp-2010.pdf

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.[22] 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."[23]

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."[24]

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.[25] 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 Trump Administration to do what we can to roll back this midnight expansion."[26]

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[22] https://naturalresources.house.gov/uploadedfiles/american_forest_resource_council_letter.pdf
[23] https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=401463
[24] 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
[25] https://naturalresources.house.gov/uploadedfiles/letter_to_wh_natl_monument_designation.pdf
[26] http://www.opb.org/news/article/cascade-siskiyou-monument-expansion-obama/

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."[27]

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.

As Secretary Zinke accurately noted, the Cascade Siskiyou Proclamations also failed to "to reduce impact on private lands and remove O&C lands to allow sustained yield timber production" as well as "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

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.

Public and political support for the monument was contested after President Clinton expanded the monument in 2000 for reason of local stakeholders lacking input into the decision and bypassing Congress. However, after Representative Mike Simpson introduced corrective legislation, a broad swath of interested parties felt their concerns had been addressed once his bill became law in 2002. Craters of the Moon now operates under a management plan that is satisfactory for the purposes and stakeholders involved as a result.

Craters of the Moon is comprised of, in the words of Secretary Zinke, "a living timeline of the geologic history of our land on the Great Rift." It is a location of scientific and historic interest alike, and the timeless and instructive objects it contains clearly merit designation. Finally, its preservation needs are readily addressed with the requirements and protections imposed by designation as a monument.

Recommendation: We recommend no changes to the Craters of the Moon monument.

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[27] Department of the Interior Solicitor General Nathan R. Margold, M. 30506, 03/09/40, pgs. 3-4.

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."[28] Since that time, frivolous lawsuits have prevented such maintenance of the forest and legislation to pursue such endeavors has stalled.[29,30] 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.

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 to rebuke to the Bundy family.

Nevada Governor Brian Sandoval observed that, "[The monument] bypassed Congress and the public. I believe that our Congressional delegation should have had a primary

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[28] https://www.gpo.gov/fdsys/pkg/FR-2000-04-25/pdf/00-10312.pdf

[29] https://naturalresources.house.gov/uploadedfiles/duysentestimony07.27.06.pdf

[30] 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

role in working to build consensus as has been accomplished successfully in the past."[31] 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.[32] Unfortunately, this request and many others fell on deaf ears and President Obama created the Gold Butte National Monument.

Former Rep. Cresent 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."[33]

As Secretary Zinke accurately noted, the GBNM Proclamation also failed to "protect historic water rights" as well as "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

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. The mapped recommendation of these stakeholders along with an alternative compromise have been submitted to both the Department of Interior and the White House.

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 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."[34] 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."[35]

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[31] http://gov.nv.gov/News-and-Media/Press/2016/Sandoval-Statement-on-Gold-Butte-Designation/

[32] https://www.heller.senate.gov/public/_cache/files/c12324dc-c094-49f7-8f81-9a0ea6379e27/11172016%20Heller%20Letter%20to%20President%20Obama%20on%20National%20Monument%20Designati....pdf

[33] http://www.pbs.org/newshour/bb/gold-butte-national-monument-controversial-locals/

[34] http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf

[35] Ibid.

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."[36] Equally as important, "[Stump's bill] preserved the ranching lifestyle and maintains existing, historic and traditional uses of the [land]."[37] 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[38]), 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 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."[39]

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.[40] 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

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[36] http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/Parshant%20Stump%20Testimony.pdf
[37] Ibid.
[38] https://www.nps.gov/subjects/plandesignconstruct/loader.cfm?csModule=security/getfile&PageID=5547454
[39] https://naturalresources.house.gov/uploadedfiles/jonestestimony04-16-13.pdf
[40] Ibid.

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.[41]

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."[42]

Secretary Zinke noted, "The actual amount of cattle runs has decreased due to restrictions on activities that facilitate grazing, including moving water lines, vegetative management, erosion control measures, and maintenance of infrastructure such as fences and road. Motorized vehicle use is limited both by the GSENM Proclamation and the Management Plan…Areas encompassed within the GSENM contain an estimated several billion tons of coal and large oil deposits."

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 habit, and promote healthy watersheds for the public."[43] 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 established the Hanford Reach National Monument in 2000, which includes the last free-flowing, non-tidal stretch of the Columbia River in the U.S., as well as a biologically diverse landscape and wide spectrum of scientific and historic objects.[5]

More than 10,000 years of human history are preserved throughout the monument, a large majority of fall Chinook salmon are spawned within the waters of the Hanford Reach, and hundreds of prehistoric archeological sites have been recorded therein. The

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[41] Ibid. "A Preliminary Assessment of Energy and Mineral Resources within the Grand Staircase - Escalante National Monument"

[42] http://www.stgeorgeutah.com/news/archive/2015/07/06/ccj-battle-cattle-controversy-grand-staircase-escalante-national-monument/#.WUKWcvnyuUk

[43] https://naturalresources.house.gov/uploadedfiles/eliasontestimony04-16-13.pdf

[5] https://www.gpo.gov/fdsys/pkg/WCPD-2000-06-12/pdf/WCPD-2000-06-12-Pg1322.pdf

monument is a treasure that merits the protection and preservation provided by its designation as a national monument.

However, concerns regarding public access to areas of the Hanford Reach National Monument, particularly the summit of Rattlesnake Mountain, continue to persist after years of calls from the public to open the summit for access. The *Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015* included language calling for the Secretary of the Interior to instruct the U.S. Fish and Wildlife Service (FWS) to ensure public access to the summit, but FWS has still yet to do so. There is no reason the public should not be able to visit the summit—the mountain already includes a road to the summit where a communications tower stands. Washingtonians and all Americans deserve to have access to this historic national monument for educational, recreational, historical, scientific, and cultural purposes. It is vital that public access to federal lands, in the West and throughout the country, must not be obstructed.

Recommendation: We recommend no changes to boundaries of the Hanford Reach National Monument, but FWS must move forward with plans to increase public access to the monument, including to the summit of Rattlesnake Mountain.

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 has caused harm to the common schools beneficiary, K-12 education. The monument proclamation explicitly prohibited future mineral and geothermal energy production. Further, the Ironwood Forest National Monument has enacted a complete ban on recreational shooting.

If you look at the boundaries of Ironwood monument, it encircles the Silver Bell Mine and several other mining claims. This was clearly a political designation in order to prevent mining. If this were not the case, the monument would be much smaller and only protect a few artifacts. Asarco had invested $70 million prior to the monument designation in hopes to expand the mine. They will likely invest several hundred millions more, create jobs and grow the economy if the mine is no longer in the monument boundary. Countless other examples like this exist throughout the country.

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."[44]

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[44] http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf

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."[45] This sort of red tape that faces AZGFD, job creators 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."[46]

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

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.[47] 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.[48]

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

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[45] http://gosar.house.gov/sites/gosar.house.gov/files/Tyler%20Carlson%20testimony.pdf

[46] https://www.bostonglobe.com/magazine/2013/11/17/son-burt-bees-cofounder-leads-fight-for-maine-national-park/iQHv6w2s7fUJc6MBt6ZJSN/story.html

[47] https://poliquin.house.gov/media-center/press-releases/collins-king-poliquin-send-letter-president-possible-national-monument

[48] https://static.votesmart.org/static/billtext/56445.pdf

we have historically been able to support the industries that rely on this land without interference from the federal government."[49]

As Secretary Zinke accurately noted, "There are concerns that timber harvest and snow mobiling access will not be permitted" and the Proclamation failed to "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

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 miles of off-highway vehicle roads will be closed." [50]

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

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[49] https://naturalresources.house.gov/uploadedfiles/testimony_lepage.pdf

[50] https://www.usatoday.com/story/news/environment/2017/04/26/trump-executive-order-targets-sand-snow-mojave-trails-national-monuments-california/306620001/

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.[51] 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.[52] 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.

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."

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[51] http://www.lcsun-news.com/story/news/local/2016/11/25/trump-urged-abolish-organ-mountains-monument/94425036/

[52] https://westerncaucus.house.gov/Blog/congressman-bishop-urges-president-obama-to-reconsider-using-the-controversial-antiquities-act

Rep. Pearce also noted, "By designating this monument under the Antiquities Act, the Obama Administration ignored this work and created an overly burdensome and harmful footprint – roughly 500,000 acres extending roughly 59 miles from corner to corner. The size and complexity of the Organ Mountains raises serious economic, security, and access concerns that cannot be appropriately addressed without resizing the monument's footprint...The Secretary even mentioned the WWII bombing craters in his summary as one of the more egregious examples of an over-expansive monuments…The Monument does not respect or protect private property rights. The current footprint surrounds thousands of acres of state and private lands, creating a number of access concerns that will significantly devalue these parcels. This will most likely lead to landowners being forced to sell off their properties to the federal government, something the previous Administration likely intended."

As Secretary Zinke accurately noted, "The designation could prevent access to parts of allotments. Further, vegetative management and other maintenance work could be restricted and further degrade the ability for ranchers to run cattle." The Proclamation failed to "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

Rep. Pearce submitted a list of 800 businesses and individuals who oppose this monument designation. [53]

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 113th 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."[54]

Ranching has also been harmed by this monument. As Secretary Zinke noted, "Road closures due to monument restrictions have left many grazing permittees choosing not to

[53] https://www.usnews.com/news/best-states/new-mexico/articles/2017-06-22/gop-new-mexico-lawmaker-wants-to-shrink-national-monument

[54] https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument

renew permits. The Proclamation also failed to "prioritize public access; infrastructure upgrades, repair, and maintenance; traditional use; tribal cultural use; and hunting and fishing rights."

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.

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.[55]

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."[56]

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

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[55] http://www.latimes.com/local/la-me-san-gabriels-monument-20141009-story.html
[56] Ibid.

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 including tribes, sportsmen, conservationists, the Department of Defense, natural resource developers and ranchers to name a few.[57]

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 Arizona. The Sonoran Desert National Monument proclamation explicitly prohibited future mineral and geothermal energy production, terminated grazing leases and allowed for significant road closures.

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."[58]

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

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[57] https://www.congress.gov/bill/114th-congress/house-bill/3668/text#toc-H72AFEF7974FC4FBEAF0E0DDBFD347E7A

[58] http://azcapitoltimes.com/news/2015/05/11/proposed-national-monument-federal-land-grab-protection-or-feel-good-folly/

objects on the Sonoran Desert National Monument. Route closures on the Sonoran Desert National Monument provide just one example of post-designation access restrictions."[59]

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. 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."[60] 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. [61] 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 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.

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[59] http://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/National%20Monument%20EO%20AGFD%20working%20draft%20final%206-1-17%20%283%29.pdf

[60] http://www.krtv.com/story/35649394/upper-missouri-river-breaks-national-monument-debate

[61] http://billingsgazette.com/news/government-and-politics/trump-national-monument-review-could-bring-scrutiny-to-upper-missouri/article_77b3a148-85c5-5fad-b115-db7861e2ffab.html

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. Further, the economy has been harmed as Uranium deposits in this monument have been off limits for exploration and development since 2000. Prior the monument designation, much of the land in question was already a wilderness area with a viable and effective management plan in place.[62] 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.[63] 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.

As Arizona Governor Doug Ducey noted, "Arizona currently has 18 monuments, the most in the nation. 77% of Arizona's lands have restrictions that relate to public access and recreational use. The State's ability to conserve, manage and protect Arizona's wildlife resources is negatively impacted on a total of 10.3 million acres."

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.[64] All fishing is prohibited within the monument. The monument also bans oil and gas production as well as other energy development activities.

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

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[62] http://mobile.wnd.com/2000/11/4675/

[63] https://www.congress.gov/bill/98th-congress/house-bill/4707

[64] https://www.gpo.gov/fdsys/pkg/CFR-2010-title3-vol1/pdf/CFR-2010-title3-vol1-proc8335.pdf

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 commercial fishing with the exception of red crab and American lobster fisheries. 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.' [65]

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.'[66]

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 underneath them."[67]

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.

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[65] https://www.pacificlegal.org/release-3-7-17-massachusetts-lobstermen-1-1536.
[66] Ibid.
[67] http://www.southcoasttoday.com/news/20170530/fisheries-council-seeks-voice-in-marine-monument-review

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."[68]

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.

Papahanaumokuakea, 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 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 Ariyshi further suggested that such an expansion would impact Hawaii's ability to follow through with trust responsibilities to island natives.[69]

There was also a lack of public outreach and communication prior to making this

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[68] https://naturalresources.house.gov/uploadedfiles/03.07.17_ltr_to_potus_re_monuments.pdf
[69] https://naturalresources.house.gov/uploadedfiles/hearing_memo_--_ov_hrg_on_03.15.17.pdf

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."[70]

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 commercial fishing.

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."[71]

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

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[70] http://www.foxnews.com/politics/2016/09/13/will-obama-fence-off-more-ocean-us-fishermen-are-fearful.html
[71] https://radewagen.house.gov/media-center/press-releases/amata-reiterates-support-marine-monuments

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.

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

By going back to the drawing board and coordinating with state and local stakeholders, you have 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.

This letter emphasizes the extent to which the signer's consensus on monuments is that they must be statutorily compliant – i.e. in keeping with the "smallest area compatible with proper care and management of the objects" clause of the Antiquities Act, and that they must be of demonstrated scientific or historic interest. As such, the parameters forming this consensus necessarily demand the shrinking or rescission of a majority of the monuments under review. 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 or results that curbed future abuse.

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.

Thank you for your consideration of our comments.

Sincerely,

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

Andy Biggs
Member of Congress

Kevin Cramer
Member of Congress

Randy Weber
Member of Congress

Aumua Amata Radewagen
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Paul Cook
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Daniel Webster
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Ted Yoho
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