

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

OCT 01 2018

The Honorable Ryan Zinke
Secretary
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Zinke:

We request that you immediately cease any work related to monument management plans for the Indian Creek and Sháhsh Jaa' Units of Bears Ears National Monument released on August 17, 2018.

As you well know, Bears Ears National Monument deserves federal protection in its entirety. To move forward on producing an Environmental Impact Statement (EIS) and Monument Management Plans (MMPs) for the land described in President Trump's Proclamation 9681 – a proclamation whose impacts are currently being litigated – is a waste of time and taxpayer dollars and a transparent attempt to rush forward an illegal disposition of public lands before the courts have ruled.

Legal scholars agree that a president does not have the authority to eliminate or dramatically shrink national monuments.¹ A transparent and fiscally responsible administration would wait for these lawsuits to be resolved before moving forward with any new land management plan. Instead, the Department of the Interior (DOI) is rushing this process forward at an unprecedented pace. The Obama administration's process for creating the original Bears Ears management plan included 15 public meetings in six states across the country. The rushed pace of the current planning process, in comparison, is producing sloppy and inconsistent management strategies and looks like an attempt to finalize President Trump's unlawful action before serious objections are considered.

Early last year you stated, "I shall faithfully uphold Teddy Roosevelt's belief that our treasured public lands are 'for the benefit and enjoyment of the people.'" The draft plan for Bears Ears National Monument could not be any farther from the spirit of those words. Thanks to this land use plan and the Freedom of Information Act, the American people now know² that mining and

¹ Squillace, M. S., Biber, E, Bryner, N, Hecht, S. B. (2017) *Presidents Lack the Authority to Abolish or Diminish National Monuments*; Virginia Law Review, Vol. 103, pp. 55-71, 2017; UCLA School of Law, Public Law Research Paper No. 17-16; UC Berkeley Public Law Research Paper; U of Colorado Law Legal Studies Research Paper No. 17-24; Available at SSRN: <https://ssrn.com/abstract=2967807>.

² New York Times (March 2, 2018) Key Documents in Trump Administration Department of the Interior's Decision to Shrink Two National Monuments, Retrieved from: <https://www.documentcloud.org/documents/4391967-National-Monuments-a-Look-at-the-Debate-From.html#document/>.

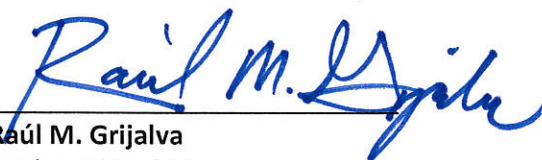
drilling interests were at the center of the original recommendations to shrink both Grand Staircase-Escalante and Bears Ears national monuments, and that the economic benefits³ of these monument designations to businesses in Utah were ignored.

The current plan only protects 15 percent of the original Bears Ears boundaries, returning the remaining 85 percent of Bears Ears National Monument to a management regime that too often left room for looting, vandalism and development threats, including those from extractive industries. The entire Bears Ears region – a landscape of ridges and canyons filled with ruins, rock art, and sacred cultural sites – is sacred to several Native American Tribes, which is why they advocated for the creation of a national monument in the first place. Interested Tribes must be given a meaningful voice in the co-management of the broader Bears Ears landscape, including proactive consultation to develop an interim approach to manage this land while the courts resolve the monument’s legal boundaries. The Trump administration’s management plan for this sacred land falls woefully short of providing Native American Tribes the meaningful consultation and co-management they deserve.

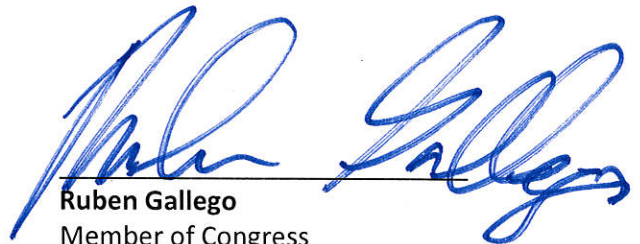
The Bears Ears management plan makes it clear that the DOI national monument review and the illegal presidential actions that resulted were, in fact, designed to prioritize mineral extraction from protected public lands and waters. DOI officials only arrived at their preordained conclusion – that protections for multiple national monuments should be limited or eliminated – by repeatedly ignoring science, public opinion, local economic benefits, cultural resources, and other available evidence.

We request that you delay the development or implementation of any current or additional plans for impacted national monuments until litigation of President Trump’s proclamation is resolved, and that you immediately restore full protections for this iconic American landscape.

Sincerely,



Raúl M. Grijalva
Ranking Member
House Committee on Natural Resources



Ruben Gallego
Member of Congress

³Juliet Eilperin (July 23, 2018) *Trump administration officials dismissed benefits of national monuments*, Washington Post, Retrieved from: https://www.washingtonpost.com/national/health-science/trump-administration-officials-dismissed-benefits-of-national-monuments/2018/07/23/5b8b1666-8b9a-11e8-a345-a1bf7847b375_story.html?utm_term=.3d5f1421eb73.

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