

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 Grand Staircase, Kaiparowits, and Escalante Canyons Units of Grand Staircase-Escalante National Monument and the Kanab-Escalante Planning Area released on August 17, 2018.

As you well know, the Grand Staircase-Escalante 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 original process for creating the Grand Staircase-Escalante National Monument management plan took more than three years and included public meetings 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 Grand Staircase-Escalante 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

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>.

know² that mining and 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.

Serious questions have been raised about improper outside influence on the future of our public lands. At one point the proposed plan for Grand Staircase-Escalante National Monument included the sale of 1,600 acres of public land to private buyers – an idea supported by Utah Rep. Mike Noel, a vocal monument opponent who owns grazing rights on one parcel recommended for sale and a ranch property immediately adjacent to another parcel recommended for sale. Only a public outcry against this sweetheart deal reversed the recommendation to sell the land.

If the inclusion of this sale in the draft plan was an error, it suggests that the process was so rushed and unprofessional that it included recommendations directly inconsistent with your pledge to not sell off public land. If it was, instead, an intentional favor to a Trump administration supporter, it contradicts your commitment to protect our public lands for all Americans. In either case, the proper course of action is to retract the Resource Management Plans and wait for the courts to rule.

Under the Trump administration's current plan for Grand Staircase-Escalante, the 880,000 acres removed from the monument would be managed primarily for resource extraction in an area that was, for more than two decades, protected for its world-class fossil beds, unique geologic features, and vast tracts of red rock wilderness. Indeed, the Grand Staircase-Escalante 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,

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/>.

³ Juliet 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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