

Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue., NW  
Washington, D.C. 20500

Dear Mr. President,

As leaders of grassroots, legal, and public policy organizations throughout the United States, we welcome your administration's recent review of national monuments created under the Antiquities Act of 1906. It is our understanding that Interior Secretary Ryan Zinke has sent a draft report to the White House in which he recommends certain changes to existing monument designations.

According to press reports, Secretary Zinke has proposed eliminating no monuments, modifying ten monuments, and narrowing the boundaries of six monuments: the 1.35 million-acre Bears Ears and the 1.9 million-acre Grand Staircase-Escalante (both in Utah), the 98,000-acre Cascade-Siskiyou in Oregon, and the nearly 300,000-acre Gold Butte in Nevada, as well as two marine monuments of the Pacific Remote Islands and the Rose Atoll. While details of the proposal remain unclear, we believe that a truly comprehensive assessment of the effect of monument designations on local communities must deal much more forcibly with the abuses that have plagued the program for decades.

The original intent of the Antiquities Act was to protect archeological artifacts and sacred sites of Native Americans from poaching and other unnatural disturbances. Indeed, the Antiquities Act calls for monuments to be limited to the "smallest area compatible" with protecting a given site or object. In what is a complete distortion of the Antiquities Act's original intent, monument designations – whether on land or at sea – frequently involve thousands of square miles that are permanently off-limits to almost all economic activity.

In your Executive Order of April 25, you promised to "end another egregious abuse of federal power, and to give that power back to the states and people where it belongs." You recognized that it was a misuse of the Antiquities Act "to unilaterally put millions of acres of land and water under strict federal law... eliminating the ability of the people who actually live in these states to decide how best to use the land." You directed Secretary Zinke "to end these abuses and return control to the people, the people of Utah, the people of the states, the people of the United States." And you concluded, "This should never have happened." We agree this effort will help make America great again by balancing economic needs and private property protections with environmental goals.

Many of today's national monuments are de facto wilderness areas where strict land- or sea-use restrictions are in place. Under the Wilderness Act of 1963, only Congress is authorized to create wilderness areas. Thus, the practice of previous administrations of designating vast swaths of territory as national monuments was done to circumvent the clear language of the Wilderness Act, and to create de facto wilderness areas without the consent of elected state and local officials.

With this history of abuse in mind, we strongly urge the Trump administration to make a dramatic break with the past and begin to undo the injustices perpetrated in the name of designating national monuments. This would include:

- Rescinding the designation of the Grand Staircase-Escalante National Monument, which was carried out by the Clinton administration without the consent of state and local officials in Utah;
- Rescinding the designation of the Bears Ears National Monument, whose boundaries far exceed the sites where cultural artifacts may be located and whose area, according to a Utah Geological Survey report, contains energy mineral resources with an estimated value between \$223 billion and \$330 billion;
- Rescinding the designation of the Katahdin Woods and Waters National Monument, which was created on thousands of acres of land that had previously been privately owned – setting a terrible precedent – and was vigorously opposed by Maine Governor Frank LePage and Maine’s Legislature; and
- Rescinding the designation of the 4,913 square-mile Northeast Canyons and Seamounts Marine National Monument, a rich fishing ground from which commercial fishermen and lobstermen will be barred in accordance with the 2016 Obama designation.

In addition to these steps, we recommend that other national monument receive further scrutiny in recognition of the limited time Secretary Zinke had to review these designations. In those cases where archeological and sacred sites need protection, this should be done in accordance with the Antiquities Act’s provision for limiting the designation to the “smallest area compatible” with protecting the site.

In declaring the Obama administration’s Deferred Action on Childhood Arrivals (DACA) unconstitutional, Attorney General Jeff Sessions stated that “Such an open-ended circumvention of immigration laws was an unconstitutional exercise of power by the executive branch.” Federal law has also been circumvented by the executive branch in designating national monuments. It is time for this unconstitutional practice to end.

Ultimately, it is incumbent on Congress to address the problems that have allowed previous administrations to abuse this law.

In closing, we applaud the administration’s interest in this issue and we look forward to working with you in restoring integrity and transparency to a process that for too long has been lacking in both.

Sincerely,

David A. Ridenour  
President  
National Center for Public Policy Research