October 18, 2017

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 Paul 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 archaeological 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

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institut

Martha Boneta
Executive Vice President
Citizens for the Republic

Craig Rucker
Executive Director
Citizens For a Constructive Tomorrow

G. Ray Arnett
Former Assistant Secretary for Fish & Wildlife & Parks
U.S. Department of the Interior

Hon. Dennis Hollingsworth
Former Minority Leader
California State Senate
William Perry Pendley, Esq.
President
Mountain States Legal Foundation

Representative Judy Boyle
Idaho House of Representatives

Tom Randall
Senior Partner
Winningreen, LLC

George Rasley
Former Assistant Director, National Park Service
U.S. Department of the Interior

Charles Daniel
President
Caesar Rodney Institute

Lewis K. Uhler
President
National Tax Limitation Committee

Hon. Gail Griffin
Chair, Natural Resource, Water and Energy Committee
Arizona State Senate

Michael Needham
Executive Director
Utah Shared Access Alliance

Hardie Tatum
President
Associated California Loggers

Daniel J. Dructor
Executive Vice President
American Loggers Council

Karen Moreau
President
Foundation for Land and Liberty

E. Calvin Beisner
Founder and National Spokesman
Cornwall Alliance for the Stewardship of Creation

Stuart Kallgren
President and Steering Committee Chair
Maine Woods Coalition

C.J. (Caroline Joy) Hadley
Publisher/Editor
RANGE magazine

Jennifer Fielder
Chief Executive Officer
American Lands Council

Hon. Andy Thompson
Ohio House of Representatives

L. M. Schwartz
Chairman
Virginia Land Rights Coalition

Howard Hutchinson
Executive Director
Coalition of Arizona/New Mexico Counties

Jim Busque
Treasurer
Fin & Feather Club of Maine

Brian Bishop
Director
Rhode Island Wise Use

Richard Falknor
Publisher
Blue Ridge Forum

Carol W. LaGrasse
President
Property Rights Foundation of America, Inc.

Ron Arnold
Executive Vice President
Center for the Defense of Free Enterprise

Chuck Cushman
Executive Director
American Land Rights Association
Dr. Dan Eichenbaum  
Founder  
Dr. Dan’s Freedom Forum

Mary Adams  
Chair  
Maine Center-right Coalition Meeting

Gordon Colby  
Manager, Allen’s Union Farms  
Allen’s Blueberry Freezer (Maine)

Mark J. Fitzgibbons  
President of Corporate Affairs  
American Target Advertising, Inc.

Victoria Bucklin  
President  
U.S. Parents Involved in Education (Maine Chapter)

Charlene Hogue  
President  
Freedom and Land Rights Coalition  
- North Carolina

Penny Morrell  
State Director  
Concerned Women for America of Maine